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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 6, 2008.

I hereby appoint the Honorable ED PASTOR 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 Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Thank you very much, Mr. Speaker.

One of the most disappointing turns in the current campaign has been the proposal of Senator CLINTON and Senator MCCAIN for the ''gas tax holiday.''

One doesn't want to be cynical, but thinking back to Senator MCCAIN's Straight Talk Express in the year 2000, it would be hard to imagine that he thought it was a good idea back then, that he wouldn't have stooped to this political trick. It wouldn't have been consistent with what he was saying and how he represented himself.

As far as Senator CLINTON is concerned, we don't have to guess about her position in 2000. We know because her opponent in 2000 when she was first running for the Senate, our former colleague, Rick Lazio, called for suspending the 18.3 cent Federal gas tax and actually repealing the 4.3 cent per gallon surcharge that had been enacted. ''What Mrs. CLINTON needs to do,'' he said, ''is get out of the motorcade, get out of fantasyland and get in contact with the issues that are affecting real New Yorkers, the prices at the pump.''

It's instructive what then candidate CLINTON had to say. She and her aides fired back immediately at Mr. Lazio for offering what they said was a short-sighted solution that could jeopardize money to fix highways. In fact, they handed out fliers that used quotes from Republican leaders to bolster her point that repealing the gas tax surcharge could be harmful. The Republicans discouraged such measures, the flier said, because they could diminish highway construction money.

Senator CLINTON said, in debating Mr. Lazio:

''We're totally reliant on the gas tax to do things like finishing I–86 in the Southern Tier, or the fast-ferry harbor works up in Rochester, as well as work we need to do here in the city. So you can count on me to support infrastructure,'' as she explained her opposition. And indeed she lashed out at the plan for the outright repeal of the 4.3 cent gas tax, calling it ''a bad deal for New York and a potential bonanza for the oil companies.''

Well, the facts that Senator CLINTON argued in 2000 are still true today. The timing, if anything, is worse, because for the first time in history, the Federal highway trust fund is going into deficit, and this would call for an additional reduction of $9 billion to $10 billion and 300,000 highway construction jobs. It actually is coming at a time when we should as a country be finding ways to invest more in infrastructure, not less. Virtually every independent expert acknowledges that as well as most people in the House and the Senate.

And, of course, the irony as Senator CLINTON herself intimated is that this gas tax holiday is actually a holiday for the big producers, refiners and importers. They're the ones who pay the tax. The tax is charged to them. In order for any of the savings to trickle down to the pockets of motorists, the oil and gas interests would have to decide that they're going to pass their savings on to the rest of us. As Senator CLINTON pointed out in 2000, it's a potential bonanza for them. There's no indication that they're looking to share. Look at what they did with record profits of $10.6 billion for ExxonMobil. Did they use that extra money to reduce prices at the pump?

The good news is that the American public is not buying this political trick. Even though they are aggravated at spiraling high gas prices and somebody is offering them, in a sense, free money, the American public sees through that. Fifty-one percent agree that it is a bad idea, even in the face of high gas prices. Even more tellingly, in the New York Times survey published yesterday, when the public was asked are politicians proposing this tax holiday because it's good for America or because it's good, they think, for the politicians, 70 percent said CLINTON and MCCAIN are doing this because it's good for the politicians, not for America.

Mr. Speaker, I hope that we can get past the campaign silly season, that people explain to Senator MCCAIN and Senator CLINTON that their earlier opposition is more important today. This is one area ought to be beyond sort of the partisan political warfare: It is time for us to rebuild and renew America, to deal with the first deficit in the trust fund, and not play political games.

NON ENERGY POLICY

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

Mr. POE. Mr. Speaker, as gasoline prices soar, as our truckers are about to sit on the side of the road because they can't get enough money to buy fuel for those diesel trucks that they're driving up and down our highways to deliver goods, people are wondering, how did we get here?

Well, there are several reasons how we got in this mess, and Congress is partly to blame. First of all, we had this theory that ethanol is going to save us all, so we subsidized the production of ethanol. What that has done is drive food prices up around the world, because in the United States, instead of eating corn or letting it go to feed our beef, we're burning it in our vehicles, and that's caused world food prices to go up, not just in the United States but all over the world.

Costco and Sam's Club are now rationing rice. Who would have thought in this year, 2008, in America we can't buy rice because we're tilling up our soil and burning crops. We're also finding out that ethanol can't save us all because, promised to be a nonpollutant, that's wrong. Science Magazine has now reported that ethanol causes more pollution than that nasty old crude oil that we produce. There are a lot of reasons for that. One of those reasons is because it takes a lot of fertilizer to produce corn, and that fertilizer runs down the Mississippi River. And when it gets down in the Gulf of Mexico that nitrogen in the fertilizer kills everything, except algae, and that is called a dead zone. Dead, because nothing is there except algae.

So what we ought to do is quit the subsidies to ethanol. Let the world market handle whether we should use ethanol or not and stop those subsidies.

The second thing that's a problem but we don't talk much about is the value of the American dollar gets less and less on the world market. It's less this week than it was last week. Why? Because the Federal Reserve doesn't regulate the dollar. It regulates interest rates. Well, maybe that isn't just what the Constitution says. When in doubt, sometimes we ought to just read the Constitution. It says Congress has the responsibility ''to coin money and regulate the value thereof.'' We have the responsibility to set the price on the dollar and we should do so. Stabilize the dollar so it doesn't cost us more to buy gasoline every week. That is our responsibility and we can't pass it off to someone else.

Third. The crude oil supply in the United States, which we still drive our cars based upon crude oil production, is getting less. It's an economic fact that third graders learn—the less supply you have, the higher rate of cost. And, of course, those oil companies that everybody wants to punish, the American oil companies only control 10 percent of the world market. Foreign countries, foreign dictators like Chavez down there in Venezuela and OPEC, they set the price on crude oil in the world, not American oil companies. So we need to take care of ourselves.

Now here's a map, Mr. Speaker. We drill off the coast of Texas, where I'm from, we drill off Louisiana and part of Mississippi and Alabama. But you see all these red zones here? Even off the sacred coast of California, there's crude oil out there and we can drill for crude oil but this Congress won't let us take care of ourselves. Why? Because the environmental lobby is so strong in this Congress that they have had fear tactics that prevent us from drilling here, off the east coast, and way up here in ANWR in Alaska. Open up the Outer Continental Shelf and start drilling.

You might be interested to know right here off of Florida, 47.5 miles, there's a new rig going out there and it's built by the Chinese and the Cubans because there's an oil field out there. But we won't drill there.

So we need to drill offshore. And we need to let our refineries produce more. They're producing all they can and because they can only produce so much, we're importing gasoline into this country for the first time, or one of the first times in our history.

We haven't built a new refinery in 30 years. Why? Silly environmental restrictions. Nobody wants pollution, but we need to get back to common sense and let our refineries refine.

Right here where I represent in southeast Texas, most of the refineries for this country are right there. Produces 22 percent of the Nation's jet fuel.

Now let's talk about jet fuel. This Congress passed a bill recently that says we cannot explore or take crude oil out of the tar sands in Canada. Canada is one of our biggest importers of crude oil.

Now what does that mean? That means because the crude oil is in the sand, we can't take it into the United States. Well, who uses that? The United States Air Force turns that into jet fuel. Doesn't anybody understand we're at war? Our airplanes need to be flying. But because of this Congress, they cannot import that. And now where are we going to get our jet fuel to fuel the Air Force? Silly restriction passed by this Congress. So let's remove that restriction as well.

Some people say, Well, let's tax those mean old oil companies. We'll show them. Also, we'll tax people to drive. Let me tell you something. That idea is to punish people who drive. Now where I live, down here in southeast Texas, we don't have any subways. Nobody rides a choo-choo train to work. The closest subway is in Dallas, 250 miles away. They drive pickup trucks because they work the land, they farm the land, and they can't buy the diesel fuel to run their trucks.

So here are some ideas, Mr. Speaker, that we ought to do and change the policy that this Congress has implemented.

And that's just the way it is.

ENERGY PLAN NOW

The SPEAKER pro tempore. The Chair recognizes the gentleman from South Carolina (Mr. BARRETT) for 1 minute.

Mr. BARRETT of South Carolina. Thank you, Mr. Speaker.

This past week for the first time, some Americans paid $4 a gallon for gas. The national average for regular unleaded gasoline now is $3.61 a gallon. Americans have never paid such a tremendous amount of their hard-earned dollars on gasoline, Mr. Speaker, and the high gasoline prices are taking a toll on their pocketbooks.

Many issues are responsible for the higher gas prices, but in order to lessen America's dependency on foreign and unstable energy sources, we need to be looking right here at home. We're relying too much on foreign energy sources and our dependency on these sources is a risk for our national security. We have natural and technological resources to support domestic production and find oil sources here at home. We can increase our domestic energy exploration and production in the U.S. while also utilizing alternative energy sources such as hydrogen, wind and solar power.

Citizens can't afford the price of gas. For our people, for our country, the majority must bring an energy solution to the floor now so that American families are no longer paying an unprecedented $4 a gallon for gas.

RECOGNIZING EAGLE SCOUT CHARLES ''ANDREW'' WILKINS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. WITTMAN) for 1 minute.

Mr. WITTMAN. Mr. Speaker, I rise today to recognize Charles ''Andrew'' Wilkins, a great young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 250, and in earning the most prestigious award of Eagle Scout.

Andrew has been an active member of his Scout troop, participating in many activities. Over the many years Andrew has been involved with Scouting, he has earned 21 merit badges, spent 47 nights camping, and served as Senior Patrol Leader for 2 years. Andrew was also elected to be a member of the Order of the Arrow, scouting's national camping honor society.

For his Eagle Scout project, Andrew coordinated the construction of the Northumberland County Fallen Heroes Memorial located in front of the sheriff's office in Heathsville, Virginia. This monument is a memorial to Deputy Sheriff John Sanford who was killed in the line of duty in 2005.

Andrew is a senior at Northumberland High School, and plans to continue serving his community and our country in the United States Coast Guard.

Mr. Speaker, I proudly ask you to join me in commending Charles ''Andrew'' Wilkins for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

LET'S WORK TOGETHER ON THE SUPPLEMENTAL

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

Mr. TIAHRT. I thank the Speaker.

Mr. Speaker, they say that in America all you need to do to be successful is to work a half a day, and you can choose whether it's the first 12 hours or the second 12 hours. The American people probably expect double from their government these days when we have serious challenges to our economic and national security. So what is Congress doing? Are we doing what it takes to be successful to solve these problems? No. We're not starting business today until noon. Congress is sleeping in. Maybe we're on California time, but I will wager we will not be here until midnight.

Any Third World dictator would be pleased at the way we are operating today. Our economy is in a precarious situation. We learned this morning that oil is at $120, could go to $200 per barrel, that gas is at $4, easily could go to $5. We're still denying our intelligence community the tools important to keep this country safe. And Congress is sleeping in.

Many of us came to Washington sacrificing a good, normal lifestyle in our respective States' districts to serve this nation and work hard to help make America stronger, but we're not being given a chance to do our job. Kansans have been asking me for months, ''What is the government going to do about the rising cost of gas?'' In April 2006, the Democrat house leadership assured Americans they ''have a commonsense plan to help bring down skyrocketing gas prices.'' Well, Mr. Speaker, it is time for the Democrat leadership to unveil this plan. Since 2007 when the Democrats took control of the House, gas prices have risen 50 percent. We have $4 a gallon, going to $5.

Today we hear that the House Democrat leadership has intentions to bring a $250 billion supplemental on the American people without proper input from Congress. I guess we don't have time. Congress is sleeping in till noon. As a body, Republicans and Democrats are very proud of our responsibility to oversee the power of the purse, but the Democrat leadership has completely undermined that power.

What is this defense supplemental appropriations bill about? We don't know. Nor does the chairman of the respective appropriations subcommittees. Why? Because the Speaker doesn't think it's important for Members of Congress to weigh in and oversee the appropriations process. We don't know if this package will give our men and women in uniform the resources that they need to protect themselves. We don't know if this package will address price of gasoline or the price of food. We don't know if this package will ensure that our veterans are properly taken care of.

The experts, the men and women, Democrat and Republican, who serve in Congress on the committee could answer these questions. We spend time overseeing the process, the funding needs of our agencies, but we've been cut out of the process. In other words, the people's representatives have been cut out of the process. How do the American people feel about a $250 billion monstrosity that has no input from their representatives? Unless you're from San Francisco, who will be represented in this bill?

Mr. Speaker, the chairman of the House Appropriations Committee, DAVID OBEY, and I are friends. Last year, as a part of overseeing the national park system, we went to Death Valley National Park in California. As fate would have it on that very hot day, we took a drive into Death Valley and the truck that we were in that the Park Service gave us had not one, not two, but three flat tires. With the capable assistance of Rob Nabors, the committee staff director, Chairman OBEY and I changed all the flat tires and got ourselves back on the road. By working together we got it back on the road.

In many respects, the development of the emergency supplemental reminds me of that day in Death Valley. The environment on the House floor is hot and getting hotter every minute. The Democrat leadership is having a very difficult time getting this legislation on the road. I believe Chairman OBEY would have better success if he enlisted the assistance of his fellow appropriators, Democrats and Republicans. Let us work together on this legislative vehicle, together through the normal process, as we did on that hot day in Death Valley last year.

This has been the most disappointing Congress in recent memory. The Democrat leadership shirks their duty to tackle the real issues facing American families. They've left Congress out of the workload. It's no wonder that we have the lowest approval ratings in history. A banana republic could not do it better. Mr. Speaker, don't slip on the banana peel.

HONORING THE LIFE OF SCOTT BURNS DURING NATIONAL POLICE WEEK

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

Mr. GOHMERT. Thank you, Mr. Speaker.

Mr. Speaker, next week is National Police Week, a time for us to recognize those who boldly serve in municipal, county, State and Federal law enforcement. Furthermore, on May 15, we will observe National Peace Officers Memorial Day to honor those who have been disabled or killed in the line of duty. They have made the ultimate sacrifice for the safety of their fellow citizens.

The peace of mind we are afforded thanks to the dedicated service of our law officers is invaluable, but many times we aren't immediately aware at what price that security comes. However, this past weekend, my constituents and I were painfully reminded me of the very real danger that our law enforcement officers and agents battle daily. On Saturday, May 3, hundreds and hundreds of us mourned the loss of Texas State Trooper James Scott Burns at his funeral in Linden. Scott was killed by shotgun blasts from a killer who he chased and pulled over on April 29 while doing his job of service to his fellow citizens. He left a widow and a 6-month-old daughter, of whom he was extremely proud. He also left a huge family that was both related by blood and related by spirit who care deeply about him.

The overwhelming support shown by family, friends and fellow law enforcement officers was truly a testament to Trooper Burns' lovable nature, his sense of humor, his honorable character, but most important his sense of service for others. His loving family is now forced to carry on without him and the world is worse off without him unless we perpetuate the good that he did in his life through the things that we do in the future so that he will not have lived in vain. Though Scott's being killed by the possibly drug-crazed killer meant that others were not also killed, Scott's greatest contribution came not in the way that he died but in the way that he lived.

The extraordinary choice by Scott Burns and other law officers to protect our communities means that they go to work every day knowing and believing the words that came from Jesus himself when He said, ''Greater love hath no one than this, that a person lay down his life for his friends.''

Our law enforcement officers dedicate themselves to protecting citizens knowing that they may very well lay down their lives to protect others. No words can adequately express the gratitude that's due them. Scott's family will hopefully find solace from so many who showed their support in the past and will do so in the future. The fact that the funeral processional extended for so many, many miles down Highway 59 from Linden to the cemetery will hopefully provide some solace. It also shows that those who are affected by Scott and his life will not forget. Law officers from around east Texas, from the State of Texas at large as well as from all over the country came and were there.

As a former prosecutor, a former judge and chief justice and now as a member of the House Judiciary Committee and ranking member of the Subcommittee on Crime, Terrorism, and Homeland Security, it is both a sobering privilege and a priority to address

issues and legislation regarding the security of our law enforcement community and the American people. There is no greater function of the Federal Government than to provide for the common defense against all enemies, both foreign and domestic.

Therefore, it is imperative that we work to support our law enforcement officers and agents and their families by providing them with the training and resources they need to properly carry out their duties. Furthermore, there should be greater incentives in place to encourage harsher sentences for violent offenders who might otherwise be released to the streets and repeat dangerous offenses.

While law enforcement officers risk their own safety every day for the well-being of our Nation and local communities, Congress must do as much as possible to ensure the preparedness and security of our noble crime fighters. As we prepare next week to nationally honor the courage of police officers like our own Texas State Trooper Scott Burns, let us consider the well-being of our law enforcement officers and their families with the same persistence and selflessness with which they afford us.

WE NEED AN ENERGY PLAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Missouri (Mr. AKIN) for 1 minute.

Mr. AKIN. Thank you, Mr. Speaker.

In the last little more than a year, gasoline prices have gone up $1.33 cents a gallon. That's a larger increase than what we've had over the previous 5 years before that. The Democrat leadership said that they had a plan at that time, this is a year ago, to keep the gas prices from going up. Yet the gas prices have gone up.

Now I don't think the American public wants us to bicker between parties. They want us to be solving problems. And I don't believe it's the Democrats' fault necessarily that the gas prices have gone up internationally. But what is a problem is that we're not dealing with the problem. What we should be talking about is how do we move off of our dependence on foreign oil to American energy? What we should be seeing would be movement in the direction, depending on which way people want to go, additional refinement capacity. There have been no new refineries built in over 30 years. Investment in new nuclear technology. Our nuclear technology is old, many, many years old. It's a good source of energy. The idea of getting liquid fuel from coal. We have tremendous coal resources. Shouldn't there be something being done in that area?

But nothing in any of these areas. A lack of a plan is unacceptable. It's not the Democrats' fault that gas prices go up, but it is a problem when we don't have a plan.

RECESS

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

Accordingly (at 10 o'clock and 58 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

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

PRAYER

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

Eternal Father, drawing us ever closer to You, the spring rains make us mindful of Your presence in our lives.

Water comes down from the heavens as rain. Although it is always the same itself, it produces so many different effects. One in the tree, another in the rose bush, still another in the vine, and so in the whole of creation. Remaining essentially the same, the rain adapts itself to the needs of each creature that receives it with the openness of absorbing life.

In the same way, Your Spirit, Lord, remaining absolutely simple in its integrity, apportions its grace upon each Member of Congress. Your Spirit makes one a teacher of honest facts; another a visionary of the future; to another, the ability to remove obstacles; and yet another the art of compromise. Still others respond with a depth of spirituality and service not easily recognized.

May all respond to this plenitude and accomplish great deeds for this Nation, revealing Your glory at work in the world now and forever.

Amen.

THE JOURNAL

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

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

Mr. LATTA. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

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

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. MORAN of Virginia 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

WHO'S THE ''CHUMP'' IN THE OIL GAME?

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

Mr. MORAN of Virginia. Madam Speaker, we have a situation today where Americans are paying almost $4 a gallon for gasoline. This morning, Goldman Sachs announced that oil is going to go up to $150 to $200 a barrel, which means that it is not going to stop at $4. It will be about $5 or $6.

Now, think about this: This is a tremendous boom to Iran and Iraq. Iran will gain enormous wealth and political influence. Iraq will get even more revenue than the $72 billion they're anticipating this year. They got $100 billion over the last couple of years, much of it our money.

And yet Americans have already contributed over half a trillion dollars to Iraq's economy. Within the next couple of weeks, we'll appropriate another $170 billion. Iraqis are getting a surplus of oil revenue from us and yet we are paying to pick up their garbage and train their security forces when they've got surpluses they don't even know what to do with.

Who's the chump in this picture, Madam Speaker?

LET'S BE CAUTIOUS WITH MORTGAGE BAIL-OUT PROGRAMS

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

Mr. NEUGEBAUER. Madam Speaker, before I came to Congress, I had an opportunity to serve my constituents in a different way. I was a home builder, a land developer, and even a mortgage lender. I know firsthand some of the problems that the real estate industry and the housing industry is facing today.

Ninety-four percent of the American homeowners are paying their mortgage

payments on time and in full. Are some people having a hard time making these mortgage payments? Of course they are. Can the government help? Yes, in some cases. But I urge my colleagues to be very careful here. We do not need for the Federal Government to be the piggy bank for folks that made poor decisions or to bail out the lenders that made loans to people that really didn't have the capacity to pay it back. It is not fair to penalize those folks that made good decisions and played by the rules by taking their tax money and rewarding those who didn't.

For many of my constituents, they are having a hard time just making their own mortgage payment. What we shouldn't be doing is taking their tax money to pay their neighbor's payment.

Madam Speaker, I encourage folks to be very cautious about these bail-out programs.

STUDY REVEALS MIDDLE CLASS WORSE OFF THAN THEY WERE FIVE YEARS AGO

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

Mr. PERLMUTTER. Madam Speaker, 7 years of President Bush's economic policies have put a tremendous strain on middle-class families. Since 2001, health care premiums have gone up almost $6,000, college tuition has increased by $2,500, and gas prices have more than doubled. With these increases and paychecks that have, on the average, fallen, it's no wonder that the majority of Americans say their economic situation has not improved in the last 5 years.

While the Bush administration is eager to give tax breaks to the wealthiest of Americans and assist Wall Street firms like Bear Stearns, it does little to help middle-class families. Madam Speaker, the Democratic House recognizes the immediate need to help middle-class families, and that is why our budget prioritized middle-class tax relief and why we are proposing a second economic stimulus package.

It's time for President Bush to put the middle class ahead of the wealthiest few.

WHEN WILL THE DEMOCRAT LEADERSHIP KEEP ITS COMMITMENT TO RURAL COMMUNITIES

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

Mr. WALDEN of Oregon. Madam Speaker, by refusing to renew the county payments program, Congress has broken its pledge to rural areas all across this country like Grant County, Oregon, where Federal land covers 61 percent of the county. That's 300 square miles larger than the entire State of Delaware.

The school children of Grant County rely on the Federal Government to be a good neighbor. During my most recent visit to Prairie City School and the eighth grade class of Andy Demko, I was told by the school superintendent, Newell Cleaver, that only the county payments funds through the Road Department have kept the schools going.

Our Speaker has said she would like this to be ''The Children's Congress.'' So why won't the Democratic leadership bring a vote on H.R. 3058, which is a bipartisan, 4-year reauthorization timber program, keeping a 100-year-old commitment from this government to these counties?

It has been 112 days since H.R. 3058 was made eligible for a vote. It's here on the Union Calendar of the House. We have had 51 legislative days when it could have been brought up for a vote to help secure rural schools, and yet the leadership of this House refuses to even schedule it for a vote on the House floor.

When will the Democrat leadership of the House keep its commitment to rural communities?

URGING THE PRESIDENT TO STOP FILLING THE STRATEGIC PETROLEUM RESERVE

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

Mr. WILSON of Ohio. Madam Speaker, as gas prices have once again hit record highs, congressional Democrats are urging President Bush to take action. For 7 years he has sat on the sidelines, and even last week at a press conference in the Rose Garden, he concluded that the cost-benefit analysis of immediate action for consumers were not persuasive enough for him to act.

House Democrats are calling on President Bush to stop filling the Strategic Petroleum Reserve. This reserve is 97 percent full, which is more than enough to meet any emergency we would have. Experts believe that tapping the reserve could lower our gas prices by as much as 5 cents to 25 cents per gallon.

Right now, Americans need help. They're hurting. President Bush could take action today that would provide immediate relief to consumers at the pump, but he refuses to act. Once again, House Democrats urge the President to reconsider.

HOOSIERS VOTE WITH MORE CONFIDENCE TODAY

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

Mr. PENCE. Madam Speaker, today America's eyes are turning to Indiana and North Carolina as tens of thousands of Americans are making their decision in primary election days. And thanks to the United States Supreme Court decision in Crawford v. Marion County Election Board, et al., Hoosiers will be voting today with greater confidence than ever before.

The Supreme Court decided last week in a 6–3 decision that Indiana's laws requiring photo identification to vote is constitutional. In its opinion, the Supreme Court noted, ''There is no question about the legitimacy or importance of a State's interest in counting only eligible voters' votes.'' It further stated, ''Indiana's interest in protecting public confidence in elections, while closely related to its interest in preventing voter fraud, has independent significance, because such confidence encourages citizen participation in the democratic process.''

Indiana's laws had its critics in this body, but I rise to extol the Supreme Court and all of those in Indiana and North Carolina who, with greater confidence today, will exercise their franchise and guide America's future integrity.

TIME FOR ACTION ON RECORD GAS PRICES

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

Mr. WELCH of Vermont. Madam Speaker, for the past 7 years, President Bush has been delivering an energy policy that has resulted in the highest increase in the cost of energy in the history of this country. Last week, the President continued his call for more of the same when he touted an old plan for domestic drilling in the Arctic that would produce a 6-month supply of oil 10 years from now. It is not going to do anything about the price at the pump now, it is not going to do anything about the price at the pump later.

Instead, the President is blaming congressional Democrats for not addressing the problem, but it's the President who won't suspend purchases of the Strategic Petroleum Reserve which would bring down prices 25 cents immediately. It's the President who won't work with us to get rid of the Enron loophole which is enriching speculators and clobbering middle class families.

This year, in fact, the Democratic Congress has passed energy legislation that's getting nowhere because of being held hostage in the Senate and it has no support from the President of the United States.

The reality is that we have actions we can take in the short term, the Strategic Petroleum Reserve, the Enron loophole, and in the long term, to reduce our reliance on carbon.

INVEST IN AMERICAN ENERGY INDEPENDENCE

(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, Americans are paying the price at the pump for the inaction of this majority. Democrats promised

the American people 2 years ago last week that they had a plan to address rising gas prices. It appears that plan was nothing more than election year politics. That's a shame because right now, Americans are paying nearly $4 a gallon for gas. The effect of these rising prices is felt not just when we fill up our tank. We see the rising prices at the grocery store because our food is shipped in trucks all across this country.

The American people do not expect a quick fix, but they do expect us to work toward energy independence rather than simply pointing fingers and blame. We live in a global market and many nations are competing for oil. Let's start by promoting American alternative energy. Let's invest in American oil. Let's advance American energy exploration. The co-ops of America, led by National President Jack Wolfe, are leading the way.

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

□ 1215

COMPREHENSIVE HOUSING REFORM

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

Mr. HODES. Madam Speaker, there's no doubt that the housing crisis and the consumer credit crunch are getting worse. Last week, we learned that the number of homes facing foreclosure more than doubled from last year. In my home State of New Hampshire, foreclosures have increased nearly 96 percent.

That is why it is so important that Congress pass the comprehensive housing package that is coming to the floor this week. The legislation is the most innovative and comprehensive solution to the housing crisis yet. It will give relief to the millions of working families struggling to pay their mortgage with the rising price of gas and food. It would help nearly 1.5 million Americans in need. Our package would also offer assistance to State and localities to purchase and rehabilitate foreclosed properties.

Madam Speaker, our economy cannot rebound unless we act now to give relief to millions of Americans in need. We have a bold proposal to take this decisive action. I certainly hope that my colleagues on the other side of the aisle understand the urgent need and that we will receive bipartisan support for this proposal.

POLL RESULTS: MEDIA NOT OBJECTIVE

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

Mr. SMITH of Texas. Madam Speaker, during a telephone town meeting last night, I asked my constituents, ''Do you think the media are fair and objective in their news coverage?'' Ninety-one percent of the almost 400 respondents said the media are not fair, and only 7 percent said that they are fair.

This is an amazing result but not a surprising one, since slanted coverage pervades much of the news Americans get every day.

One of the greatest threats America faces is a biased media. If the American people don't get the facts, they can't make good decisions. And if they can't make good decisions, we won't have a democracy.

The national media need to let the American people make up their own minds, not tell them what to think.

ISRAEL'S 60TH ANNIVERSARY CELEBRATION

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

Mr. COSTA. Madam Speaker, today we have an opportunity to signify an important milestone in Israel's history. We celebrate its 60th anniversary, a truly important time in Jewish history.

My district in the San Joaquin Valley is the bread basket of the Nation, but we have a unique relationship between California State University at Fresno and Ben Gurion University of the Negev. My constituents for years have been partnering with their counterparts in Israel to research water, irrigation technologies and agricultural solutions to problems that face our world.

Fresno State has a long history in working with many leading drip and micro-irrigation equipment manufacturers in Israel, and the university has a long history of exchange of information with the Agricultural Research Organization's Volcani Center in Israel, including exchange programs that have brought research scientists to work on water and salinity issues.

Fresno State continues today to have discussions with Israeli researchers and industry on how to extend a beneficial use of the world's ever shrinking supply of water for the important purpose of feeding our world.

For this and many other reasons, we recognize and celebrate the 60th anniversary of the Nation of Israel.

FAILURE TO PASS THE COLOMBIA TRADE AGREEMENT HAS INCREASED THE COST OF U.S. EXPORTS BY MORE THAN $1 BILLION

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

Mr. WELLER of Illinois. Madam Speaker, I rise today to ask this House, why do we continue to punish Illinois and U.S. manufacturers and farmers?

In the 531 days since the U.S.-Colombia Trade Promotion Agreement was signed, U.S. products exported to Colombia have suffered over $1 billion in taxes and tariffs because they were exported to the United States through Colombia. And during that period of time, Colombian products entering the United States come in duty free. That doesn't seem fair.

We have an agreement with Colombia to eliminate those tariffs, and every day we delay it costs almost $190 million a week in higher tariffs on U.S.-made products.

The U.S.-Colombia Trade Promotion Agreement is good for States like Illinois. I represent a State that's dependent on exports. Our biggest product we produce in the district I represent, we have 8,000 union workers who produce yellow bulldozers and construction equipment, something that's common and in need in places like Colombia.

Let's be competitive. Let's eliminate those tariffs. Let's bring up for a vote the U.S.-Colombia Trade Promotion Agreement.

NATIONAL TEACHER DAY

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

Mrs. CAPPS. Madam Speaker, on this National Teacher Day, I rise to single out just one of the many talented teachers in my congressional district.

Libby Anderson teaches second grade at Grover Heights Elementary School in Grover Beach. It's a national blue ribbon school. She is one of those gifted teachers with a truly unique way of igniting the interest of her students.

A few years ago, she led a class project where each student picked a lighthouse to study from around the country. Through that project one student learned of the Federal efforts to restore the Piedras Blancas lighthouse in my district.

Under her guidance, the class embarked on a campaign called ''Pennies for Piedras'' to raise money toward this effort. By the end of that school year, the students had raised $1,337.30 in pennies.

I'm happy to say that her students have gone on to lead support for continued restoration of this special place.

This is just one example of the many exceptional ways this teacher touched the lives of her students and expanded their awareness of their community.

Our country is blessed to have teachers like Ms. Anderson who spark students' passions, encouraging them to get involved in the world around them.

ENERGY PRICES

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

Mr. LATTA. Madam Speaker, with no relief in sight for the American public as they continue to endure the costs

of skyrocketing energy costs, it's once again time to look at alternative sources to combat this problem.

China has plans to build 40 nuclear power plants in the next 15 years, investing approximately $50 billion in these reactors.

The United States has not licensed a nuclear power plant in 30 years, while the current congressional leadership refuses to even consider the notion of nuclear power as a viable alternative energy source.

Of course we don't have to leave my home State of Ohio to find additional ways to increase domestic energy production. In northwest Ohio, alternative energy is abundant with the only wind turbines in the State, solar panel production, and coal liquefaction technology all adding to our energy production.

Whether we look at other countries, or in our own backyard, we must embrace alternative energy sources as one way to reduce our dependency on Middle Eastern oil and combat skyrocketing energy prices.

HOUSING FORECLOSURE CRISIS

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

Ms. KAPTUR. Madam Speaker, Federal Chairman Ben Bernanke says Congress should do more to address the housing foreclosure crisis. I agree.

However, let me respectfully suggest to the Fed Chairman that he, too, can do much more to help. Let him use his considerable power to bring to the table the very big banks that aren't coming to do foreclosure workouts at the local level. They just happen to be the firms the Fed has been rewarding handsomely by injecting billions and billions of dollars to rescue them. You know the names: Citigroup, J.P. Morgan Chase, Bank of America, Wachovia.

Firms like Countrywide don't even show up when borrowers at the local level try to renegotiate their loans. Yet, the Federal Reserve has been rewarding them by putting them on their list of select primary dealers. Fancy that.

So, Mr. Bernanke, let me help you out. Here's a list of the firms you can invite right now. They're not responding to Ohioans witnessing foreclosure: Countrywide, Chase Mortgage, Citifinancial, GMAC, HSBC, Sovereign Bank, Indy Mac Bank, Popular Mortgage, Nova Star, Saxon Mortgage Services, Option One Mortgage, EMC Mortgage, ASC Servicing, HomeEq, Wilshire, Nationstar, Equifirst, Litton Loan, Flagstar.

Let's be honest. These mega firms are holding the levers of power over our homeowners. It's time the scales of justice had balance restored on behalf of our people.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

HOUSTON POLICE OFFICER RODNEY JOHNSON

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

Mr. POE. Madam Speaker, Houston Police Officer Rodney Johnson was the best of the best, but he was killed by the worst of the worst.

An illegal outlaw from Mexico, Juan Leonardo Quintero-Perez, shot Officer Johnson four times in the back of the head after a routine traffic stop. Officer Johnson would still be alive today, enjoying time with his five children and his wife, Joslyn, a fellow Houston police officer, if our border was protected.

This lawless trespasser had already been deported for indecency with a child in 1998, but he sneaked across the border again to continue his crime spree. After coming to Houston, Quintero finally confessed to murdering one of Houston's finest.

Today, Quintero is on trial for capital murder in Houston, but the Mexican government, rather than pay restitution to the Johnson family, is paying for the battery of defense lawyers representing this cold-blooded cop killer.

Mexico is meddling in the U.S. court system, but Juan Quintero cannot miss his judgment day and his day with his Maker, because justice is what we do in America, even if the Mexican government doesn't like it.

And that's just the way it is.

BUILDING A BETTER NATION

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

Mr. KAGEN. Madam Speaker, last week the Labor Department reported that for the fourth month in a row our jobs are going south. We are losing more jobs, even as the middle class is struggling just to keep their heads above water.

We're in this mess because the Bush administration and its followers have failed to establish a fiscally responsible budget policy and are continuing to borrow and spend our Nation into the poor house.

In response to this downturn, Democrats are taking action. Today, we're holding an economic summit to determine how best to restore our ailing economy. Also this week we're going to begin to put together a second economic recovery effort directed at rebuilding America's infrastructure, first by enacting a housing package to help establish the floor in the housing market, and then we intend to invest in higher wage construction jobs that will stimulate local economies nationwide.

I hope my colleagues in both parties will join us in this effort to build a better Nation here at home and that, furthermore, the President will understand how important this is and sign the bill we intend to enact.

WASTE TO ENERGY

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

Mr. PITTS. Madam Speaker, yesterday I visited a waste-to-energy facility in Lancaster County, Pennsylvania, and concluded, once again, Lancaster County gets it right.

This facility is a great example of the kind of ingenuity that we need to put America on a path toward energy independence, and it is disposing of waste at the same time. The plant burns solid waste at very hot temperatures, using the heat to turn water into steam which is used to turn a turbine and create electricity.

Ninety percent of that electricity is sold to the local electric utility. Metals, glass and plastics are recycled out in the process.

This process is saving pollution from ending up in the Chesapeake Bay. It's saving land by reducing the need for landfills, and it's creating clean energy in the process.

One ton of solid waste has the energy equivalent of 1 barrel of oil. Last year, over 342,000 tons of waste were processed at the facility, and I'm told that something like 30,000 tons of trash a day is trucked out of New York City to landfills.

Maybe our State and community leaders should take a cue from the people of Lancaster County as we search for more energy to meet our needs.

RECORD HIGH GAS PRICES REQUIRE ACTION, NOT BLAME

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

Mr. BRALEY of Iowa. Madam Speaker, the price of gasoline is now averaging over $3.60 a gallon. House Democrats are working to provide some relief, but we face stiff opposition from the White House and congressional Republicans who have opposed every single energy bill that we have brought to the floor this year. When it comes to energy, the GOP doesn't want to work with us. They simply want to say ''no.''

When Democrats voted to repeal unnecessary subsidies to big oil companies so we could instead invest in clean, renewable energy, Republicans overwhelmingly voted ''no.'' It didn't matter that the legislation would reduce our dependence on foreign oil, lower prices at the pump and create new, green jobs. They still preferred the status quo.

When Democrats passed the Energy Price Gouging Act to punish those who

take advantage of these record prices by increasing them even further, Republicans overwhelmingly voted ''no.''

Madam Speaker, Democrats understand the hardship that families are facing every time they go to the gas station, and that is why we've passed six bills that would provide real relief to consumers.

It's time Republicans realized that ''no'' is not an energy strategy.

□ 1230

KYLA BASS

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

Mr. DAVIS of Kentucky. Madam Speaker, I rise to recognize Ms. Kyla Bass of Florence, Kentucky. On February 13, 2008, Kyla distinguished herself when her father, Patrick Bass, a Desert Storm veteran, suffered a seizure.

In a display of courage, maturity and composure that far exceeded her 10 years of age, Kyla responded to the emergency quickly and effectively. She administered first aid and then called her mother and grandfather, while simultaneously caring for her younger brother and two cousins who were at home at the time of the emergency.

Kyla attributes her quick thinking and first aid proficiency to the skills she learned in American Heritage Girls Troop KY0727. American Heritage Girls is dedicated to developing young women through service to God, family, community and country.

In recognition of Kyla's heroism, American Heritage Girls has created the Angel Among Us award, which Kyla will receive during the regional awards ceremony on May 16. Her self-control during this event is impressive. Kyla, we're proud of you. Madam Speaker I ask you to join me in commending Kyla Bass for her outstanding actions and character.

''MISSION ACCOMPLISHED''?

(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. May 1, just last Thursday, was the fifth anniversary of the famous words, ''Mission Accomplished.'' What a tragedy, when April was the most deadliest month in Iraq that we have seen in a number of months.

Madam Speaker, I rise today to ask the administration to recognize that this unending war must end. And in the backdrop of a newspaper article that suggests that the administration is looking at a $500 million development of hotels and restaurants and amusement parks in Baghdad, I ask the administration, do they get it? That's why it's important for us to support an amendment in the emergency supplemental that says we will bring our troops home with honor. This will go into effect one month after this legislation is passed.

Seven months, deadliest, April, troops dying. This kind of war cannot be an unending war. And so we refuse to give more blank checks to Iraq. We thank our soldiers on the front lines of Iraq and Afghanistan, the war we should win. Bring our troops home with honor. Vote for this amendment. And let's not focus on a $500 million development of hotels and restaurants in Iraq—what are we thinking about?—Let's bring the troops home!

AS JOB LOSSES CONTINUE IN APRIL, DEMOCRATS CONTINUE TO WORK TO STIMULATE THE ECONOMY

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

Mr. PALLONE. Madam Speaker, as the first quarter of 2008 ended, it was clear that things are not getting any better for American families struggling to make ends meet. Americans continue to face higher costs for basic necessities, millions of families have lost their homes due to the troubled real estate market, and several million more Americans are uninsured.

Last week, we also learned that April was the fourth month in a row that our economy lost jobs. With 20,000 jobs lost last month, our economy has now shed 260,000 jobs so far this year. That's particularly troublesome considering that experts say the economy must create 150,000 jobs a month just to keep up with the number of Americans entering the job market.

All of these red flags show why it is so important that we worked together in a bipartisan fashion earlier this year to pass the economic stimulus package. As a result of that action, 150 million taxpayers began receiving rebate checks last week. That was a good start, but more needs to be done.

Madam Speaker, with so many Americans struggling and the bad economic news continuing to mount, we urge the President and the Republicans to join us to pass a second economic stimulus package.

MOTION TO ADJOURN

Mr. WALSH of New York. Madam Speaker, I move that the House do now adjourn.

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

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

Mr. WALSH of New York. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to adjourn will be followed by 5-minute votes on approval of the Journal; and the motion to instruct on H.R. 2419 offered by the gentleman from Wisconsin (Mr. RYAN).

The vote was taken by electronic device, and there were—yeas 152, nays 255, not voting 24, as follows:

[Roll No. 245]

YEAS—152

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Broun (GA)
Calvert
Cannon
Cantor
Capito
Carter
Castle
Chabot
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Emerson
English (PA)
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Porter
Price (GA)
Putnam
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shea-Porter
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Tancredo
Thornberry
Tiahrt
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—255

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Doyle
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Giffords
Gillibrand
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill

Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Reyes
Richardson
Rodriguez
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
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—24

Andrews
Baird
Burton (IN)
Butterfield
Camp (MI)
Campbell (CA)
Carson
Cramer
Dingell
Ferguson
Hulshof
Jones (NC)
Jones (OH)
Kuhl (NY)
Marshall
McHenry
Miller, George
Oberstar
Peterson (PA)
Pryce (OH)
Rush
Shuler
Speier
Wynn

□ 1304

Messrs. GENE GREEN of Texas, STUPAK, MACK, TOWNS, CARNEY, PALLONE, HOYER and Ms. BOYDA of Kansas changed their vote from ''yea'' to ''nay.''

Ms. FALLIN, Mr. ROGERS of Alabama and Mr. HAYES changed their vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

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

RECORDED VOTE

Mr. WAMP. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 182, answered ''present'' 1, not voting 28, as follows:

[Roll No. 246]

AYES—220

Abercrombie
Ackerman
Allen
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Capito
Capps
Capuano
Cardoza
Carnahan
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dent
Doggett
Doyle
Dreier
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gillibrand
Gonzalez
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—182

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Goode
Goodlatte
Gordon
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Tancredo
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Gohmert

NOT VOTING—28

Andrews
Burton (IN)
Butterfield
Campbell (CA)
Carson
Cramer
Delahunt
Dicks
Dingell
Doolittle
Ferguson
Hirono
Hulshof
Jones (NC)
Jones (OH)
Kuhl (NY)
Marshall
McHenry
Miller (FL)
Oberstar
Payne
Pence
Peterson (PA)
Pryce (OH)
Rush
Shuler
Speier
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1315

Messrs. HALL of Texas and FORTENBERRY changed their vote from ''aye'' to ''no.''

So the Journal was approved.

The result of the vote was announced as above recorded.

Ms. HIRONO. Madam Speaker, on rollcall No. 246, had I been present, I would have voted "aye."

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 5, 2008.

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

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from the Honorable Jay Dardenne, Secretary of State, State of Louisiana, indicating that, according to the unofficial returns of the Special Election held May 3, 2008, the Honorable Don Cazayoux was elected Representative to Congress for the Sixth Congressional District, State of Louisiana.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk.

Enclosure.

STATE OF LOUISIANA,
Baton Rouge, LA, May 5, 2008.

Hon. LORRAINE C. MILLER,
Clerk, House of Representatives, The Capitol, Washington, DC.

DEAR MS. MILLER: This is to advise you that the unofficial results of the Special Election held on Saturday, May 3, 2008, for Representative in Congress from the Sixth Congressional District of Louisiana, show that ''Don'' Cazayoux received 49,702 or 49.20% of the total number of votes cast for that office.

It would appear from these unofficial results that ''Don'' Cazayoux was elected as Representative in Congress from the Sixth Congressional District of Louisiana.

To the best of our knowledge and belief at this time, there is no contest to this election.

As soon as the official results are certified to this office by all Parishes involved, an official Certificate of Election will be prepared for transmittal as required by law.

If I can ever be of any assistance to you, please do not hesitate contacting me.

With best wishes,

JAY DARDENNE,
Secretary of State.

Enclosure.

ELECTION # 5/03/08 RESULTS FOR OFFICE

Office: U.S. Representative, 6th Congressional District (One to be Elected), Precincts reporting: 512 of 512, Total Votes: 101,011 100%.

SPECIAL ELECTION

Votes	Percent	Candidate name	Pty
448	0.44	Peter J. Aranyosi	N
3,718	3.68	Ashley Casey	N
49,702	49.20	''Don'' Cazayoux	D
402	0.40	Randall T. Hayes	O
46,741	46.27	Louis ''Woody'' Jenkins	R

SWEARING IN OF THE HONORABLE DON CAZAYOUX, OF LOUISIANA, AS A MEMBER OF THE HOUSE

Mr. JEFFERSON. Madam Speaker, I ask unanimous consent that the gentleman from Louisiana, the Honorable DON CAZAYOUX, be permitted to take the oath of office today.

His certificate of election has not arrived, but there is no contest and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER. Will the Representative-elect and the members of the Louisiana delegation present themselves in the well.

Mr. CAZAYOUX appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations. You are now a Member of the 110th Congress.

WELCOMING THE HONORABLE DON CAZAYOUX TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. Without objection, the gentleman from Louisiana (Mr. JEFFERSON) is recognized for 1 minute.

There was no objection.

Mr. JEFFERSON. Madam Speaker, on behalf of the Louisiana delegation, we are proud to welcome DON CAZAYOUX to this magnificent House.

He understands the values of faith, family and public service. He grew up in New Roads, Louisiana, has been married for 21 years to a retired school teacher, Cherie, and they have three children, Michael, Chavanne and Katie, who are all here today, I am sure. He has served in the State House since 1999, and he has, of course, been well qualified before that, having served in a number of public service offices, including as the District Attorney of Pointe Coupee Parish.

Now, I might say a lot of things about his former preparation for this, but let me say this, as we grow older, we get to know folks through our children. My daughter is the best representative I know of what we all know now about DON CAZAYOUX. When she first started in the Louisiana State House, DON CAZAYOUX was already there. She told me she met this wonderful young man who was helpful to her.

After she got to know him a bit better, she said he was a very thoughtful representative. As she got to know him even more, she said he was a very decent man.

On the recommendation of my daughter, he was helpful, he was thoughtful, and he is thoroughly decent. Through that description, I think we all will get to know him as well.

I am proud, on behalf of all of us here, to present this wonderful young man, who is a cousin of Lindy Boggs, who is here with us today.

For the last several years, Charlie Melancon and I have met in a phone booth over here as the total Democratic caucus of Louisiana. Now, Madam Speaker, we may need different accommodations because of this election.

May I ask MR. CAZAYOUX to please come to the microphone. We welcome you.

Mr. CAZAYOUX. Thank you, Madam Speaker, Members, for the warm welcome. I am honored to be the newest Member of this body.

I want to thank my family, who is here; my wife, whose goodness inspires me, Cherie; my children, Michael, Chavanne and Katie, who remind me why we are here, why our decisions are so important for the future.

I want to introduce you to my parents, Donald and Ann Cazayoux; Ann, whose compassion taught me to be compassionate; my father, whose sense of humor taught me to have a sense of humor, especially about myself; my Uncle John Wayne Jewell, who has a small-town private practice of law and taught me all about public service. I want to thank him and my Aunt Martha for her commitment to justice; my mother-in-law, Bonnie, for her goodness; Lindy Boggs, my model of leadership. Thank you for being here, and for the rest of my family and friends, without whose help I could not be here, physically here, period.

I also want to thank the members and the constituents of my district for electing me and for challenging me to come here to work with you to meet the demands that they face every day to solve the problems in a commonsense, fiscally prudent manner in terms of health care, the price of gas or what have you.

Thank you so much for welcoming me, and I look forward to working with each of you.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentleman from Louisiana, the whole number of the House is 433.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. TAUSCHER). Without objection, 5-minute voting will continue.

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 2419 offered by the gentleman from Wisconsin (Mr. RYAN) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 172, nays 241, not voting 19, as follows:

[Roll No. 247]

YEAS—172

Aderholt
Akin
Alexander
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Berman
Biggert
Bilbray
Bilirakis
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boucher
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Castle
Chabot
Coble
Cooper
Crenshaw
Crowley
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
English (PA)
Everett
Feeney
Ferguson
Flake
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Granger
Hall (TX)
Harman
Hastings (WA)
Heller
Hensarling
Hinchey
Hobson
Hoekstra
Holt
Hunter
Inglis (SC)
Israel
Issa
Johnson, Sam
Jordan
Keller
Kind
King (NY)
Kingston
Kirk
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
Linder
Lipinski
LoBiondo
Lungren, Daniel E.
Mack
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
Meeks (NY)
Mica
Miller (FL)
Miller, Gary
Mitchell
Murphy, Patrick
Myrick
Nunes
Paul
Pence
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Saxton
Schiff
Schmidt
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Sherman
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stark
Stearns
Sullivan
Tancredo
Terry
Tiberi
Tierney
Turner
Upton
Van Hollen
Walberg
Wamp
Weiner
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—241

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Bachmann
Baldwin
Barrow
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Frank (MA)
Giffords
Gillibrand
Gohmert
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (IA)
Klein (FL)
Kline (MN)
Kucinich
LaHood
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lewis (KY)
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Poe
Pomeroy
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schwartz
Scott (VA)
Serrano
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Towns
Tsongas
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weller
Wexler
Wilson (OH)
Wittman (VA)
Yarmuth

NOT VOTING—19

Andrews
Blackburn
Burton (IN)
Butterfield
Campbell (CA)
Carson
Cramer
Dicks
Hulshof
Jones (NC)
Jones (OH)
Marshall
McHenry
Oberstar
Peterson (PA)
Pryce (OH)
Rush
Speier
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1337

Ms. BERKLEY, Messrs. DAVIS of Illinois, BECERRA, JACKSON of Illinois, JEFFERSON, Mrs. McMORRIS RODGERS, and Ms. BALDWIN changed their vote from ''yea'' to ''nay.''

Messrs. ISRAEL, NUNES and McCARTHY of California changed their vote from ''nay'' to ''yea.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

Mr. WALSH of New York. Madam Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Madam Speaker, I move to lay the motion to reconsider on the table.

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

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

RECORDED VOTE

Mr. WALSH of New York. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 203, noes 176, not voting 53, as follows:

[Roll No. 248]

AYES—203

Abercrombie
Ackerman
Allen
Altmire
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Cazayoux
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Salazar
Sanchez, Loretta
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Wilson (OH)
Woolsey
Yarmuth

NOES—176

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny

Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Weldon (FL)
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—53

Andrews
Arcuri
Berman
Berry
Blackburn
Boren
Boustany
Burton (IN)
Butterfield
Campbell (CA)
Carson
Chandler
Cooper
Cramer
Deal (GA)
Doyle
Feeney
Gallegly
Gonzalez
Heller
Herger
Hinojosa
Hodes
Hulshof
Jones (NC)
Jones (OH)
Kaptur
Kennedy
Larson (CT)
Marshall
McHenry
Meek (FL)
Michaud
Mollohan
Murtha
Oberstar
Peterson (PA)
Pryce (OH)
Radanovich
Reynolds
Richardson
Rogers (AL)
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schmidt
Solis
Speier
Tiahrt
Wamp
Wu
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1344

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. CANTOR. 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. Cantor moves 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 be instructed not to agree to the provisions contained in section 12808 of the Senate amendment (relating to qualified forestry conservation bonds).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

NATIONAL NURSES WEEK

Mr. GENE GREEN of Texas. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1086) recognizing National Nurses Week on May 6 through May 12, 2008.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1086

Whereas, since 2003, National Nurses Week is celebrated annually from May 6, also known as National Nurses Day, through May 12, the birthday of Florence Nightingale, the founder of modern nursing;

Whereas National Nurses Week is the time each year when nurses are recognized for the critical role they play in providing safe, high-quality, and preventative health care;

Whereas nurses are the cornerstone of the Nation's complex health care system, representing the largest single component of the health care profession, with an estimated over 2,500,000 registered nurses in the United States;

Whereas, according to a study published in the New England Journal of Medicine in May 2002, a higher proportion of nursing care provided by registered nurses and a greater number of hours of care by registered nurses per day are associated with better outcomes for hospitalized patients;

Whereas nurses are experienced researchers and their work encompasses a wide scope of scientific inquiry including clinical research, health systems and outcomes research, and nursing education research;

Whereas nurses are currently serving the Nation admirably in the conflicts in Iraq and Afghanistan;

Whereas nurses help inform and educate the public to improve the practice of all nurses and, more importantly, the health and safety of the patients they care for;

Whereas the Nation continues to face a nursing shortage unprecedented in its depth and duration, with a projection of over 1,000,000 new and replacement nurses needed by 2016;

Whereas the nationwide nursing shortage has caused dedicated nurses to work longer hours and care for more acutely ill patients;

Whereas nurses are strong allies to Congress as they help inform, educate, and work closely with legislators to improve the education, retention, recruitment, and practice of all nurses and, more importantly, the health and safety of the patients they care for; and

Whereas nurses are an integral part of the health care delivery team and provide quality care, support, and education to patients and their families, conduct essential research, and serve as strong patient advocates: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the significant contributions of nurses to the health care system of the United States;

(2) supports the goals and ideals of National Nurses Week, as founded by the American Nurses Association; and

(3) encourages the people of the United States to observe National Nurses Week with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of nurses to the everyday lives of patients.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GENE GREEN) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

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

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

There was no objection.

Mr. GENE GREEN of Texas. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise today in support of H. Res. 1086 recognizing today, May 6, through May 12 as National Nurses Week. As a cosponsor of this resolution, I am proud to lend my voice in support of our Nation's nurses.

Continuing in the illustrious tradition of Florence Nightingale, the founder of modern nursing, nurses today continue to attend to our Armed Forces overseas. These brave men and women place themselves at risk in war zones, including the conflicts in Afghanistan and Iraq, to tend to our injured soldiers. Besides tending to the wounded abroad, nurses are also on the front lines of our health care system here at home. Whether their primary function is to care for our aging population or to provide immediate aid to the sick and injured, our nurses provide quality patient care and support to keep our health care system running.

As the Nation continues to face a nursing shortage, with a projected 1 million new nurses needed by 2016, it is especially important that everyone is aware of the sacrifices nurses make on a daily basis for our country. We must continue to encourage more young people and those seeking a change in career to join the nursing profession.

The resolution before us encourages all Americans to observe this week as National Nurses Week by showing appropriate recognition to nurses and creating programs and activities during the week to demonstrate the importance of nurses.

I would like to thank my colleagues and former nurses, Congresswoman EDDIE BERNICE JOHNSON, Congresswoman CAROLYN MCCARTHY, and Congresswoman LOIS CAPPS, for their leadership on this measure. Again, I reiterate, they are former nurses, although I don't know if you are ever a former nurse. I urge my colleagues on both sides of the aisle to join me in support of the resolution and its adoption.

Madam Speaker, I reserve the balance of my time.

Mr. TERRY. I yield myself as much time as I may consume.

I rise today in support of House Resolution 1086, acknowledging May 6 through May 12, 2008, as National Nurses Week. In addition to kicking off National Nurses Week today, we are also celebrating the comforts and care that nurses provide by recognizing May 6 as National Nurses Day. This tradition started in 1982 when President Ronald Reagan signed a proclamation making today National Recognition Day for Nurses.

This is a week to recognize nurses as being the largest single component of the health care profession with over 2.5 million registered nurses in the United States and the critical role they play in providing care to not only the citizens of America but are also serving our Nation in both Iraq and Afghanistan. In addition to the immediate care they provide to patients, they also have helped to educate, inform and improve education and retention of nurses.

I would like to thank the author of this resolution, Ms. EDDIE BERNICE JOHNSON of Texas, for her leadership in honoring nurses that have helped promote health, prevent disease and help other Americans cope with illness. I encourage all of my colleagues to vote in favor of this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. GENE GREEN of Texas. Madam Speaker, I yield 5 minutes to my good friend and colleague from Texas, Congresswoman EDDIE BERNICE JOHNSON, who literally I have served with since 1973 with just a little break in the service.

Ms. EDDIE BERNICE JOHNSON of Texas. Let me thank my colleague and friend of longstanding. I want to also thank the minority side for their assistance, and both Chairman DINGELL and Ranking Member BARTON.

As a registered nurse with a master's degree, it is a privilege and a delight to offer a resolution recognizing National Nurses Week which is May 6 through 12. I have two outstanding colleagues that we have found to have something in common, Congresswoman LOIS CAPPS and Congresswoman CAROLYN MCCARTHY, who are also nurses and champions of this resolution and of the profession, and I thank them for their efforts to encourage more than 110 congressional colleagues to cosponsor this bill honoring nurses.

The Congressional Nursing Caucus was also helpful in promoting the legislation, and I appreciate Members' efforts to rally support for H. Res. 1086.

Nurses are a key component of our Nation's health care system. Whether on the battlefield or at sea, in a skilled nursing facility, in a hospital or even in a patient's own home, the care that a nurse provides is very valuable. Nurses are intelligent individuals who must often make quick decisions in an effort to save the life of a patient, even before the physician arrives. Nurses are recognized as the patient's primary advocate and every poll shows that nurses are always very trusted by the patients. They are tasked with closely monitoring even small changes in a patient's health. Nurses are tough, directed, decision-making people who work under stress and in difficult situations.

For 15 years I provided hands-on patient care as a psychiatric nurse at the Veterans Administration Hospital in Dallas. The work was challenging but fulfilling. That's why I still remain very interested in quality care for all of our veterans. Although more than 2.5 million nurses work in the United States, our Nation has suffered from a nursing shortage. Those currently in the profession are beginning to retire. There are fewer individuals entering the profession. The nursing shortage is unprecedented in its depth and duration, with a projection of over 1 million new and replacement nurses needed by 2016.

Nursing schools need help attracting well-prepared faculty to recruit the best and brightest into their educational programs. Loan forgiveness and educational incentive programs can help, but Congress must do more to encourage bright young minds toward nursing.

Nursing is a career that has been valued for a long time, and it is fitting to recognize the Navy Nurse Corps on its 100th anniversary this year. For nearly 100 years before Congress formally established the Navy Nurse Corps in 1908, women worked as nurses aboard Navy ships and in Navy hospitals. As early as the War of 1812, volunteers performed nursing duty in places that were often dangerous and required courage in the face of adversity. Members of the esteemed Navy Nurse Corps care for those brave men and women who fight for our freedoms. They contribute to relief efforts in all corners of the globe. They serve in lead roles as part of a unified health care team. The Navy Nurse Corps practices progressive patient care. It enjoys a rich heritage, accompanied by high-tech training. A registered nurse in the Navy is also a respected officer, serving in modern facilities at home, at sea, around the country and across the globe.

I am proud to especially recognize the Navy Nurse Corps for its centuries of outstanding service for our military men and women.

Today's resolution honors the good work that all nurses do.

(1) recognizes the significant contributions of nurses to the health care system of the United States;

(2) supports the goals and ideals of National Nurses Week as founded by the American Nurses Association; and

(3) encourages the people of this Nation to observe National Nurses Week with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of nurses to the everyday lives of patients.

Along with my many supportive colleagues, I want to thank the House leadership for bringing this important resolution to the floor. I urge its support.

Mr. TERRY. Madam Speaker, I would like to yield 2 minutes to one of our physicians in the House of Representatives, the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Madam Speaker, I rise today in strong support of House Resolution 1086, recognizing National Nurses Week, which is May 6 through May 12 of this year. I am proud to be a cosponsor of this bill. I would like to thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON)—Nurse JOHNSON—for advancing this legislation to help educate the American people about the critical role that nurses play in health care delivery.

With May 12 being the birthday of Florence Nightingale, the founder of modern nursing, there is not a more appropriate time to celebrate the work done by nurses. As an OB–GYN physician for almost 30 years, I was fortunate to work with intelligent, hardworking, compassionate nurses, and they were indeed a cornerstone of the high quality health care we provided.

Madam Speaker, nurses are on the front lines of health care delivery not only here at home but also in Iraq and Afghanistan. Therefore, because we are relying on our nurses so heavily and because we currently are experiencing a shortage of nurses, it is critical to support nurse training programs. That is why I recently joined with a number of my colleagues in supporting title VIII funding to provide loans and grants to our Nation's nursing students.

I urge all my colleagues to support the goals of National Nurses Week.

Mr. GENE GREEN of Texas. Madam Speaker, I yield 3 minutes to a colleague on the Energy and Commerce Committee and a good friend, Congresswoman LOIS CAPPS, and also a nurse.

Mrs. CAPPS. I thank my colleague for yielding.

Madam Speaker, I rise in support of House Resolution 1086 and in support of National Nurses Week. I commend my friend and fellow nurse, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), for introducing this resolution. As we observe National Nurses Week, I hope we can work together to raise awareness about important issues facing our nursing community and the important impact that nurses make to

the lives of patients and their role in the arena of public health. This is central to our delivery of health care.

□ 1400

We know that nurses advocate for their patients and provide personal care at the bedside. Often, it is life-saving care. They are also community educators, primary care providers, and they serve in our military so often putting themselves in harm's way to carry out their duties.

But we are facing a terrible shortage of nurses. We are jeopardizing our ability to provide the best quality care which each individual and each family deserves in this country of ours. As a registered nurse currently serving in Congress, I feel it is my duty to advocate not only on behalf of my patients, but also on behalf of my fellow nurses.

I am co-Chair of our House Nursing Caucus, and I was honored to be joined by 155 of our colleagues in a letter to the Appropriations Committee requesting additional funding for nurse education programs. These programs have trained thousands of nurses, but we are in desperate need of so many more. And the very fact that we are funding title VIII nurse education at the same exact amount that we did over 30 years ago is, quite frankly, inexcusable.

In addition, nurses face difficult conditions in the workplace such as mandatory overtime, unsafe staffing numbers, hazardous lifting, and other workplace settings. These conditions are directly contributing to our inability to retain many qualified nurses in the hospital setting. As our Baby Boomers retire and our demand for nurses soars, let us use this week as an opportunity to reinforce our commitment to our current and our future nurses and thereby to a safer and healthier Nation.

Mr. TERRY. I continue to reserve. I have no further speakers.

Mr. GENE GREEN of Texas. I yield 3 minutes to our colleague from New York, CAROLYN MCCARTHY.

Mrs. MCCARTHY of New York. Mr. Speaker, I would like to thank LOIS CAPPS and EDDIE BERNICE JOHNSON for bringing this forward on H. Res. 1086, recognizing National Nurses Week.

I have spent over 30 years as a nurse, and it was mentioned earlier, someone said, Once a nurse. Well, let me say, Once a nurse, always a nurse. We carry our duties even here to the House of Representatives.

I sit on the Education Committee, and what I have been working on since I came here was making sure that our nurses get every opportunity to increase our numbers. As has been mentioned before by both of my colleagues, the nursing shortage in this country is of a crisis proportion. We see that our nurses today are a lot older; they're at the retirement age, and we must do everything that we can to make sure that we have our young people coming into a very, very rewarding career. Nursing can be demanding, it can be tiring, it can be physically draining; but it couldn't be a better career.

When I first joined nursing over 30 years ago, I worked in the intensive care unit, and I spent most of my life there and just to be able to help a patient in their greatest need but also to work with their families to comfort them as they saw their loved one going through a traumatic injury.

We need to make sure that this country has a supply of nurses continuously. We have many young people that want to go to nursing school, but what we have found over the years is we don't have enough professors to be able to teach them to be nurses. So in the Higher Education Act, there is going to be funding in there to make sure that those that want to go into a higher education to be able to teach nursing, it can work out for us.

When we look at the future, we're seeing today in our hospitals such a shortage of nurses that a lot of the nurses are doing a lot of overtime. When they take a day off, they're always called to come back in. That is not acceptable, mainly because you have to be totally alert at all times. And I certainly tip my hat to my fellow nurses that go through this every single day.

They stay in the profession because they love the profession. They stay in the profession because it is a calling. Not everyone can be a nurse. It is a calling. I salute those men and women that go into nursing, and I also salute the women and men that are fighting in Iraq and Afghanistan and taking their nursing care to the soldiers and giving them comfort when they need it. There is no greater, in my opinion, profession than to be a nurse.

With that being said, I hope my colleagues will support H. Res. 1086 and recognize National Nurses Week.

Mr. TERRY. May I inquire how much time is remaining.

The SPEAKER pro tempore (Mr. SERRANO). The gentleman from Nebraska has 17 minutes remaining. The gentleman from Texas has 10½ minutes remaining.

Mr. TERRY. We have no further speakers. I continue to reserve.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield 3 minutes to our fellow Energy and Commerce member, Congressman TOWNS from New York.

Mr. TOWNS. Mr. Speaker, first of all, I rise to support my colleague for bringing this resolution forward. I want to congratulate him on that.

I rise today in support of H. Res. 1086, recognizing National Nurses Week on May 6 through May 12. As a cosponsor of this resolution, I'm proud to speak out in honor of our valiant, committed nurses who make our Nation and our loved ones safe and well. I pay special tribute to my esteemed colleagues in Congress who introduced this resolution and who are, themselves, nurses: The Honorable EDDIE BERNICE JOHNSON of Texas, the Honorable LOIS CAPPS of California, and the Honorable CAROLYN MCCARTHY of my home State, New York.

Additionally, I want to pay special tribute to the nurses who are serving in Iraq and Afghanistan and the nurses who generally attend to those who suffer wounds from those conflicts.

Along with other health care professionals, a nurse is responsible for the treatment, safety, and recovery of acutely or chronically ill people. They also help to maintain a patient's health and provide treatment to those who are facing life-threatening emergencies like 9/11 and Hurricane Katrina. Nurses are also involved in medical and nursing research and provide a wide range of nonclinical functions.

Today, there are 2.4 million registered nurses in the United States; 92 percent of the registered nurses are women. There are 531,000 licensed vocational nurses; 1.8 million is the number of nursing psychiatric and home health aides. We cannot do without them.

I greatly commend the American Nurses Association and the American Academy of Nurse Practitioners, and all of the nursing associations and academic institutions who train nurses and promote the advancement of the profession. I look forward to working with members of the associations, academia, and others in making certain that we continue to increase the amount of nurses.

In closing, I wish to thank my colleagues again, Congresswoman JOHNSON, Congresswoman CAPPS, and Congresswoman MCCARTHY for their leadership on this issue, and I urge my colleagues to join me in supporting this resolution. And I want to thank very much my colleague from Texas (Mr. GREEN) and, of course, others who have been involved in this resolution.

Mr. TERRY. Mr. Speaker, in our closing, let me once again reiterate our appreciation to the authors of this bill, Ms. JOHNSON from Texas, Mrs. LOIS CAPPS from California, and Mrs. MCCARTHY from New York; and, once again, encourage our side of the aisle to vote ''yes'' on this measure.

We have no further requests for time.

Mr. Speaker, I yield back all of our time.

Mr. GENE GREEN of Texas. Mr. Speaker, in closing, I join my colleague from Nebraska in encouraging all of our Members to support this resolution in recognition of National Nurses Week.

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. GENE GREEN) that the House suspend the rules and agree to the resolution, H. Res. 1086.

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. FRELINGHUYSEN. Mr. Speaker, I object to the vote on the ground that

a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

PRIORITIZING RESOURCES AND ORGANIZATION FOR INTELLECTUAL PROPERTY ACT OF 2008

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4279) to enhance remedies for violations of intellectual property laws, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4279

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 ''Prioritizing Resources and Organization for Intellectual Property Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Reference.
Sec. 3. Definition.

TITLE I—ENHANCEMENTS TO CIVIL INTELLECTUAL PROPERTY LAWS

Sec. 101. Registration of claim.
Sec. 102. Registration and infringement actions.
Sec. 103. Civil remedies for infringement.
Sec. 104. Treble damages in counterfeiting cases.
Sec. 105. Statutory damages in counterfeiting cases.
Sec. 106. Exportation of goods bearing infringing marks.
Sec. 107. Importation and exportation.

TITLE II—ENHANCEMENTS TO CRIMINAL INTELLECTUAL PROPERTY LAWS

Sec. 201. Criminal infringement of a copyright.
Sec. 202. Harmonization of forfeiture procedures for intellectual property offenses.
Sec. 203. Directive to United States Sentencing Commission.
Sec. 204. Trafficking in counterfeit goods or services.

TITLE III—COORDINATION AND STRATEGIC PLANNING OF FEDERAL EFFORT AGAINST COUNTERFEITING AND PIRACY

Subtitle A—Office of the United States Intellectual Property Enforcement Representative

Sec. 301. Office of the United States Intellectual Property Enforcement Representative.
Sec. 302. Definition.

Subtitle B—Joint Strategic Plan

Sec. 321. Joint Strategic Plan.
Sec. 322. Reporting.
Sec. 323. Savings and repeals.
Sec. 324. Authorization of appropriations.

TITLE IV—INTERNATIONAL ENFORCEMENT AND COORDINATION

Sec. 401. Intellectual property attachés.
Sec. 402. Duties and responsibilities of intellectual property attachés.
Sec. 403. Training and designation of assignment.
Sec. 404. Coordination.
Sec. 405. Authorization of appropriations.

TITLE V—DEPARTMENT OF JUSTICE PROGRAMS

Subtitle A—Coordination

Sec. 501. Intellectual Property Enforcement Officer.

Subtitle B—Law Enforcement Resources

Sec. 511. Local law enforcement grants.
Sec. 512. CHIP units, training, and additional resources.
Sec. 513. Transparency of prosecutorial decisionmaking.
Sec. 514. Authorization of appropriations.

Subtitle C—International Activities

Sec. 521. International intellectual property law enforcement coordinators.
Sec. 522. International training activities of the computer crime and intellectual property section.

Subtitle D—Coordination, Implementation, and Reporting

Sec. 531. Coordination.
Sec. 532. Annual reports.

SEC. 2. REFERENCE.

Any reference in this Act to the ''Trademark Act of 1946'' refers to the Act entitled ''An Act to provide for the registration of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (15 U.S.C. 1051 et seq.).

SEC. 3. DEFINITION.

In this Act, the term ''United States person'' means—

(1) any United States resident or national,

(2) any domestic concern (including any permanent domestic establishment of any foreign concern), and

(3) any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern that is controlled in fact by such domestic concern,

except that such term does not include an individual who resides outside the United States and is employed by an individual or entity other than an individual or entity described in paragraph (1), (2), or (3).

TITLE I—ENHANCEMENTS TO CIVIL INTELLECTUAL PROPERTY LAWS

SEC. 101. REGISTRATION OF CLAIM.

Section 410 of title 17, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

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

''(c)(1) A certificate of registration satisfies the requirements of section 411 and section 412 regardless of any inaccurate information contained in the certificate, unless—

''(A) the inaccurate information was included on the application for copyright registration with knowledge that it was inaccurate; and

''(B) the inaccuracy of the information, if known, would have caused the Register of Copyrights to refuse registration.

''(2) In any case in which inaccuracies described under paragraph (1) are alleged, the court shall request the Register of Copyrights to advise the court whether the inaccuracy of the information, if known, would have caused the Register of Copyrights to refuse registration. The Register shall respond to the court's request within 45 days after the request is made.

''(3) Nothing in this subsection shall affect any rights, obligations, or requirements of a person related to information contained in a registration certificate except for the institution of and remedies in infringement actions under sections 411 and 412.''.

SEC. 102. REGISTRATION AND INFRINGEMENT ACTIONS.

(a) REGISTRATION IN CIVIL INFRINGEMENT ACTIONS.—Section 411 of title 17, United States Code, is amended—

(1) in the section heading, by inserting ''**civil**'' after ''**and**'' ; and

(2) in subsection (a), by striking ''no action'' and inserting ''no civil action''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 411(b) of title 17, United States Code, is amended by striking ''506 and sections 509 and'' and inserting ''505 and section''.

SEC. 103. CIVIL REMEDIES FOR INFRINGEMENT.

Section 503(a) of title 17, United States Code, is amended—

(1) by striking ''and of all plates'' and inserting ''of all plates''; and

(2) by striking the period at the end and inserting the following: '', and records documenting the manufacture, sale, or receipt of things involved in such violation. The court shall enter an appropriate protective order with respect to discovery by the applicant of any records that have been seized. The protective order shall provide for appropriate procedures to assure that confidential information contained in such records is not improperly disclosed to the applicant.''.

SEC. 104. TREBLE DAMAGES IN COUNTERFEITING CASES.

Section 35(b) of the Trademark Act of 1946 (15 U.S.C. 1117(b)) is amended to read as follows:

''(b) In assessing damages under subsection (a) for any violation of section 32(1)(a) of this Act or section 220506 of title 36, United States Code, in a case involving use of a counterfeit mark or designation (as defined in section 34(d) of this Act), the court shall, unless the court finds extenuating circumstances, enter judgment for three times such profits or damages, whichever amount is greater, together with a reasonable attorney's fee, if the violation consists of—

''(1) intentionally using a mark or designation, knowing such mark or designation is a counterfeit mark (as defined in section 34(d) of this Act), in connection with the sale, offering for sale, or distribution of goods or services;

''(2) intentionally inducing another to engage in a violation specified in paragraph (1); or

''(3) providing goods or services necessary to the commission of a violation specified in paragraph (1), with the intent that the recipient of the goods or services would put the goods or services to use in committing the violation.

In such a case, the court may award prejudgment interest on such amount at an annual interest rate established under section 6621(a)(2) of the Internal Revenue Code of 1986, beginning on the date of the service of the claimant's pleadings setting forth the claim for such entry of judgment and ending on the date such entry is made, or for such shorter time as the court considers appropriate.''.

SEC. 105. STATUTORY DAMAGES IN COUNTERFEITING CASES.

Section 35(c) of the Trademark Act of 1946 (15 U.S.C. 1117) is amended—

(1) in paragraph (1)—

(A) by striking ''$500'' and inserting ''$1,000''; and

(B) by striking ''$100,000'' and inserting ''$200,000''; and

(2) in paragraph (2), by striking ''$1,000,000'' and inserting ''$2,000,000''.

SEC. 106. EXPORTATION OF GOODS BEARING INFRINGING MARKS.

Title VII of the Trademark Act of 1946 (15 U.S.C. 1124) is amended—

(1) in the title heading, by inserting after ''IMPORTATION'' the following: ''OR EXPORTATION''; and

(2) in section 42—

(A) by striking the word ''imported''; and

(B) by inserting after ''customhouse of the United States'' the following: '', nor shall any such article be exported from the United States''.

SEC. 107. IMPORTATION AND EXPORTATION.

(a) IN GENERAL.—The heading for chapter 6 of title 17, United States Code, is amended to read as follows:

''CHAPTER 6—MANUFACTURING REQUIREMENTS, IMPORTATION, AND EXPORTATION''.

(b) AMENDMENT ON EXPORTATION.—Section 602(a) of title 17, United States Code, is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and moving such subparagraphs 2 ems to the right;

(2) by striking ''(a)'' and inserting ''(a) INFRINGING IMPORTATION AND EXPORTATION.—

''(1) IMPORTATION.—'';

(3) by striking ''This subsection does not apply to—'' and inserting the following:

''(2) IMPORTATION OR EXPORTATION OF INFRINGING ITEMS.—Importation into the United States or exportation from the United States, without the authority of the owner of copyright under this title, of copies or phonorecords, the making of which either constituted an infringement of copyright or would have constituted an infringement of copyright if this title had been applicable, is an infringement of the exclusive right to distribute copies or phonorecords under section 106, actionable under sections 501 and 506.

''(3) EXCEPTIONS.—This subsection does not apply to—'';

(4) in paragraph (3)(A) (as redesignated by this subsection) by inserting ''or exportation'' after ''importation''; and

(5) in paragraph (3)(B) (as redesignated by this subsection)—

(A) by striking ''importation, for the private use of the importer'' and inserting ''importation or exportation, for the private use of the importer or exporter''; and

(B) by inserting ''or departing from the United States'' after ''United States''.

(c) CONFORMING AMENDMENTS.—(1) Section 602 of title 17, United States Code, is further amended—

(A) in the section heading, by inserting ''**or exportation**'' after ''**importation**''; and

(B) in subsection (b)—

(i) by striking ''(b) In a case'' and inserting ''(b) IMPORT PROHIBITION.—In a case'';

(ii) by striking ''the United States Customs Service'' and inserting ''U.S. Customs and Border Protection''; and

(iii) by striking ''the Customs Service'' and inserting ''U.S. Customs and Border Protection''.

(2) Section 601(b)(2) of title 17, United States Code, is amended by striking ''the United States Customs Service'' and inserting ''U.S. Customs and Border Protection''.

(3) The item relating to chapter 6 in the table of chapters for title 17, United States Code, is amended to read as follows:

''6. MANUFACTURING REQUIREMENTS, IMPORTATION, AND EXPORTATION ..... 601''.

TITLE II—ENHANCEMENTS TO CRIMINAL INTELLECTUAL PROPERTY LAWS

SEC. 201. CRIMINAL INFRINGEMENT OF A COPYRIGHT.

Section 2319 of title 18, United States Code, is amended—

(1) in subsection (b)(2)—

(A) by inserting ''is a felony and'' after ''offense'' the first place such term appears; and

(B) by striking ''paragraph (1)'' and inserting ''subsection (a)'';

(2) in subsection (c)(2)—

(A) by inserting ''is a felony and'' after ''offense'' the first place such term appears; and

(B) by striking ''paragraph (1)'' and inserting ''subsection (a)'';

(3) in subsection (d)(3)—

(A) by inserting ''is a felony and'' after ''offense'' the first place such term appears; and

(B) by inserting ''under subsection (a)'' before the semicolon; and

(4) in subsection (d)(4), by inserting ''is a felony and'' after ''offense'' the first place such term appears.

SEC. 202. HARMONIZATION OF FORFEITURE PROCEDURES FOR INTELLECTUAL PROPERTY OFFENSES.

(a) TRAFFICKING IN COUNTERFEIT LABELS.—Section 2318 of title 18, United States Code, is amended—

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

''(d) FORFEITURE AND DESTRUCTION; RESTITUTION.—

''(1) CIVIL FORFEITURE PROCEEDINGS.—(A) The following property is subject to forfeiture to the United States:

''(i) Any counterfeit documentation or packaging, and any counterfeit label or illicit label and any article to which a counterfeit label or illicit label has been affixed, which a counterfeit label or illicit label encloses or accompanies, or which was intended to have had such label affixed, enclosing, or accompanying.

''(ii) Any property constituting or derived from any proceeds obtained directly or indirectly as a result of a violation of subsection (a).

''(iii) Any property used, or intended to be used, to commit or facilitate the commission of a violation of subsection (a) that is owned or predominantly controlled by the violator or by a person conspiring with or aiding and abetting the violator in committing the violation, except that property is subject to forfeiture under this clause only if the Government establishes that there was a substantial connection between the property and the violation of subsection (a).

''(B) The provisions of chapter 46 relating to civil forfeitures shall extend to any seizure or civil forfeiture under subparagraph (A). At the conclusion of the forfeiture proceedings, the court shall order that any forfeited counterfeit labels or illicit labels and any article to which a counterfeit label or illicit label has been affixed, which a counterfeit label or illicit label encloses or accompanies, or which was intended to have had such label affixed, enclosing, or accompanying, be destroyed or otherwise disposed of according to law.

''(C) In this paragraph, the term 'aiding and abetting' means knowingly providing aid to the violator with the intent to facilitate the violation.

''(2) CRIMINAL FORFEITURE PROCEEDINGS.—(A) The court, in imposing sentence on a person convicted of an offense under this section, shall order, in addition to any other sentence imposed, that the person forfeit to the United States the following property:

''(i) Any counterfeit documentation or packaging, and any counterfeit label or illicit label, that was used, intended for use, or possessed with intent to use in the commission of an offense under subsection (a), and any article to which such a counterfeit label or illicit label has been affixed, which such a counterfeit label or illicit label encloses or accompanies, or which was intended to have had such label affixed, enclosing, or accompanying.

''(ii) Any property constituting or derived from any proceeds obtained directly or indirectly as a result of an offense under subsection (a).

''(iii) Any property used, or intended to be used, to commit or substantially facilitate the commission of an offense under subsection (a).

''(B) The forfeiture of property under subparagraph (A), including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be governed by the procedures set forth in section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsection (d) of that section. At the conclusion of the forfeiture proceedings, the court shall order that any counterfeit label or illicit label and any article to which a counterfeit label or illicit label has been affixed, which a counterfeit label or illicit label encloses or accompanies, or which was intended to have had such label affixed, enclosing, or accompanying, be destroyed or otherwise disposed of according to law.

''(3) RESTITUTION.—When a person is convicted of an offense under this section, the court, pursuant to sections 3556, 3663A, and 3664, shall order the person to pay restitution to the owner of the marks or copyrighted works involved in the offense and any other victim of the offense as an offense against property referred to in section 3663A(c)(1)(A)(ii).'';

(2) by striking subsection (e); and

(3) by redesignating subsection (f) as subsection (e).

(b) CRIMINAL INFRINGEMENT OF A COPYRIGHT.—

(1) IN GENERAL.—Section 2319 of title 18, United States Code, is amended by adding at the end the following:

''(g) FORFEITURE AND DESTRUCTION; RESTITUTION.—

''(1) CIVIL FORFEITURE PROCEEDINGS.—(A) The following property is subject to forfeiture to the United States:

''(i) Any copies or phonorecords manufactured, reproduced, distributed, sold, or otherwise used, intended for use, or possessed with intent to use in violation of section 506(a) of title 17, any plates, molds, matrices, masters, tapes, film negatives, or other articles by means of which such copies or phonorecords may be made, and any electronic, mechanical, or other devices for manufacturing, reproducing, or assembling such copies or phonorecords.

''(ii) Any property constituting or derived from any proceeds obtained directly or indirectly as a result of a violation of section 506(a) of title 17.

''(iii) Any property used, or intended to be used, to commit or facilitate the commission of a violation of section 506(a) of title 17 that is owned or predominantly controlled by the violator or by a person conspiring with or aiding and abetting the violator in committing the violation, except that property is subject to forfeiture under this clause only if the Government establishes that there was a substantial connection between the property and the violation of section 506(a) of title 17.

''(B) The provisions of chapter 46 relating to civil forfeitures shall extend to any seizure or civil forfeiture under this section. At the conclusion of the forfeiture proceedings, the court shall order that any forfeited infringing copies or phonorecords, and any plates, molds, matrices, masters, tapes, and film negatives by means of which such unauthorized copies or phonorecords may be made, be destroyed or otherwise disposed of according to law.

''(C) In this paragraph, the term 'aiding and abetting' means knowingly providing aid to the violator with the intent to facilitate the violation.

''(2) CRIMINAL FORFEITURE PROCEEDINGS.—(A) The court, in imposing sentence on a person convicted of an offense under subsection

(a), shall order, in addition to any other sentence imposed, that the person forfeit to the United States the following property:

''(i) Any copies or phonorecords manufactured, reproduced, distributed, sold, or otherwise used, intended for use, or possessed with intent to use in the commission of an offense under subsection (a), any plates, molds, matrices, masters, tapes, film negatives, or other articles by means of which the copies or phonorecords may be reproduced, and any electronic, mechanical, or other devices for manufacturing, reproducing, or assembling such copies or phonorecords.

''(ii) Any property constituting or derived from any proceeds obtained directly or indirectly as a result of an offense under subsection (a).

''(iii) Any property used, or intended to be used, to commit or substantially facilitate the commission of an offense under subsection (a).

''(B) The forfeiture of property under subparagraph (A), including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be governed by the procedures set forth in section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsection (d) of that section. At the conclusion of the forfeiture proceedings, the court shall order that any forfeited infringing copies or phonorecords, and any plates, molds, matrices, masters, tapes, and film negatives by means of which such infringing copies or phonorecords may be made, be destroyed or otherwise disposed of according to law.

''(3) RESTITUTION.—When a person is convicted of an offense under this section, the court, pursuant to sections 3556, 3663A, and 3664, shall order the person to pay restitution to the copyright owner and any other victim of the offense as an offense against property referred to in section 3663A(c)(1)(A)(ii).''.

(2) CONFORMING AMENDMENTS.—(A) Section 506(b) of title 17, United States Code, is amended by striking all that follows ''destruction'' and inserting the following: ''of property as prescribed by section 2319(g) of title 18.''.

(B) Section 509 of title 17, United States Code, relating seizure and forfeiture, and the item relating to section 509 in the table of sections at the beginning of chapter 5 of title 17, United States Code, are repealed.

(c) UNAUTHORIZED FIXATION AND TRAFFICKING.—

(1) IN GENERAL.—Section 2319A of title 18, United States Code, is amended—

(A) by striking subsection (c) and redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively; and

(B) by amending subsection (b) to read as follows:

''(b) FORFEITURE AND DESTRUCTION; RESTITUTION.—

''(1) CIVIL FORFEITURE PROCEEDINGS.—(A) The following property is subject to forfeiture to the United States:

''(i) Any copies or phonorecords of a live musical performance described in subsection (a)(1) that are made without the consent of the performer or performers involved, and any plates, molds, matrices, masters, tapes, and film negatives by means of which such copies or phonorecords may be made.

''(ii) Any property constituting or derived from any proceeds obtained directly or indirectly as a result of a violation of subsection (a).

''(iii) Any property used, or intended to be used, to commit or facilitate the commission of a violation of subsection (a) that is owned or predominantly controlled by the violator or by a person conspiring with or aiding and abetting the violator in committing the violation, except that property is subject to forfeiture under this clause only if the Government establishes that there was a substantial connection between the property and the violation of subsection (a).

''(B) The provisions of chapter 46 relating to civil forfeitures shall extend to any seizure or civil forfeiture under paragraph (1). At the conclusion of the forfeiture proceedings, the court shall order that any forfeited unauthorized copies or phonorecords of live musical performances, and any plates, molds, matrices, maters, tapes, and film negatives by means of which such unauthorized copies or phonorecords may be made, be destroyed or otherwise disposed of according to law.

''(C) In this paragraph, the term 'aiding and abetting' means knowingly providing aid to the violator with the intent to facilitate the violation.

''(2) CRIMINAL FORFEITURE PROCEEDINGS.—(A) The court, in imposing sentence on a person convicted of an offense under this section, shall order, in addition to any other sentence imposed, that the person forfeit to the United States the following property:

''(i) Any unauthorized copies or phonorecords of a live musical performance that were used, intended for use, or possessed with intent to use in the commission of an offense under subsection (a), and any plates, molds, matrices, masters, tapes, and film negatives by means of which such copies or phonorecords may be made.

''(ii) Any property constituting or derived from any proceeds obtained directly or indirectly as a result of an offense under subsection (a).

''(iii) Any property used, or intended to be used, to commit or substantially facilitate the commission of an offense under subsection (a).

''(B) The forfeiture of property under subparagraph (A), including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be governed by the procedures set forth in section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsection (d) of that section. At the conclusion of the forfeiture proceedings, the court shall order that any forfeited unauthorized copies or phonorecords of live musical performances, and any plates, molds, matrices, masters, tapes, and film negatives by means of which such unauthorized copies of phonorecords may be made, be destroyed or otherwise disposed of according to law.

''(3) NOTIFICATION OF IMPORTATION.—The Secretary of Homeland Security shall issue regulations by which any performer may, upon payment of a specified fee, be entitled to notification by U.S. Customs and Border Protection of the importation of copies or phonorecords that appear to consist of unauthorized fixations of the sounds or sounds and images of a live musical performance prohibited by this section.

''(4) RESTITUTION.—When a person is convicted of an offense under this section, the court, pursuant to sections 3556, 3663A, and 3664, shall order the person to pay restitution to the performer or performers involved, and any other victim of the offense as an offense against property referred to in section 3663A(c)(1)(A)(ii).''.

(2) APPLICABILITY.—Section 2319A(e), as redesignated by paragraph (1) of this subsection, is amended by inserting before the period the following: '', except that the forfeiture provisions under subsection (b)(2), as added by the Prioritizing Resources and Organization for Intellectual Property Act, shall apply only in a case in which the underlying act or acts occur on or after the date of the enactment of that Act''.

(d) UNAUTHORIZED RECORDING OF MOTION PICTURES.—Section 2319B(b) of title 18, United States Code, is amended to read as follows:

''(b) FORFEITURE AND DESTRUCTION; RESTITUTION.—

''(1) CIVIL FORFEITURE PROCEEDINGS.—(A) The following property is subject to forfeiture to the United States:

''(i) Any copies of a motion picture or other audiovisual work protected under title 17 that are made without the authorization of the copyright owner.

''(ii) Any property constituting or derived from any proceeds obtained directly or indirectly as a result of a violation of subsection (a).

''(iii) Any property used, or intended to be used, to commit or facilitate the commission of a violation of subsection (a) that is owned or predominantly controlled by the violator or by a person conspiring with or aiding and abetting the violator in committing the violation, except that property is subject to forfeiture under this clause only if the Government establishes that there was a substantial connection between the property and the violation of subsection (a).

''(B) The provisions of chapter 46 relating to civil forfeitures shall extend to any seizure or civil forfeiture under this section. At the conclusion of the forfeiture proceedings, the court shall order that any forfeited unauthorized copies or phonorecords of a motion picture or other audiovisual work, or part thereof, and any plates, molds, matrices, masters, tapes, and film negatives by means of which such unauthorized copies or phonorecords may be made, be destroyed or otherwise disposed of according to law.

''(C) In this paragraph, the term 'aiding and abetting' means knowingly providing aid to the violator with the intent to facilitate the violation.

''(2) CRIMINAL FORFEITURE PROCEEDINGS.—(A) The court, in imposing sentence on a person convicted of an offense under this section, shall order, in addition to any other sentence imposed, that the person forfeit to the United States the following property:

''(i) Any unauthorized copies of a motion picture or other audiovisual work protected under title 17, or part thereof, that were used, intended for use, or possessed with intent to use in the commission of an offense under subsection (a).

''(ii) Any property constituting or derived from any proceeds obtained directly or indirectly as a result of an offense under subsection (a).

''(iii) Any property used, or intended to be used, to commit or substantially facilitate the commission of an offense under subsection (a).

''(B) The forfeiture of property under subparagraph (A), including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be governed by the procedures set forth in section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsection (d) of that section. At the conclusion of the forfeiture proceedings, the court shall order that any forfeited unauthorized copies or phonorecords of a motion picture or other audiovisual work, or part thereof, and any plates, molds, matrices, masters, tapes, and film negatives by means of which such unauthorized copies or phonorecords may be made, be destroyed or otherwise disposed of according to law.

''(3) RESTITUTION.—When a person is convicted of an offense under this chapter, the court, pursuant to sections 3556, 3663A, and 3664, shall order the person to pay restitution to the owner of the copyright in the motion picture or other audiovisual work and any other victim of the offense as an offense

against property referred to in section 3663A(c)(1)(A)(ii).''.

(e) APPLICABILITY.—The amendments made by this section shall apply only in a case in which the underlying act or acts occur on or after the date of the enactment of this Act.

SEC. 203. DIRECTIVE TO UNITED STATES SENTENCING COMMISSION.

(a) REVIEW AND AMENDMENT.—The United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable in any case sentenced under section 2B5.3 of the Federal sentencing guidelines for exporting infringing items in violation of section 602(a)(2) of title 17, United States Code, to determine whether a defendant in such case should receive an upward adjustment in the offense level, on the grounds that exportation introduces infringing items into the stream of foreign commerce in a manner analogous to the manner in which manufacturing, importing, and uploading such items introduces them into the stream of commerce.

(b) AUTHORIZATION.—The United States Sentencing Commission may amend the Federal sentencing guidelines under subsection (a) in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note) as though the authority under that section had not expired.

SEC. 204. TRAFFICKING IN COUNTERFEIT GOODS OR SERVICES.

(a) IN GENERAL.—Section 2320 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''Whoever'' and inserting ''OFFENSE.—

''(1) IN GENERAL.—Whoever'';

(B) by moving the remaining text 2 ems to the right; and

(C) by adding at the end the following:

''(2) SERIOUS BODILY HARM OR DEATH.—

''(A) SERIOUS BODILY HARM.—If the offender knowingly or recklessly causes or attempts to cause serious bodily injury from conduct in violation of paragraph (1), the penalty shall be a fine under this title or imprisonment for not more than 20 years, or both.

''(B) DEATH.—If the offender knowingly or recklessly causes or attempts to cause death from conduct in violation of paragraph (1), the penalty shall be a fine under this title or imprisonment for any term of years or for life, or both.''; and

(2) in subsection (b)(1)—

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

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

''(B) Any property constituting or derived from any proceeds obtained directly or indirectly as a result of a violation of subsection (a).''.

TITLE III—COORDINATION AND STRATEGIC PLANNING OF FEDERAL EFFORT AGAINST COUNTERFEITING AND PIRACY

Subtitle A—Office of the United States Intellectual Property Enforcement Representative

SEC. 301. OFFICE OF THE UNITED STATES INTELLECTUAL PROPERTY ENFORCEMENT REPRESENTATIVE.

(a) ESTABLISHMENT WITHIN EXECUTIVE OFFICE OF THE PRESIDENT.—There is established within the Executive Office of the President the Office of the United States Intellectual Property Enforcement Representative (in this title referred to as ''the Office'').

(b) UNITED STATES INTELLECTUAL PROPERTY ENFORCEMENT REPRESENTATIVE.—The head of the Office shall be the United States Intellectual Property Enforcement Representative (in this title referred to as the ''IP Enforcement Representative'') who shall be appointed by the President, by and with the advice and consent of the Senate. As an exercise of the rulemaking power of the Senate, any nomination of the IP Enforcement Representative submitted to the Senate for confirmation, and referred to a committee, shall be referred to the Committee on the Judiciary.

(c) DUTIES OF IP ENFORCEMENT REPRESENTATIVE.—

(1) IN GENERAL.—The IP Enforcement Representative shall—

(A) have primary responsibility for developing the Joint Strategic Plan against counterfeiting and piracy under section 321 and facilitating the implementation of the Joint Strategic Plan by the departments and agencies listed in subsection (d)(2)(A);

(B) serve as a principal advisor to the President on domestic and international intellectual property enforcement policy;

(C) assist the United States Trade Representative—

(i) concerning negotiations on behalf of the United States relating to international intellectual property enforcement, including negotiations on any intellectual property enforcement matter considered under the auspices of the World Trade Organization or in the course of commodity or direct investment negotiations in which the United States participates; and

(ii) in the programs of the United States Trade Representative to monitor and enforce intellectual property enforcement obligations of other countries under trade agreements with the United States;

(D) coordinate the issuance of policy guidance to departments and agencies on basic issues of policy and interpretation that arise in the exercise of domestic and international intellectual property enforcement functions, to the extent necessary to assure the coordination of intellectual property enforcement policy and consistency with any other law;

(E) act as a principal spokesperson of the President on domestic and international intellectual property enforcement matters;

(F) report directly to the President and the Congress regarding domestic and international intellectual property enforcement programs;

(G) advise the President and the Congress with respect to domestic and international intellectual property enforcement challenges and priorities;

(H) report to the Congress, as provided in section 322, on the implementation of the Joint Strategic Plan, and make recommendations to the Congress for improvements in Federal intellectual property enforcement efforts;

(I) chair the interagency intellectual property enforcement advisory committee established under subsection (d)(2), and consult with such advisory committee in the performance of the functions of the IP Enforcement Representative; and

(J) carry out such other functions as the President may direct.

(2) LIMITATION ON AUTHORITY.—The IP Enforcement Representative may not control or direct any law enforcement agency in the exercise of its investigative or prosecutorial authority in particular cases.

(3) SENSE OF CONGRESS.—It is the sense of the Congress that the IP Enforcement Representative should—

(A) be a senior representative on any body that the President may establish for the purpose of providing to the President advice on overall policies in which intellectual property enforcement matters predominate; and

(B) be included as a participant in economic summit and other international meetings at which international intellectual property enforcement is a significant topic.

(4) DELEGATION.—The IP Enforcement Representative may—

(A) delegate any of the IP Enforcement Representative's functions, powers, and duties to such officers and employees of the Office as the IP Enforcement Representative may designate; and

(B) authorize such successive redelegations of such functions, powers, and duties to such officers and employees of the Office as the IP Enforcement Representative considers appropriate.

(d) COORDINATION OF INTELLECTUAL PROPERTY ENFORCEMENT ACTIONS.—

(1) IN GENERAL.—In carrying out the functions of the IP Enforcement Representative, the IP Enforcement Representative shall develop recommendations on the allocation of Federal resources for intellectual property enforcement.

(2) ADVISORY COMMITTEE.—

(A) ESTABLISHMENT.—There is established an interagency intellectual property enforcement advisory committee composed of the IP Enforcement Representative, who shall chair the committee, and senior representatives of the following departments and agencies who are involved in intellectual property enforcement, and are appointed by the respective heads of those departments and agencies:

(i) The Department of Justice (including the Intellectual Property Enforcement Officer appointed under section 501).

(ii) The United States Patent and Trademark Office and other relevant units of the Department of Commerce.

(iii) The Office of the United States Trade Representative.

(iv) The Department of State (including the United States Agency for International Development and the Bureau of International Narcotics Law Enforcement).

(v) The Department of Homeland Security (including U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement).

(vi) The United States International Trade Commission.

(vii) The Food and Drug Administration of the Department of Health and Human Services.

(viii) The United States Copyright Office.

(ix) Such other agencies as the IP Enforcement Representative determines to be substantially involved in the efforts of the Federal Government to combat counterfeiting and piracy.

(B) FUNCTIONS.—The advisory committee established under subparagraph (A) shall, under the guidance of the IP Enforcement Representative, develop the Joint Strategic Plan against counterfeiting and piracy under section 321.

(3) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act shall not apply to the interagency intellectual property enforcement advisory committee established under paragraph (2) or to any of the activities conducted by the IP Enforcement Representative in developing the Joint Strategic Plan under section 321.

(e) IDENTIFICATION OF COUNTRIES THAT DENY ADEQUATE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS.—Section 182(b)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2242(b)(2)(A)) is amended by inserting ''the United States Intellectual Property Enforcement Representative,'' after ''consult with''.

(f) POWERS OF IP ENFORCEMENT REPRESENTATIVE.—In carrying out the responsibilities under this title, the IP Enforcement Representative may—

(1) select, appoint, employ, and fix the compensation of such officers and employees

as may be necessary to carry out those responsibilities;

(2) request the head of a department, agency, or program of the Federal Government to place personnel of such department, agency, or program who are engaged in intellectual property enforcement activities on temporary detail to the Office of the IP Enforcement Representative to assist in carrying out those responsibilities;

(3) use, with the consent of the Federal, State, and local government agencies concerned, the available services, equipment, personnel, and facilities of such Federal, State, and local government agencies;

(4) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, relating to the procurement of temporary and intermittent services, at rates of compensation for individuals not to exceed the daily equivalent of the rate of pay payable under level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while such experts and consultants are so serving away from their homes or regular place of business, pay such employees travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently;

(5) issue such regulations as may be necessary to carry out the functions vested in the IP Enforcement Representative;

(6) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the work of the Office and on such terms as the IP Enforcement Representative considers appropriate, with any department, agency, or instrumentality of the United States, or with any public or private person, firm, association, corporation, or institution;

(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 1342 of title 31, United States Code;

(8) adopt an official seal, which shall be judicially noticed; and

(9) accept, hold, administer, and use gifts, devises, and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Office.

(g) COMPENSATION.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

''United States Intellectual Property Enforcement Representative.''.

SEC. 302. DEFINITION.

For purposes of this title, the term ''intellectual property enforcement'' means matters relating to the enforcement of laws protecting copyrights, patents, trademarks, other forms of intellectual property, and trade secrets, both in the United States and abroad, including in particular matters relating to combating counterfeit and pirated goods.

Subtitle B—Joint Strategic Plan

SEC. 321. JOINT STRATEGIC PLAN.

(a) PURPOSE.—The objectives of the Joint Strategic Plan against counterfeiting and piracy that is referred to in section 301(c)(1)(A) (in this section referred to as the ''joint strategic plan'') are the following:

(1) Reducing counterfeit and pirated goods in the domestic and international supply chain.

(2) Identifying and addressing structural weaknesses, systemic flaws, or other unjustified impediments to effective enforcement action against the financing, production, trafficking, or sale of counterfeit or pirated goods.

(3) Assuring that information is identified and shared among the relevant departments and agencies, to the extent permitted by law and consistent with law enforcement protocols for handling information, to aid in the objective of arresting and prosecuting individuals and entities that are knowingly involved in the financing, production, trafficking, or sale of counterfeit or pirated goods.

(4) Disrupting and eliminating domestic and international counterfeiting and piracy networks.

(5) Strengthening the capacity of other countries to protect and enforce intellectual property rights, and reducing the number of countries that fail to enforce laws preventing the financing, production, trafficking, and sale of counterfeit and pirated goods.

(6) Working with other countries to establish international standards and policies for the effective protection and enforcement of intellectual property rights.

(7) Protecting intellectual property rights overseas by—

(A) working with other countries to ensure that such countries—

(i) have adequate and effective laws protecting copyrights, trademarks, patents, and other forms of intellectual property;

(ii) have legal regimes that enforce their own domestic intellectual property laws, eliminate counterfeit and piracy operations, and arrest and prosecute those who commit intellectual property crimes;

(iii) provide their law enforcement officials with the authority to seize, inspect, and destroy pirated and counterfeit goods, including at ports of entry; and

(iv) provide for the seizure of property used to produce pirated and counterfeit goods;

(B) exchanging information with appropriate law enforcement agencies in other countries relating to individuals and entities involved in the financing, production, trafficking, or sale of pirated or counterfeit goods;

(C) using the information described in subparagraph (B) to conduct enforcement activities in cooperation with appropriate law enforcement agencies in other countries; and

(D) building a formal process for consulting with companies, industry associations, labor unions, and other interested groups in other countries with respect to intellectual property enforcement.

(b) TIMING.—Not later than 12 months after the date of the enactment of this Act, and not later than December 31 of every third year thereafter, the IP Enforcement Representative shall submit the joint strategic plan to the President, to the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, and to the Committee on the Judiciary and the Committee on Appropriations of the Senate.

(c) RESPONSIBILITY OF THE IP ENFORCEMENT REPRESENTATIVE.—During the development of the joint strategic plan, the IP Enforcement Representative—

(1) shall consult and coordinate with the appropriate officers and employees of departments and agencies represented on the advisory committee appointed under section 301(d)(2) who are involved in intellectual property enforcement; and

(2) may consult with private sector experts in intellectual property enforcement.

(d) RESPONSIBILITIES OF OTHER DEPARTMENTS AND AGENCIES.—To assist in the development and implementation of the joint strategic plan, the heads of the departments and agencies identified under section 301(d)(2)(A) (including the heads of any other agencies identified by the IP Enforcement Representative under section 301(d)(2)(A)(ix)) shall—

(1) designate personnel with expertise and experience in intellectual property enforcement matters to work with the IP Enforcement Representative; and

(2) share relevant department or agency information with the IP Enforcement Representative, including statistical information on the enforcement activities of the department or agency against counterfeiting or piracy, and plans for addressing the joint strategic plan.

(e) CONTENTS OF THE JOINT STRATEGIC PLAN.—Each joint strategic plan shall include the following:

(1) A detailed description of the priorities identified for carrying out the objectives in the joint strategic plan, including activities of the Federal Government relating to intellectual property enforcement.

(2) A detailed description of the means and methods to be employed to achieve the priorities, including the means and methods for improving the efficiency and effectiveness of the Federal Government's enforcement efforts against counterfeiting and piracy.

(3) Estimates of the resources necessary to fulfill the priorities identified under paragraph (1).

(4) The performance measures to be used to monitor results under the joint strategic plan during the following year.

(5) An analysis of the threat posed by violations of intellectual property rights, including targets, risks, and threats of intellectual property infringement, the costs to the economy of the United States resulting from violations of intellectual property laws, and the threats to public health and safety created by counterfeiting and piracy.

(6) An identification of the departments and agencies that will be involved in implementing each priority under paragraph (1).

(7) A strategy for ensuring coordination between the IP Enforcement Representative and the departments and agencies identified under paragraph (6), including a process for oversight by the executive branch of, and accountability among, the departments and agencies responsible for carrying out the strategy.

(8) Such other information as is necessary to convey the costs imposed on the United States economy by, and the threats to public health and safety created by, counterfeiting and piracy, and those steps that the Federal Government intends to take over the period covered by the succeeding joint strategic plan to reduce those costs and counter those threats.

(f) ENHANCING ENFORCEMENT EFFORTS OF FOREIGN GOVERNMENTS.—The joint strategic plan shall include programs to provide training and technical assistance to foreign governments for the purpose of enhancing the efforts of such governments to enforce laws against counterfeiting and piracy. With respect to such programs, the joint strategic plan shall—

(1) seek to enhance the efficiency and consistency with which Federal resources are expended, and seek to minimize duplication, overlap, or inconsistency of efforts;

(2) identify and give priority to those countries where programs of training and technical assistance can be carried out most effectively and with the greatest benefit to reducing counterfeit and pirated products in the United States market, to protecting the intellectual property rights of United States persons and their licensees, and to protecting the interests of United States persons otherwise harmed by violations of intellectual property rights in those countries;

(3) in identifying the priorities under paragraph (2), be guided by the list of countries identified by the United States Trade Representative under section 182(a) of the Trade Act of 1974 (19 U.S.C. 2242(a)); and

(4) develop metrics to measure the effectiveness of the Federal Government's efforts

to improve the laws and enforcement practices of foreign governments against counterfeiting and piracy.

(g) DISSEMINATION OF THE JOINT STRATEGIC PLAN.—The joint strategic plan shall be posted for public access on the website of the White House, and shall be disseminated to the public through such other means as the IP Enforcement Representative may identify.

SEC. 322. REPORTING.

(a) ANNUAL REPORT.—Not later than December 31 of each calendar year beginning in 2009, the IP Enforcement Representative shall submit a report on the activities of the Office during the preceding fiscal year. The annual report shall be submitted to the President and the Congress, and disseminated to the people of the United States, in the manner specified in subsections (b) and (g) of section 321.

(b) CONTENTS.—The report required by this section shall include the following:

(1) The progress made on implementing the strategic plan and on the progress toward fulfillment of the priorities identified under section 321(e), including an analysis of the performance measures used to monitor results described in section 321(e)(4).

(2) The progress made in efforts to encourage Federal, State, and local government departments and agencies to accord higher priority to intellectual property enforcement.

(3) The progress made in working with foreign countries to investigate, arrest, and prosecute entities and individuals involved in the financing, production, trafficking, and sale of counterfeit and pirated goods.

(4) The manner in which the relevant departments and agencies are working together and sharing information to strengthen intellectual property enforcement.

(5) An assessment of the successes and shortcomings of the efforts of the Federal Government, including departments and agencies represented on the committee established under section 301(d)(2)(A), in fulfilling the priorities identified in the applicable joint strategic plan during the preceding fiscal year and in implementing the recommendations developed under section 301(d)(1).

(6) Recommendations for any changes in enforcement statutes, regulations, or funding levels that the IP Representative considers would significantly improve the effectiveness or efficiency of the effort of the Federal Government to combat counterfeiting and piracy and otherwise strengthen intellectual property enforcement, including through the elimination or consolidation of duplicative programs or initiatives.

(7) The progress made in strengthening the capacity of countries to protect and enforce intellectual property rights.

(8) The successes and challenges in sharing with other countries information relating to intellectual property enforcement.

(9) The progress of the United States Trade Representative in taking the appropriate action under any trade agreement or treaty to protect intellectual property rights of United States persons and their licensees.

SEC. 323. SAVINGS AND REPEALS.

(a) REPEAL OF COORDINATION COUNCIL.—Section 653 of the Treasury and General Government Appropriations Act, 2000 (15 U.S.C. 1128) is repealed.

(b) CURRENT AUTHORITIES NOT AFFECTED.—Except as provided in subsection (a), nothing in this title shall alter the authority of any department or agency of the United States (including any independent agency) that relates to—

(1) the investigation and prosecution of violations of laws that protect intellectual property rights;

(2) the administrative enforcement, at the borders of the United States, of laws that protect intellectual property rights; or

(3) the United States trade agreements program or international trade.

(c) REGISTER OF COPYRIGHTS.—Nothing in this title shall derogate from the duties and functions of the Register of Copyrights.

SEC. 324. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this title.

(b) SUBMISSION OF PROJECTED BUDGET.—By not later than the date on which the President submits to the Congress the budget of the United States Government for a fiscal year, the IP Representative shall submit to the Committees on the Judiciary of the House of Representatives and the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Office to carry out its functions.

TITLE IV—INTERNATIONAL ENFORCEMENT AND COORDINATION

SEC. 401. INTELLECTUAL PROPERTY ATTACHÉS.

The Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (in this title referred to as the ''Director''), in consultation with the Director General of the United States and Foreign Commercial Service, shall, within 2 years after the date of the enactment of this Act, appoint at least 10 intellectual property attachés to serve in United States embassies or other diplomatic missions. The appointments under this section shall be in addition to those individuals serving in the capacity of intellectual property attachés at United States embassies or other diplomatic missions on the date of the enactment of this Act. The Director shall provide such managerial, administrative, research, and other services as the Secretary of Commerce considers necessary to assist the intellectual property attachés in carrying out their responsibilities.

SEC. 402. DUTIES AND RESPONSIBILITIES OF INTELLECTUAL PROPERTY ATTACHÉS.

The intellectual property attachés appointed under section 401, as well as others serving as intellectual property attachés of the Department of Commerce, shall have the following responsibilities:

(1) To promote cooperation with foreign governments in the enforcement of intellectual property laws generally, and in the enforcement of laws against counterfeiting and piracy in particular.

(2) To assist United States persons holding intellectual property rights, and the licensees of such United States persons, in their efforts to combat counterfeiting and piracy of their products or works within the host country, including counterfeit or pirated goods exported from or transshipped through that country.

(3) To chair an intellectual property protection task force consisting of representatives from all other relevant sections or bureaus of the embassy or other mission.

(4) To coordinate with representatives of the embassies or missions of other countries in information sharing, private or public communications with the government of the host country, and other forms of cooperation for the purpose of improving enforcement against counterfeiting and piracy.

(5) As appropriate and in accordance with applicable laws and the diplomatic status of the attachés, to engage in public education efforts against counterfeiting and piracy in the host country.

(6) To coordinate training and technical assistance programs of the United States Government within the host country that are aimed at improving the enforcement of laws against counterfeiting and piracy.

(7) To assist in the coordination of the efforts of the United States Intellectual Property Enforcement Representative, Federal agencies, and private organizations engaged in the promotion of United States intellectual property interests abroad so as to maximize their effectiveness and minimize duplicative efforts.

(8) To identify and promote other means to more effectively combat counterfeiting and piracy activities under the jurisdiction of the host country.

SEC. 403. TRAINING AND DESIGNATION OF ASSIGNMENT.

(a) TRAINING OF ATTACHÉS.—The Director shall ensure that each attaché appointed under section 401 is fully trained for the responsibilities of the position before assuming duties at the United States embassy or other mission in question.

(b) PRIORITY ASSIGNMENTS.—In designating the embassies or other missions to which attachés are assigned, the Director shall give priority to those countries where the activities of an attaché can be carried out most effectively and with the greatest benefit to reducing counterfeit and pirated products in the United States market, to protecting the intellectual property rights of United States persons and their licensees, or to protecting the interests of United States persons otherwise harmed by violations of intellectual property rights in those countries.

SEC. 404. COORDINATION.

(a) IN GENERAL.—The activities authorized by this title shall be carried out in coordination with the United States Intellectual Property Enforcement Representative appointed under section 301.

(b) REPORT ON ATTACHÉS.—The Inspector General of the Department of Commerce shall perform yearly audits of the intellectual property attachés of the Department, and shall report to the Committees on the Judiciary of the House of Representatives and the Senate the results of each such audit. In addition to an overview of the activities and effectiveness of the intellectual property attaché operations, the audit shall include—

(1) an evaluation of the current placement of foreign-based personnel and recommendations for transferring such personnel in response to newly emerging intellectual property issues abroad; and

(2) an evaluation of the personnel system and its management, including the recruitment, assignment, promotion, and performance appraisal of personnel, and the use of limited appointees.

SEC. 405. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year such sums as may be necessary for the training and support of the intellectual property attachés appointed under section 401 and of other individuals serving as intellectual property attachés of the Department of Commerce.

TITLE V—DEPARTMENT OF JUSTICE PROGRAMS

Subtitle A—Coordination

SEC. 501. INTELLECTUAL PROPERTY ENFORCEMENT OFFICER.

(a) ESTABLISHMENT.—There is established within the Office of the Deputy Attorney General in the Department of Justice the ''Intellectual Property Enforcement Division''. The head of the Intellectual Property Enforcement Division shall be the Intellectual Property Enforcement Officer (in this title referred to as the ''IP Officer''). The IP Officer shall be appointed by the Attorney General and shall report directly to the Deputy Attorney General.

(b) DUTIES.—The IP Officer shall—

(1) coordinate all efforts of the Department of Justice relating to the enforcement of intellectual property rights and to combating counterfeiting and piracy;

(2) serve as the lead representative of the Department of Justice on the advisory committee provided for in section 301(d)(2) and as the liaison of the Department of Justice with foreign governments with respect to training conducted under section 522; and

(3) carry out such other related duties that may be assigned by the Deputy Attorney General.

(c) TRANSFER OF FUNCTIONS.—

(1) CRIMINAL INTELLECTUAL PROPERTY ENFORCEMENT.—There are transferred to the Intellectual Property Enforcement Division those functions of the Computer Crime and Intellectual Property Section of the Criminal Division of the Department of Justice that relate to the enforcement of criminal laws relating to the protection of intellectual property rights and trade secrets, including the following:

(A) Sections 506 and 1204 of title 17, United States Code.

(B) Sections 2318 through 2320 of title 18, United States Code.

(C) Sections 1831 and 1832 of title 18, United States Code.

(D) Any other provision of law, including the following, to the extent such provision involves the enforcement of any provision of law referred to in subparagraphs (A) through (C) or comparable provision of law:

(i) Section 1341 of title 18, United States Code, relating to frauds and swindles.

(ii) Section 1343 of title 18, United States Code, relating to fraud by wire, radio, or television.

(iii) Section 2512 of title 18, United States Code, relating to trafficking in interception devices.

(iv) Section 633 of the Communications Act of 1934 (47 U.S.C. 553), relating to the unauthorized reception of cable service.

(v) Section 705 of the Communications Act of 1934 (47 U.S.C. 605), relating to the unauthorized publication or use of communications.

(2) INTELLECTUAL PROPERTY ENFORCEMENT COORDINATORS.—The Intellectual Property Law Enforcement Coordinators of the Department of Justice to whom section 521 applies shall also be in the Intellectual Property Enforcement Division.

Subtitle B—Law Enforcement Resources

SEC. 511. LOCAL LAW ENFORCEMENT GRANTS.

(a) AUTHORIZATION.—Section 2 of the Computer Crime Enforcement Act (42 U.S.C. 3713) is amended—

(1) in subsection (b), by inserting after ''computer crime'' each place it appears the following: '', including infringement of copyrighted works over the Internet''; and

(2) in subsection (e)(1), relating to authorization of appropriations, by striking ''fiscal years 2001 through 2004'' and inserting ''fiscal years 2009 through 2013''.

(b) GRANTS.—The Office of Justice Programs of the Department of Justice shall make grants to eligible State or local law enforcement entities, including law enforcement agencies of municipal governments and public educational institutions, for training, prevention, enforcement, and prosecution of intellectual property theft and infringement crimes (in this subsection referred to as ''IP–TIC grants''), in accordance with the following:

(1) USE OF IP–TIC GRANT AMOUNTS.—IP–TIC grants may be used to establish and develop programs to do the following with respect to the enforcement of State and local true name and address laws and State and local criminal laws on anti-piracy, anti-counterfeiting, and unlawful acts with respect to goods by reason of their protection by a patent, trademark, service mark, trade secret, or other intellectual property right under State or Federal law:

(A) Assist State and local law enforcement agencies in enforcing those laws, including by reimbursing State and local entities for expenses incurred in performing enforcement operations, such as overtime payments and storage fees for seized evidence.

(B) Assist State and local law enforcement agencies in educating the public to prevent, deter, and identify violations of those laws.

(C) Educate and train State and local law enforcement officers and prosecutors to conduct investigations and forensic analyses of evidence and prosecutions in matters involving those laws.

(D) Establish task forces that include personnel from State or local law enforcement entities, or both, exclusively to conduct investigations and forensic analyses of evidence and prosecutions in matters involving those laws.

(E) Assist State and local law enforcement officers and prosecutors in acquiring computer and other equipment to conduct investigations and forensic analyses of evidence in matters involving those laws.

(F) Facilitate and promote the sharing, with State and local law enforcement officers and prosecutors, of the expertise and information of Federal law enforcement agencies about the investigation, analysis, and prosecution of matters involving those laws and criminal infringement of copyrighted works, including the use of multi-jurisdictional task forces.

(2) ELIGIBILITY.—To be eligible to receive an IP–TIC grant, a State or local government entity must provide to the Attorney General—

(A) assurances that the State in which the government entity is located has in effect laws described in paragraph (1);

(B) an assessment of the resource needs of the State or local government entity applying for the grant, including information on the need for reimbursements of base salaries and overtime costs, storage fees, and other expenditures to improve the investigation, prevention, or enforcement of laws described in paragraph (1); and

(C) a plan for coordinating the programs funded under this section with other federally funded technical assistance and training programs, including directly funded local programs such as the Edward Byrne Memorial Justice Assistance Grant Program authorized by subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.).

(3) MATCHING FUNDS.—The Federal share of an IP–TIC grant may not exceed 90 percent of the costs of the program or proposal funded by the IP–TIC grant, unless the Attorney General waives, in whole or in part, the 90 percent requirement.

(4) AUTHORIZATION OF APPROPRIATIONS.—

(A) AUTHORIZATION.—There is authorized to be appropriated to carry out this subsection the sum of $25,000,000 for each of fiscal years 2008 through 2012.

(B) LIMITATION.—Of the amount made available to carry out this subsection in any fiscal year, not more than 3 percent may be used by the Attorney General for salaries and administrative expenses.

SEC. 512. CHIP UNITS, TRAINING, AND ADDITIONAL RESOURCES.

(a) EVALUATION OF CHIP UNITS.—The Attorney General shall review the allocation and activities of the Computer Hacking and Intellectual Property (in this section referred to as ''CHIP'') units that have been established in various Federal judicial districts, with the goals of—

(1) improving the effectiveness of CHIP units in investigating and prosecuting criminal offenses arising from counterfeiting or piracy activities;

(2) ensuring that CHIP units are established and funded in every judicial district in which they can be effectively deployed;

(3) upgrading the training and expertise of Department of Justice personnel participating in CHIP units; and

(4) improving the coordination of the activities of CHIP units with corresponding efforts of State and local law enforcement agencies operating within the Federal judicial district in question.

(b) REQUIREMENTS.—In addition to any initiatives undertaken as a result of the review conducted under subsection (a), the Attorney General, in consultation with the Director of the Federal Bureau of Investigation, shall ensure that—

(1) each CHIP unit is supported by at least 2 additional agents of the Federal Bureau of Investigation for the purpose of investigating intellectual property crimes;

(2) each CHIP unit is assigned at least 1 additional assistant United States attorney to support such unit for the purpose of prosecuting intellectual property crimes or other crimes involved in counterfeiting or piracy activities;

(3) CHIP units are established and staffed in at least 10 Federal judicial districts in addition to those districts in which CHIP units exist on the date of the enactment of this Act; and

(4) an operational unit is created consisting of not less than 5 agents of the Federal Bureau of Investigation, attached to the headquarters of the Federal Bureau of Investigation in Washington, D.C., and dedicated to working with the Intellectual Property Enforcement Division established by section 501 on the development, investigation, and coordination of complex, multi-district, and international criminal intellectual property cases.

(c) COORDINATION WITH STATE AND LOCAL AUTHORITIES.—The United States attorney for each Federal judicial district in which a CHIP unit is in operation shall ensure that the activities of that unit are coordinated with the corresponding activities of State and local law enforcement agencies operating within that Federal judicial district in the investigation of intellectual property crimes and other crimes involved in counterfeiting or piracy, including by coordinating Federal, State, and local operations and intelligence sharing to the extent appropriate.

(d) ADDITIONAL RESPONSIBILITIES OF THE ATTORNEY GENERAL.—The Attorney General, in consultation with the Director of the Federal Bureau of Investigation as appropriate, shall ensure the following:

(1) All assistant United States attorneys who are assigned to CHIP units, and all agents of the Federal Bureau of Investigation who support those units, have received advanced training, on an annual basis, in the investigation and prosecution of intellectual property crimes and other crimes involved in counterfeiting and piracy.

(2) All relevant units of the Department of Justice are allocated sufficient funding and other resources as may be necessary to provide expert computer forensic assistance, including from nongovernmental entities, in investigating and prosecuting intellectual property crimes in a timely manner. For purposes of this paragraph, the term ''all relevant units'' includes those officers and employees assigned to carry out the functions transferred by section 501(c)(1), CHIP units, offices of the United States attorneys, and units of the Federal Bureau of Investigation that are engaged in the investigation of intellectual property crimes.

SEC. 513. TRANSPARENCY OF PROSECUTORIAL DECISIONMAKING.

(a) IN GENERAL.—The Attorney General shall direct each United States attorney—

(1) to review the formal or informal standards currently in effect in that Federal judicial district for accepting or declining prosecution of cases involving criminal violations of intellectual property laws;

(2) to consider whether the standards should be modified or applied more flexibly—

(A) to ensure that significant violations are not being declined for prosecution inappropriately; or

(B) in light of the broader impact of individual cases on the overall strategy to combat counterfeiting and piracy; and

(3) to review the practices and procedures currently in place for providing information to complainants and victims in cases and investigations involving criminal violations of intellectual property laws regarding the status of such cases and investigations, including the practices and procedures for apprising interested parties of the decision to decline prosecution of such cases.

(b) CONSTRUCTION.—

(1) PROSECUTORIAL MATTERS.—Nothing in this section shall be construed to impinge on the appropriate exercise of prosecutorial discretion with respect to cases involving criminal violations of intellectual property laws or to require the promulgation of formal standards or thresholds regarding prosecution of any cases.

(2) NO CLAIMS, ETC., MAY BE ASSERTED.—Nothing in the section shall give rise to any claim, cause of action, defense, privilege, or immunity that may be asserted by any party to Federal litigation.

SEC. 514. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this subtitle.

Subtitle C—International Activities

SEC. 521. INTERNATIONAL INTELLECTUAL PROPERTY LAW ENFORCEMENT COORDINATORS.

(a) DEPLOYMENT OF ADDITIONAL COORDINATORS.—The Attorney General shall, within 180 days after the date of the enactment of this Act, deploy 5 Intellectual Property Law Enforcement Coordinators, in addition to those serving in such capacity on such date of enactment. Such deployments shall be made to those countries and regions where the activities of such a coordinator can be carried out most effectively and with the greatest benefit to reducing counterfeit and pirated products in the United States market, to protecting the intellectual property rights of United States persons and their licensees, and to protecting the interests of United States persons otherwise harmed by violations of intellectual property rights in those countries. The mission of all International Intellectual Property Law Enforcement Coordinators shall include the following:

(1) Acting as liaison with foreign law enforcement agencies and other foreign officials in criminal matters involving intellectual property rights.

(2) Performing outreach and training to build the enforcement capacity of foreign governments against intellectual property-related crime in the regions in which the coordinators serve.

(3) Coordinating United States law enforcement activities against intellectual property-related crimes in the regions in which the coordinators serve.

(4) Coordinating with the activities of the intellectual property attachés appointed under title IV in the countries or regions to which the coordinators are deployed.

(5) Coordinating the activities of the coordinators with the IP Officer.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year such sums as may be necessary for the deployment and support of all International Intellectual Property Enforcement Coordinators of the Department of Justice, including those deployed under subsection (a).

SEC. 522. INTERNATIONAL TRAINING ACTIVITIES OF THE COMPUTER CRIME AND INTELLECTUAL PROPERTY SECTION.

(a) INCREASED TRAINING AND TECHNICAL ASSISTANCE TO FOREIGN GOVERNMENTS.—The Attorney General shall increase the efforts of the Department of Justice to provide training and technical assistance to foreign governments, including foreign law enforcement agencies and foreign courts, to more effectively combat counterfeiting and piracy activities falling within the jurisdiction of such governments.

(b) CONDUCT OF PROGRAMS.—The increased training and technical assistance programs under subsection (a) shall be carried out by the Intellectual Property Enforcement Division established by section 501, as well as through such other divisions, sections, or agencies of the Department of Justice as the Attorney General may direct.

(c) PRIORITY COUNTRIES.—The Attorney General, in providing increased training and technical assistance programs under this section, shall give priority to those countries where such programs can be carried out most effectively and with the greatest likelihood of reducing counterfeit and pirated products in the United States market, of protecting the intellectual property rights of United States persons, or of protecting the interests of United States persons otherwise harmed by violations of intellectual property rights in those countries.

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

Subtitle D—Coordination, Implementation, and Reporting

SEC. 531. COORDINATION.

The IP officer shall ensure that activities undertaken under this title are carried out in a manner consistent with the joint strategic plan developed under section 321.

SEC. 532. ANNUAL REPORTS.

Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on actions taken to carry out this title, including a report on the activities of the IP Officer.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material.

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

There was no objection.

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

Mr. Speaker, today we move to dramatically step up our Nation's intellectual property laws and enforcement efforts. With so much unpleasant economic news in the headlines, the measure before us, H.R. 4279, puts resources towards aiding a sector of the economy that employs an estimated 18 million workers. That is 13 percent of our labor force and accounts for half of all of the United States exports driving 40 percent of the country's growth.

As a result of less-than-effective enforcement, however, counterfeiting and piracy cost the United States' economy somewhere in the neighborhood of $250 billion a year and creates the loss of about 750,000 American jobs.

And so H.R. 4279 will do these important things: It will prioritize intellectual property protection to the highest level of our government by creating an office in the White House that will be responsible for coordinating the intellectual property efforts of eight diverse agencies and producing a national Joint Strategic Plan for IP enforcement. It will elevate IP enforcement within the Department of Justice and provide more resources for investigating and prosecuting IP crimes.

It will make changes to both civil and criminal IP laws to enhance the ability of intellectual property owners to effectively protect their rights, and it will increase penalties for IP violations that endanger public health and safety.

Throughout the process of developing this bill, we heard many expressions of support as well as a number of expressions of concern. But we've been able to work out these issues on a bipartisan basis at every step of the process.

I congratulate the distinguished members of the Judiciary Committee, both Republicans and Democrats, for their cooperation in this process. And so now as a result, the measure is supported by the Consumer Electronics Association, the Digital Media Association, the Net Coalition, the Internet Commerce Coalition, the Coalition for Consumers' Picture Rights, the Printing Industries Association and more.

That is in addition to the support we've already had from the Teamsters, the Directors Guild of America, SEIU, AFTRA, Unite Here, AFM, OPEIU, the Coalition Against Counterfeiting in Piracy, the Motor Equipment Manufacturing Association, the Motion Picture Association of America, PHARMA, and NBC Universal.

Intellectual property protection is among the key issues that will determine American competitiveness in the 21st century. The ability to create, innovate, and generate the best artistic, technological, and knowledge-based intellectual property is the formula for continued growth in the global economy and is fundamental to the promotion of human progress.

This committee of ours, the Judiciary Committee, has given these items involved in the measure extensive consideration, lots of compromise back and forth, and we feel that this bill will make important contributions to the fight against counterfeiting and piracy.

It was reported by voice with strong bipartisan statements of support, and I urge my colleagues to vote for its passage.

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

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Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset I want to recognize Chairman CONYERS, Subcommittee Chairman BERMAN and Ranking Member HOWARD COBLE of the subcommittee, each of whom I have enjoyed working with in developing and advancing this legislation.

Mr. Speaker, at a time when many Americans are facing a slowing economy and increasing costs of food and fuel, it is imperative that Congress put aside any differences we may have and work together to promote the interests of U.S. entrepreneurs and industry.

Over the past 25 years, perhaps no group of industries has contributed more to the tremendous and sustained growth in our economy than those who rely on strong patent, trademark and copyright protections.

American intellectual property industries, including entertainment, high-tech and pharmaceutical industries, account for over half of all U.S. exports, represent 40 percent of the country's economic growth and employ 18 million American workers.

American technology, entertainment and productivity-based enterprises serve as the cornerstone of our economic and export strength.

Because of the important role IP industries play in our economy, we cannot take these innovations, or their creativity and investment required to bring them to life, for granted.

Unfortunately, the tremendous success of these innovators, creators and rights-holders has made them prime targets for thieves who seek out items protected by patent, copyright, trademark or trade secret designation. These thieves not only steal the creations of others, but also reap the monetary benefits by reproducing and distributing the products themselves.

And the losses attributed to counterfeiting and piracy affect more than the inventor. According to the U.S. Government, American businesses lose approximately $250 billion each year to pirated and counterfeited goods.

The theft of intellectual property has also cost nearly 750,000 Americans their jobs. Given the current state of the economy, preventing these crimes and enforcing IP laws must be a top priority for the Federal Government.

H.R. 4279, the Prioritizing Resources and Organization for Intellectual Property Act of 2008, which is also known as PRO–IP, is a measure designed to respond directly to these challenges.

Specifically, the bill strengthens our laws against counterfeiting and piracy; provides new resources to key agencies involved in the enforcement of IP rights; and mandates a new and unprecedented level of coordination and leadership on IP enforcement issues from the White House.

Mr. Speaker, the incentive to innovate and the ability to profit from the creation of new intellectual property cannot be sustained without enforcing the rights that protect the ownership of such valuable, intangible property.

And while our government agencies are doing more today to protect intellectual property than ever before, the reality is that we must do much more. We must make it increasingly difficult, and costly, for counterfeiters and traffickers, some of whom are connected to organized crime, to steal and profit from American innovations.

Because intellectual property is such an important asset for both the inventor and the economy as a whole, Congress has a responsibility to ensure that IP enforcement is made a permanent priority of every administration.

By supporting the PRO–IP bill, the House will send a clear message that there is a bipartisan commitment to ensure the next President and succeeding administrations have the resources, organizations and strategies required to protect our vital national and economic interests.

Mr. Speaker, I urge my colleagues to support this bill, H.R. 4279.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I rise now to yield to my dear friend and chairman of the Intellectual Property Subcommittee who's worked on this subject matter for so many years. HOWARD BERMAN has been a bellwether in bringing together the groups, and I'm happy to yield him as much time as he may consume.

Mr. BERMAN. Thank you, Chairman CONYERS, for those kind words.

I rise today in support of H.R. 4279. American inventors, artists and businesses rely on intellectual property rights to protect the value of their creative works. These works, unfortunately, are being ripped off around the world. The rampant counterfeiting and piracy of U.S. products is having a devastating impact on our economy.

Counterfeit and pirated products may account for up to 8 percent of world trade, and a significant portion of this illicit trade are knock-offs of American products. Latest estimates indicate that U.S. businesses lose up to $250 billion a year due to intellectual property theft. This level of counterfeiting and piracy of U.S. intellectual property rights translates to job losses, lower tax receipts, and a greater trade deficit. It has also led to public health and safety threats ranging from exploding batteries to toxic pharmaceuticals to sawdust brake pads.

The economic threat and safety problems that counterfeit and pirated products pose for U.S. businesses and consumers must be dealt with. Given the difficult economic times we find ourselves in, it is that much more important that we address these problems quickly and effectively.

I am aware of the recent efforts the administration has taken to stem the tide of counterfeit and pirated products. The Department of Homeland Security has seized record numbers of counterfeit and pirated goods coming through the border. The Department of Justice is prosecuting and convicting more intellectual property thieves. The Patent and Trademark Office has stationed representatives in foreign countries to advocate for better enforcement. However, despite these efforts, intellectual property theft is on the rise. More must be done. H.R. 4279 is more.

The Act strengthens our civil and criminal laws in ways that attack the organizational structures intellectual property thieves are using and reduce the economic incentives that thieves have to engage in commercial scale counterfeiting and piracy. The Act devotes more resources to investigate and prosecute intellectual property crimes. The Act also provides more resources for the U.S. Government to work with other governments to improve intellectual property enforcement abroad.

And probably most importantly, H.R. 4279 provides a permanent and effective means of coordinating intellectual property enforcement activities. This includes the creation of an intellectual property enforcement representative in the Executive Office of the President and requiring that a national strategic plan to counter intellectual property theft be created, complete with clear goals and benchmarks that will facilitate accountability.

I'd like very much to thank Chairman CONYERS, Ranking Member SMITH, and Subcommittee Ranking Member COBLE and all of their staffs, as well as mine, for the hard work they've put into crafting this bill. The hard work shows in both the scope of the reforms and in the strong support for the bill by U.S. businesses and labor groups, and Chairman CONYERS outlined a number of those organizations and the broad sweep that they cover and their strong endorsement.

I'm also pleased to say that the amendments adopted in the bill before us go a long way in alleviating concerns raised over the operational independence of agencies like the USTR and the Department of Justice, without compromising the underlying reforms.

H.R. 4279 will bolster U.S. efforts to combat counterfeiting and piracy, and I urge support of the bill.

Mr. SMITH of Texas. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. COBLE), the ranking member of the Intellectual Property Subcommittee and the former chairman of the Intellectual Property Subcommittee, as much time as he may consume.

Mr. COBLE. I thank the gentleman from Texas and, Mr. Speaker, at the outset I, too, want to recognize and express thanks to Judiciary Chairman

JOHN CONYERS, Ranking Member LAMAR SMITH, and Subcommittee Chairman HOWARD BERMAN for having made every effort to address all concerns raised during the development of this legislation.

Mr. Speaker, the Prioritizing Resources and Organization for Intellectual Property Act of 2008 reflects a bipartisan recognition and shared commitment to the strengthening of our Nation's intellectual property laws.

A comprehensive measure, it is not confined to making marginal improvements in the available civil and criminal authorities. Instead, it incorporates bold and urgently needed provisions that will permanently elevate the importance of intellectual property, IP, enforcement in future administrations.

This is accomplished by providing focused and accountable strategic leadership in the Executive Office of the President and at key enforcement agencies.

Mr. Speaker, in considering why we should take steps to improve the enforcement of U.S. IP rights, Members should be aware that U.S. losses from global copyright piracy and counterfeiting cost our innovators and entrepreneurs from $200 to $250 billion each and every year.

The impact in America has been widespread. More than 750,000 Americans in communities across our land have lost their jobs due to counterfeiting and piracy. Counterfeit goods lack proper quality control and can be dangerous. Toothpaste, medicines, cigarettes, and fake auto parts are but a small sample of the virtually unlimited supply of goods that have been counterfeited.

The United States Chamber of Commerce has done an excellent job of documenting the extent of this problem. I encourage anyone interested in learning about these issues to visit the Chamber's Web site for additional information or to take the time to watch the documentary Illicit which was produced by National Geographic and the Chamber.

Mr. Speaker, fighting piracy and counterfeiting, as you all know, is easier said than done because most of this illicit activity occurs outside our borders. In recent years, the Federal Government has made progress in improving both our domestic and global enforcement efforts, but it is also clear that achieving success in the fight against piracy and counterfeiting requires government-wide coordination and cooperation.

In addition to authorizing the Office of the United States Intellectual Property Enforcement Representative, H.R. 4279 also raises the profile of IP enforcement within the Department of Justice through the creation of a new IP enforcement division. This is absolutely necessary in my opinion.

The bill creates an additional 10 attaches at the United States Patent and Trademark Office who will be assigned to work with foreign countries to better coordinate our international enforcement efforts.

And the bill enhances existing anti-piracy and counterfeiting criminal statutes, authorizes grants to assist local anti-piracy and counterfeiting efforts, and directs the Justice Department to refine its policies for investigating and prosecuting piracy and counterfeiting operations.

Before closing, Mr. Speaker, I'd like to note for the record three final amendments the managers agreed to incorporate into the bill. The first is designed to harmonize the cooperative provisions in title II of the bill.

The second, in section 301, places an affirmative limitation on the authority of the new IP enforcement representative that makes clear the official has no authority to control or direct law enforcement agencies in the exercise of their respective investigative or prosecutorial discretion in particular cases.

And the third, which amends section 323 of the bill, simply contains technical and conforming changes to make the text of the bill clearer.

Finally, Mr. Speaker, I want to recognize some of the stakeholders who have worked so diligently on this effort. Specifically, I'd like to note the efforts of the Coalition Against Counterfeiting and Piracy, which has been so ably led by Mr. Rick Cotton; and the U.S. Chamber of Commerce, which, of course, is led by President Tom Donohue; and the Congressional International Anti-Piracy Caucus, which is led by Representatives ADAM SCHIFF of California and BOB GOODLATTE of Virginia.

In closing, I urge my colleagues to support H.R. 4279, and I thank the distinguished gentleman from Texas for having yielded to me.

Mr. CONYERS. Mr. Speaker, I think I have only one speaker left, but might I say a word about the distinguished ranking member, LAMAR SMITH of Texas, who's worked with us incredibly, with deliberation. He's brought parties together. There has been an enormous amount of work behind the scenes for which nobody knows how much he's done to make this possible. I thank him publicly.

I now yield the rest of our time to the gentleman from Tennessee (Mr. COHEN).

□ 1430

Mr. COHEN. I want to thank the chairman and the chairmen for the work they've done, and for the ranking member, on this bill.

I rise in support of H.R. 4279, the Prioritizing Resources and Organization for Intellectual Property Act of 2008, or the PRO-IP Act.

Our Nation's intellectual property is the basis for our economic success and security. That is something that can't be undermined by cheap labor prices overseas. It's an American product. Therefore, protecting our intellectual property must be among our highest priorities.

In addition to undermining our global economic primacy, counterfeit and pirated products can threaten the health and safety of American consumers, American pet owners, steal income from legitimate businesses, deprive American workers of good jobs, and undermine the necessary incentive for innovation and creativity which has made America the great country that it is. It is for these reasons I'm an original cosponsor of the PRO-IP Act.

The PRO-IP Act will help strengthen enforcement of intellectual property rights domestically and internationally through enhanced criminal and civil penalties for intellectual property crimes, better high-level coordination among Federal Government agencies, and increased resources to domestic and foreign law enforcement authorities.

This bill, Mr. Speaker, rightfully enjoys broad support from a wide range of industries, including the entertainment, pharmaceutical, food, automobile parts and software industries. It has such diverse partners as the Chamber of Commerce and the Teamsters. When the Chamber of Commerce and the Teamsters come together it's like E.F. Hutton—we listen. We've listened well and need to pass this bill.

This coalition that supports PRO-IP is indicative of the broad support and the need for passage of such legislation. I urge my colleagues to heed the words and vote in favor of this important legislation.

Mr. SMITH of Texas. Mr. Speaker, first of all, I'd like to thank the chairman of the Judiciary Committee, Mr. CONYERS, for his earlier very generous comments.

Mr. Speaker, I submit the following extraneous material for the RECORD:

CONGRESS OF THE UNITED STATES,
Washington, DC, May 5, 2008.

Re support H.R. 4279, the PRO-IP Act.

DEAR COLLEAGUE: We want to alert all Congressional Caucus on Intellectual Property Promotion and Piracy Prevention Members that tomorrow the House will consider H.R. 4279, the Prioritizing Resources and Organization for Intellectual Property Act of 2007 (PRO IP Act) under suspension of the rules. As a caucus dedicated to enforcing IP rights, it is not only critical that our Members support this legislation, but also make an effort to educate other Members about the value of protecting American IP.

It has become increasingly clear that IP-based industries are the key to the future competitiveness and economic prosperity of the United States. They currently account for between $5–5.5 trillion of the U.S. gross domestic product and this sector is responsible for 40% of the nation's economic growth. It is therefore imperative that our government protect IP industries from criminal networks that engage in counterfeiting and piracy, which cost U.S. businesses $250 billion annually and have caused the loss of 750,000 American jobs.

Unfortunately, the counterfeiting and piracy problem will continue to worsen without strong, resolute action by Congress. The PRO IP Act addresses this disturbing trend by strengthening civil and criminal IP laws

to deter offenders and also provides increased government resources and coordination to enforce Americans' IP rights in the U.S. and around the world.

Given the extent of the counterfeiting and piracy problem and its impact on U.S. economic security, jobs, and consumer health and safety, it is not surprising that H.R. 4279 is supported by an array of businesses, trade associations and organized labor groups.

We urge you to support this legislation.

If you have any questions about the Congressional Caucus on Intellectual Property Promotion and Piracy Prevention please feel free to contact the following Member Offices Rep. Robert Wexler (Ellen McLaren, 202–225–3001), Rep. Mary Bono Mack (Paul Cancienne, 202–225–5330), Rep. Tom Feeney (D. Cameron Smith, 202–225–2706), or Rep. Adam Smith (Jonathan Pawlow, 202–225–8901).

Sincerely,

ROBERT WEXLER,
Member of Congress.
TOM FEENEY,
Member of Congress.
MARY BONO MACK,
Member of Congress.
ADAM SMITH,
Member of Congress.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, April 29, 2008.

Hon. JOHN CONYERS, JR.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.
Hon. LAMAR SMITH,
Ranking Member, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN CONYERS AND RANKING MEMBER SMITH: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, would like to thank you for scheduling a full committee markup of H.R. 4279, the ''Prioritizing Resources and Organization for Intellectual Property Act of 2007,'' (PRO–IP Act).

Protection of intellectual property (IP) is critical to America's continued competitiveness and future economic security. Counterfeiting and piracy of IP costs the United States an estimated 750,000 jobs and U.S. companies close to $250 billion in annual revenue. Moreover, counterfeit products such as auto and aviation parts, toothpaste, prescription drugs, and many others pose a severe health and safety risk to American consumers.

Unfortunately, the incidence of counterfeiting and piracy has increased faster than the government resources necessary to stop this problem and current legal penalties are insufficient to deter criminals. H.R. 4279 addresses these concerns by providing increased resources and coordination within the executive branch for IP enforcement and enhancing civil and criminal IP laws.

The Chamber appreciates your leadership on this important issue and supports expeditious approval of the PRO–IP Act by the Judiciary Committee and the full House of Representatives.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President, Government Affairs.

APRIL 29, 2008.

Hon. JOHN CONYERS, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.
Hon. LAMAR SMITH,
Ranking Member, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN CONYERS AND RANKING MEMBER SMITH: The Coalition Against Counterfeiting and Piracy (CACP), which includes more than 500 businesses and associations, thanks you for scheduling a markup of H.R. 4279, the ''Prioritizing Resources and Organization for Intellectual Property Act of 2007,'' (PRO–IP Act).

As you know, intellectual property (IP) accounts for more than $5 trillion of the U.S. gross domestic product, comprises more than half of all U.S. exports, and represents 40 percent of U.S. economic growth. Counterfeiting and piracy of IP are growing problems that threaten the ability of businesses to remain competitive and continue providing quality jobs to Americans. Additionally, unsafe counterfeit products pose a severe risk to U.S. consumer health and safety.

CACP members strongly support passage of the PRO–IP Act because it will help the U.S. government significantly improve IP protection and enforcement both internationally and domestically. It is crucial that Congress address counterfeiting and piracy before the end of this session. CACP therefore urges the Committee on the Judiciary not to adopt any controversial amendments that might jeopardize swift enactment of this legislation.

The CACP thanks you again for sponsoring the PRO–IP Act and for your continued leadership in moving this critical bill through the legislative process.

Sincerely,

RICK COTTON,
Chairman, The Coalition Against Counterfeiting and Piracy.

INTERNATIONAL TRADEMARK ASSOCIATION,
Washington, DC, May 5, 2008.

DEAR MEMBER, The International Trademark Association (INTA) would like to express its full support for the legislation, ''Prioritizing Resources and Organization for Intellectual Property Act of 2007'' (H.R. 4279). INTA is a not-for-profit membership association of more than 5,500 trademark owners and professionals dedicated to the support and advancement of trademarks and related intellectual property (''IP'') as elements of fair and effective national and international commerce. We urge you to vote ''YES'' on H.R, 4279.

We commend the House of Representatives for this bill, which seeks to improve the protection of IP and enhances the capacity for enforcement and coordination activities. The protection of intellectual property is a global challenge and requires a focus on strengthening and streamlining U.S. law and policy as well as a mechanism for creating new opportunities for enforcement and collaboration on a global level. H.R. 4279 succeeds in achieving these objectives.

Counterfeiting is a growing problem that is affecting the health and well-being of consumers throughout the world. It steals the identity of trademark owners and robs consumers of a safe and reliable marketplace. For the U.S. economy, it translates into lost jobs and lost tax revenues. Specifically, the cost to the U.S. economy is estimated at $200 to $250 billion per year. Passage of H.R. 4279 is a crucial step to counteract the challenges and burdens presented by counterfeiting.

INTA is pleased to see a united effort by Congress to address this growing problem and INTA looks forward to passage of this legislation in the House of Representatives.

Thank you.

Sincerely,

ALAN C. DREWSEN,
Executive Director.

MOTION PICTURE ASSOCIATION OF AMERICA, INC.,
Washington, DC, May 6, 2008.

Hon. NANCY PELOSI,
House of Representatives, Washington, DC.
Hon. JOHN BOEHNER,
House of Representatives, Washington, DC.

DEAR SPEAKER PELOSI AND LEADER BOEHNER: On behalf of the Motion Picture Association of America, I write to convey our strong support for House passage of H.R. 4279, the Prioritizing Resources and Organization for Intellectual Property Act of 2007. H.R. 4279 is a comprehensive bi-partisan measure that will strength protections for intellectual property and thereby strengthen our nation's economy and generate more jobs for American workers.

Theft of intellectual property by counterfeiting and copyright piracy have a profoundly detrimental impact on our nation's economy. Theft of intellectual property costs American industry more than $250 billion annually, as well as an estimated 750,000 jobs. Piracy costs the motion picture and television production industries alone over 140,000 U.S. jobs each year. Absent piracy, workers employed by the motion picture and television production industries would earn an additional $5.5 billion per year, and cities, towns and states would receive $837 million in additional tax revenue annually. Protecting intellectual property is vital to our nation's continuing economic strength and H.R. 4279 includes important and much needed provisions that will help do so.

H.R. 4279 will ensure that federal authorities have the resources necessary to investigate and prosecute criminal intellectual property crimes. It will also ensure that intellectual property protection remains a federal priority by creating a new office within the White House dedicated to this important goal. Finally, H.R. 4279 increases the protection of American intellectual property abroad by enhancing critically important international enforcement resources.

Intellectual property is among America's most precious commodities. Protecting intellectual property is good for America's economy, will produce more jobs for U.S. workers and more and better products for consumers. H.R. 4279 is a measured, reasonable and much-needed piece of legislation that will ensure that the American intellectual property system remains the world leader. This important legislation has strong bipartisan support and enjoys broad support from both the American business community, and labor unions. Accordingly, we urge House Members to vote in favor of H.R. 4279.

Sincerely,

DAN GLICKMAN,
Chairman and Chief Executive Officer.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 4279, the "Prioritizing Resources and Organization for Intellectual Property (PRO-IP) Act of 2007." I urge my colleagues to join me in voting for this legislation. I am confident that working together we can address and strengthen criminal and civil enforcement of United States intellectual property law.

The purpose of H.R. 4279 is to strengthen criminal and civil enforcement of United States intellectual property law focusing, in particular, on copyright violations (piracy) and trademark violations (counterfeiting). In addition, the PRO-IP Act seeks to modernize and improve U.S. government efforts for coordination and enforcement of our nation's IP laws.

The knowledge and innovation of American citizens contributes significantly to the economic strength of our nation. Intellectual property law provides the principal incentives that are calculated to lead to the creation and production of new works. This bill is needed because the effect of piracy and counterfeiting on the economy is devastating. Total global losses to United States companies from counterfeiting and copyright piracy amount to $250 billion per year. Every company in every industry is vulnerable.

Because these illegal activities represent a growing public health, safety and law enforcement problem, H.R. 4279 provides additional targeted resources for investigation, enforcement and prosecution; requires the development and promulgation of a national Joint Strategic Plan to combat counterfeiting and piracy; and provides for enhanced Presidential level leadership and coordination among federal agencies involved with preserving and protecting intellectual property rights.

Title I of H.R. 4279 provides enhancements to civil intellectual property laws. Specifically, Title I makes it clear that a certificate of registration will satisfy registration requirements regardless of whether there is any inaccurate information on the registration application, unless the inaccurate information was included with knowledge that it was inaccurate.

Title I also broadens the civil remedies for infringement by broadening the scope of articles that may be ordered impounded by the court upon a finding that the article was made or used in violation of a copyright. This Title also directs the court to enter a protective order to ensure that confidential information is not improperly disclosed.

Title II provides enhancements to criminal intellectual property laws by addressing repeat offender penalties for criminal acts contained within the criminal copyright statute. Title II clarifies that a repeat offender is a person that commits the same criminal act twice. The bill clarifies that any property subject to forfeiture must be owned or predominantly controlled by the violator in order to be seized and directs the United States Sentencing Commission to consider whether the sentencing guidelines should be expanded to include the export of infringing items. There are enhanced maximum statutory penalties for counterfeit offenses that endanger public health and safety.

Title III of H.R. 4279 provides greater coordination and strategic planning of federal efforts against counterfeiting and piracy. Specifically, this Title establishes within the Executive Office of the President, the Office of the United States Intellectual Property Enforcement Representative and, within that Office, the United

States Intellectual Property Enforcement Representative, appointed by the President of the United States. Lastly, Titles IV and V provide international, national, and local enforcement.

The bill has several important enforcement provisions that are worthy to discuss. First, it places a 45-day time limit on the Register of Copyrights' response to a court. Second, it strikes the section allowing for multiple statutory damages for compilation infringement. Third, it clarifies that there must be a substantial nexus between the property and the crime to institute civil forfeiture proceedings. Lastly, it removes the requirements for Federal Bureau of Investigation agents to receive IP related crime training.

While I support the bill, I would have liked to consider ways to ensure diversity in the Computer Hacking and Intellectual Property (CHIPs) units that are established by this bill. I would have liked to work to ensure that minorities be represented in hiring and that special recruitment initiatives be launched at historically black colleges and universities and other minority serving institutions. We should do all within our efforts to guarantee that minorities receive the necessary training and be recruited to help in the IP enforcement at the Executive, State, and local levels.

Mr. Speaker, H.R. 4279 is a first step toward the promotion of the American economy. It ensures that American innovation will remain crucial to the United States economy and that American innovation will allow the United States to remain a global economic power. Indeed, this bill ensures that the United States IP laws are enforced and that the American intellectual property system remains one of the best in the world.

Mr. Speaker, I urge all members to support this much needed and thoughtful legislation.

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise in opposition to H.R. 4279.

While this administration can and should do more to protect intellectual property rights, I do not think that the answer lies in this bill's creation of new forfeiture provisions, a new ''IP Czar,'' or a new IP-only division within the Department of Justice.

In recent civil actions pursued by some within the content industry, we have seen unduly aggressive tactics that occasionally target innocent individuals. I am concerned that given the bill's thrust toward more aggressive enforcement of copyright infringement, enhanced forfeiture provisions similarly may sweep up wholly innocent students, parents, and consumers in larger enforcement actions.

I regret that more was not done to strike the appropriate balance between protecting copyright owners from those who unlawfully benefit from infringement and ensuring that we do not inadvertently punish innocent bystanders.

I also have concerns with Title III's creation of a new office of the U.S. IP Enforcement Representative. I appreciate the work that has been done to refine the scope of Title III. Nonetheless, Title III still creates a position that is a coequal of the U.S. Trade Representative in the Department of Commerce. There is a strong possibility that the USTR and the ''IP Czar'' will come to conflicting policy decisions in matters affecting both IP enforcement and international trade.

The bill offers little guidance with respect to how those conflicts will be resolved. Nor does it contain adequate safeguards to ensure that the IP Czar does not target legitimate innovation out of overstated concerns about contributory infringement.

Finally, I share the authors' frustration with this administration's failure to engage in a more constructive dialogue about how best to focus the DOJ's resources on IP enforcement without harming and disrupting equally important law enforcement priorities. Nonetheless, that potential harm and disruption cannot be ignored and has not been addressed adequately.

I share the goals of the authors of this legislation but not the means by which they sought to achieve them. I thank the authors for their work to improve this bill, but regret that it was not improved further.

Mr. SMITH of Texas. I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I follow suit and yield back any time remaining on this side.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 4279, as amended.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

AFRICAN NATIONAL CONGRESS EXEMPTION

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5690

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

SECTION 1. EXEMPTION OF AFRICAN NATIONAL CONGRESS FROM TREATMENT AS TERRORIST ORGANIZATION FOR CERTAIN ACTS OR EVENTS.

Section 691(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110-161; 121 Stat. 2365) is amended by inserting ''the African National Congress (ANC),'' after ''the Karenni National Progressive Party,''.

SEC. 2. RELIEF FOR CERTAIN MEMBERS OF THE AFRICAN NATIONAL CONGRESS REGARDING ADMISSIBILITY.

(a) EXEMPTION AUTHORITY.—The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may determine in such Secretary's sole unreviewable discretion that paragraphs (2)(A), (2)(B), and (3)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply to an alien with respect to activities undertaken in opposition to apartheid rule in South Africa.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Secretary of State and the Secretary of Homeland Security should immediately exercise in appropriate instances the authority in subsection (a) to exempt the anti-apartheid activities of aliens who are current or former officials of the Government of the Republic of South Africa.

SEC. 3. REMOVAL OF CERTAIN AFFECTED INDIVIDUALS FROM CERTAIN UNITED STATES GOVERNMENT DATABASES.

The Secretary of State, in coordination with the Attorney General, the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence, shall take all necessary steps to ensure that databases used to determine admissibility to the United States are updated so that they are consistent with the exemptions provided under section 2.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

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

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

There was no objection.

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

Members of the House, the African National Congress is a rare example of an oppressed people fighting for their freedom and then leading a successful and peaceful transition to a modern nation. The fight went on for years, underground and in exile, against the morally bankrupt apartheid system in South Africa. And once they prevailed, their response to gaining political power was not retribution and reprisals, but truth and reconciliation.

Notwithstanding this peaceful transition, the United States had not gotten around to giving ANC leaders the opportunity to enter this country because certain provisions in the Immigration and Nationality Act currently require us to consider them still as terrorists.

After the attacks on 9/11, Congress sought to exclude and remove terrorists from the United States by strengthening the terrorism bars in our immigration laws. In doing so, however, we inadvertently covered groups and individuals whom we did not intend to, including allies and even victims of terrorism. These bars have been used against the brave men and women who fought side by side with United States forces in Southeast Asia. They've been used against those who used armed resistance to defend themselves against brutal and repressive regimes, such as those in Cuba and Burma. They've even been used against women who were raped and enslaved by armed militia in Liberia. And as we recognize today, they've been used against members of the African National Congress, including the great leader, Nelson Mandela. This has had profound effects, preventing us from protecting vulnerable refugees and asylum seekers and resulting in embarrassing denials of visas for Nelson Mandela himself and other foreign heads of state.

We all know how Mr. Mandela and other ANC leaders suffered unjust incarceration for decades at the hands of the apartheid regime. We know how the apartheid regime labeled its opponents as terrorists, as communists, and anything else they could invent to accuse them of that was negative in an attempt to deflect criticism of their own institutions of repression and racial separation. And yet these people who steadfastly fought for freedom and chose a path for peace once they came to power are now blocked from entry to the United States. And so that's where this measure comes in.

Congress has begun to take corrective action, and last year were removed a number of freedom-fighting groups from treatment as terrorist organizations. Today, we do the same for the ANC and its members. In addition to specifying that the ANC is not on the list of terrorist organizations under the Immigration and Nationality Act, the bill would also give discretionary authority to Secretaries of State and Homeland Security to admit individuals regardless of activities undertaken in opposition to apartheid rule in South Africa.

Finally, the bill would require the Secretary of State, in coordination with other agencies, to ensure that government databases are updated so that they are consistent with the exemptions provided in the bill.

I'd like to thank committee chairman of the Judiciary, HOWARD BERMAN, but also in his capacity as the Chair of the Foreign Relations Committee, and in memoriam, I'd like to remember the chairman that preceded Mr. BERMAN, Tom Lantos, for their work on this bill. I would like to insert into the RECORD at this point an exchange of letters between our two committees.

And thanks again to the ranking member from Texas, LAMAR SMITH, whose bipartisan discussions have enabled us to reach this point. This is a noncontroversial bill that repairs something that should have been taken care of earlier. It closes the books on the evils of apartheid. And so I'm very proud to bring this to the floor with the Members that I have mentioned.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, May 5, 2008.

Hon. JOHN CONYERS, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the bill, H.R. 5690, legislation 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, which I introduced earlier this year. The bill contains provisions within the Rule X jurisdiction of the Committee on Foreign Affairs, and was referred to the Committee when introduced.

In the interest of permitting your Committee to proceed expeditiously to floor consideration of this important legislation and clear it for the President, I am willing to waive this Committee's right mark up this bill. I do so with the understanding that by waiving consideration of the bill, the Committee on Foreign Affairs does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction.

I would ask that you place this letter into the Congressional Record when the Committee has H.R. 5690 under consideration.

Sincerely,

HOWARD L. BERMAN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 6, 2008.

Hon. HOWARD BERMAN,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding your committee's jurisdictional interest in H.R. 5690, a bill 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.

I appreciate your willingness to support expediting floor consideration of this important legislation today. I understand and agree that this is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support your request for an appropriate number of conferees.

I will place a copy of your letter and this response in the Congressional Record during consideration of H.R. 5690. Thank you for your cooperation as we work towards enactment of this legislation.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

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

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the African National Congress has played a significant role in history. Nelson Mandela and the ANC for many years fought against the unjust apartheid system in South Africa.

Through a largely peaceful transfer of power, apartheid is a thing of the past and South Africa now has a representative democratic government. Many ANC officials are now, in fact, officials of South Africa's government.

South Africa provides hope that genuine reconciliation between historically opposed groups can, in fact, be achieved. However, real terrorist acts were committed as part of the struggle against apartheid. There were deadly bombings of civilians. There were so-called ''necklacings'' in which car tires were put around persons' necks and set on fire.

I am pleased that the bill's sponsors, Mr. BERMAN, Ms. LOFGREN and Chairman CONYERS, were willing to ensure that this bill will provide appropriate relief for the African National Congress without excusing the perpetrators of terrorist or criminal acts.

First, the ANC is added to the list of organizations not considered terrorist

organizations for immigration purposes. Such a list was created to shield certain organizations from the broad reach of the Immigration Act of 1990.

Under the 1990 legislation, any guerilla group would find itself under the definition of a terrorist organization. The groups currently on the exempt list include the Hmong, who fought alongside U.S. soldiers in the Vietnam War, and groups that are fighting against the repressive Burmese Government today. It is understandable that the ANC be added to that list.

Second, the administration is granted the authority to waive the criminal grounds of inadmissibility with respect to aliens for activities undertaken in opposition to apartheid rule in South Africa. Congress already granted the administration waiver authority for the terrorism-related grounds in last year's omnibus spending bill.

Third, the bill contains a sense of Congress that the administration should immediately exercise ''in appropriate instances'' the authority granted under the bill to waive grounds of inadmissibility for the anti-apartheid activities of aliens who are current or former officials of the Government of South Africa. I am confident that any administration will use this power wisely.

Finally, the bill directs the administration to ensure that government databases used to determine admissibility to the U.S. be updated to reflect any waivers granted.

Mr. Speaker, I urge my colleagues to support this bill. Again, I want to thank Chairman BERMAN and Chairman CONYERS and Chairman LOFGREN for working in good faith to address concerns with the bill as it was introduced.

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

Mr. CONYERS. Mr. Speaker, I am proud now to recognize the subcommittee chairman from whence this bill came, and the chairman of the Foreign Affairs Committee, HOWARD BERMAN, for as much time as he may consume.

Mr. BERMAN. Mr. Speaker, it's an honor to be part of the debate on a bill being managed by the chairman of the Judiciary Committee, who perhaps is one of the first Members of Congress to speak out and lead the effort against the old apartheid regime, going way back into the late sixties and early 1970s, and who, along with Congressman Ron Dellums and many others, led the effort in 1986, I believe it was, to override the veto and provide the first really tough sanctions against investment that helped play a part in the ultimate downfall of that apartheid regime.

Mr. Speaker, this bill is a long overdue one, and it's the direct result of a stunning and, frankly, embarrassing story for the United States. The United States, throughout the 1970s and 1980s, had a much too cozy relationship with the apartheid Government of South Africa which had labeled the ANC as a terrorist organization. The apartheid government banned membership and political activity in the ANC and forced its leaders underground or into exile. A direct result of that ban was that under U.S. law individuals convicted of crimes, including the Nobel Laureate and former President of South Africa, Nelson Mandela, were deemed inadmissible for entry to the United States, along with individuals labeled as terrorists by the former South African government.

Much has changed for South Africa since those dark times. President de Klerk and Nelson Mandela negotiated an end to the conflict and an end to the apartheid system on behalf of the National Party and the African National Congress. In 1994, the country held its first democratic elections in which full enfranchisement was granted.

Today, the ANC serves as the majority party in a diverse ruling coalition. Yet, astonishingly, while South Africa completed its monumental political transition, the U.S. position regarding entry for ANC's leaders remained frozen in time. Leaders such as Nelson Mandela, Walter Sisulu and Govan Mbeki, the father of President Thabo Mbeki, were continually barred from entry to the U.S. and had to apply for special waivers to gain entry.

Even more embarrassing than the original U.S. embrace of apartheid policies was the fact that few of those who opposed apartheid in the United States Government, including many of us in Congress, were even aware of the residual terrorist designations against ANC members.

□ 1445

Despite recognizing two decades ago that America's place was on the side of those oppressed by apartheid, Congress has never resolved the inconsistency in our immigration code that treats many of those who actively opposed apartheid in South Africa as terrorists and criminals, in part because the apartheid regime labeled them as such.

Increasingly, stringent security measures passed by Congress since 2001 have further ensnared ANC members. Because the ANC used armed force as part of its campaign against the repressive apartheid regime in South Africa, current law continues to regard the ANC as a terrorist organization and to deny entry to members based on their affiliation with the ANC.

The intent of H.R. 5690 is to purge the United States of any residual effect of its former policies with regard to the South African Government and to update U.S. law with regard to the ANC. The bill, as amended, specifically removes the ANC from treatment as a terrorist organization and grants the Secretary of State and the Secretary of Homeland Security the discretionary authority to determine that certain criminal- and security-related grounds of inadmissibility do not apply to an alien with respect to activities undertaken in opposition to apartheid rule in South Africa.

I want to take a moment just to compliment again the ranking member of the Judiciary Committee, who has very strong and passionate views on the issues of immigration and, obviously, also, as we all do in this Chamber, on the issue of terrorist organizations and inadmissibility for those organizations. He has truly understood and internalized the historic transition here and the unfairness of the present situation.

And I do want to affirm one point that he raised. This bill does not have anyone close their eyes to acts committed by the ANC or by the apartheid government, and nothing here would preclude the Secretary, as she exercises her discretion, from considering whether or not civilians were targeted by an individual actor, civilians. We should, also, I think, take into account, as we decide what to do on this, the very powerful and legally binding truth and reconciliation process in South Africa which provided a restorative justice process that salved many of the wounds of the apartheid era.

Once enacted, the ANC will be removed from terrorist watch lists, and the ANC will receive treatment befitting its status as a leading party and a close ally of the United States. I encourage my colleagues to support the legislation.

Mr. SMITH of Texas. Mr. Speaker, first of all, I would like to say that it's always nice when the gentleman from California (Mr. BERMAN) and I can agree on immigration issues, as we did in this particular instance.

Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. KING), the ranking member of the Immigration Subcommittee of the Judiciary Committee.

Mr. KING of Iowa. I thank Mr. SMITH, the ranking member of the Judiciary Committee, for yielding, and I appreciate the privilege to address this issue before this Congress.

First, I want to point out that I believe there has been a constructive compromise that has been reached across this aisle that has not necessarily closed loopholes but made some clarifications that help protect this country from kind of a blanket waiver, so to speak, with any of those formerly potentially violent members of the ANC.

And for me, I come to this debate with more concern than many because I still maintain vivid memories of what went on in the streets of South Africa during those anti-apartheid riots and demonstrations and strategic actions that took place, black against white, white against black. I also have vivid memories, Mr. Speaker, of actions taken in this country and positions taken politically and the divesting of investments within South Africa by many American companies as an incentive to end apartheid, which was, I believe, a sin against humanity to have a policy that identified some people as

being more equal than others, and I believe it's a sin against humanity to maintain those policies, whether they are in the United States or South Africa or anywhere else.

I offered an amendment to the Judiciary Committee before this bill, and the purpose of it was to send a message because I have traveled to South Africa and I have met with people there who expressed to me some concerns, and because of that, I've also dug a little deeper into the readings in the current events. It will not be a surprise to the members of the committee that I'm concerned about the land transfer that is part of the federal policy of South Africa, to transfer a significant portion of land from, right now, under the deeds held by white South Africans into the deeds of black South Africans. I made it clear in the committee that I do not compare this to the things we see going on in Zimbabwe. That is far different and that is without benefit of the rule of law. But there still remains a concern.

I also want to point out, and I promised Ambassador Welile Nhlapo, who is the Ambassador to the United States from South Africa, that I would make this statement. And he came to my office yesterday. We sat down in my office for a good, strong hour and discussed these issues. And he assured me that there are constitutional protections that exist and statutory protections that exist to protect all property owners in South Africa and that there will not be a transfer of real estate property into the hands of black South Africans at the expense of white South Africans without due process of law and constitutional protections. I voiced my concern about that. He reassured me that that would be the case.

And I pointed out to him that it's difficult for us in this country to reach an objective position on these issues that are racially charged because it's so much wrapped up in who we are. And I would point out, Mr. Speaker, for the observation of the body, to listen to an analysis of the political campaigns that are going on now and, in fact, today to listen to an analysis of the predictions of those going to the polls in the Democrat primary in places like Indiana and North Carolina, which are taking place right now, you cannot hear a political pundit/talking-head analysis without race and gender coming into that debate.

So I challenged Ambassador Nhlapo that that's a very difficult standard, that we can't meet it here in this country. As old as our traditions are for freedom, as much sweat and toil and blood has been spilled to make people free and keep them free, we still can't extricate ourselves from being wrapped up in that debate and have our public policy identified by whom we might side with rather than how we might analyze the Constitution or the law. It's difficult here in the United States with our traditions; it's far more difficult in South Africa. We had that discussion. It was a constructive discussion.

And I rise today, Mr. Speaker, to support this bill and to encourage open dialogue globally and continuing communication and interchange with the people of South Africa and people of all nations on the Earth.

I would remind, also, the body that the record of post-colonial Africa is not a stellar record. There are many problems in the continent, many of those in the southern part of the continent of Africa. And as I travel and visit there and go into the AIDS orphanages in particular and can step into the villages where there isn't a single adult of reproductive age unless they are a missionary, it has been devastating to the continent. We need to have an open dialogue and be frank about our problems and be open in our discussion. Hiding our dialogue because we're afraid we might hurt someone's feelings only pushes the problem further downward instead of letting it surface so that we can all address it together with open eyes, open ears, and open dialogue.

That's what we did yesterday in my meeting, which I so gratefully received Ambassador Nhlapo into my office. And in that engaging conversation, I'm confident that we have opened up communications for a continued dialogue, and I trust that this bill will open communications for further dialogue, and I certainly support this.

Mr. CONYERS. Mr. Speaker, I rise to recognize the distinguished gentlewoman from Texas (Ms. JACKSON-LEE), who has worked with STEVE KING. And I suggest that there may be a codel going to this part of the globe, and I would certainly like to invite the distinguished gentleman Mr. KING to consider joining us on such a codel.

I yield to the gentlewoman from Texas (Ms. JACKSON-LEE) 3½ minutes.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman of the Judiciary Committee; the distinguished chairman on the Foreign Affairs Committee; and our distinguished ranking member, who has joined us in a very important and historic step that is being made on the floor of the House today. And I appreciate my good friend from Iowa, who has given us a global overview.

Mr. Speaker, I want to remind my colleagues that this is a pointed and focused legislative initiative, along with the leadership of Chairwoman ZOE LOFGREN, that we have gotten to a point that is long overdue. My good friend, Congresswoman BARBARA LEE, and Congressman DON PAYNE are part of those who initiated this effort. And it is pointedly to focus on really what we would call heroes, fighters against apartheid in South Africa, who shed their blood so that South Africa could be the reconciled nation that it is today. President Mbeki; former President Mandela, ''Father Mandela,'' as he is called; and many of the seniors who are now in their retiring years, who, when they come to the United States, are detained, interrogated, and embarrassed by our own treatment of these heroes, this goes to the very point of the expanded use in the United States of the word ''terrorism'' and the utilization of it by preventing innocent people, people who have been heroes, to come into this country. This is not necessarily a strict immigration bill. It is people who are coming into the country legally, but because they have been freedom fighters, somewhat the way that Dr. Martin Luther King stood nonviolently for rights here in this country, these individuals had to be in the midst of an encounter, if you will, to provide the safety and security for their people.

This particular legislation is an important step forward. But I might suggest to my colleagues that I hope that on the floor today we are making a legislative statement and providing legislative history so that the Department of Homeland Security and the Secretary of State or the State Department will not dillydally around, because, unlike the previous legislation, this does not order it to be done; it gives those departments the discretion for it to be done, as they have requested. So we are entrusting to them this noble responsibility to do well by Father Mandela, to do well by former President Mbeki, and we need to ensure that we do the right thing. And as we look to give this country a different face on terrorism, let us likewise be assured that we recognize that there are other groups that are similarly situated that we should take a look at.

So I rise to support this legislation, Mr. Speaker, because it is an important step forward. It does give the ability to admit these individuals but also to renew the stigma, if you will, of the name of ''terrorists'' because they were freedom fighters to save and preserve and to free South Africans so that they too might live in a democracy. That is what this legislation does, and I appreciate all of the hard work that has gone on.

I close by simply saying, good day for the freedom fighters of South Africa and the ANC; good day for Father Mandela, who led the fight on reconciliation and peace, along with Bishop Tutu. Good day for all of them as we stand here acknowledging that they are heroes, freedom fighters fighting for democracy and equality.

To the Secretary of State, to the Secretary of Homeland Security, act now once this bill has passed.

Thank you, Mr. Speaker, for your leadership in convening today's markup on H.R. 5690. I support this bill and I urge my colleagues to do the same.

This bill recognizes that the ANC is a nearly 100-year-old party that was created in 1912 to advocate for the rights of black South Africans. It also recognizes that the white Afrikaner government took control of South Africa

in 1948 and at the same time instituted its system of de jure apartheid, which had the effect of disenfranchising millions of non-white Africans. The ANC joined with other groups to engage in civil disobedience and it was banned in 1960 by the South African Government. Although the ANC was banned, it led the resistance effort against apartheid in the late 1970s and 1980s.

Between 1990 and 1994, the ANC negotiated with the South African Government for the end of apartheid and the enfranchisement of black South Africans. In 1994, the ANC became a registered political party and Nelson Mandela was elected to be the first black president.

Since the recognition of the ANC as a legitimate political party, several prominent black South Africans have been denied visas to enter the United States on the basis that they were considered to be inadmissible under the INA because they were members of a terrorist group. Nelson Mandela were considered inadmissible under this same law. In the past the Department of State has provided waivers to ANC leaders to enter the United States.

H.R. 5690 would remove certain affected persons from certain U.S. databases. The bill provides that the Secretary of State, Attorney General, Secretary of Homeland Security, the Director of the FBI, and the Director of National Intelligence, shall take steps to update the database concerning admissible persons. The bill provides that the ANC is not treated as a terrorist organization for any act occurring on or before the enactment of the act. The bill still leaves the Secretary of State and the Secretary of Homeland Security with the discretion to deny people entry. Importantly, the bill does not deny present and former members of the ANC admission to the U.S. on the basis of their membership in or affiliation with the ANC or for any apartheid activities occurring from 1948 to 1990.

This bill is long overdue. The ANC has been recognized as a legitimate political party since 1994. There is no reason to treat members of that organization as a terrorist threat. I urge my colleagues to support this bill. My only concern is that the bill singles out the ANC but does not go further in clearing other political parties that were outlawed during the apartheid era from treatment as terrorist organizations.

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

Mr. CONYERS. Mr. Speaker, I rise to recognize the gentlewoman from Oakland, California (Ms. LEE), who for many years worked as chief of staff with our former colleague Ron Dellums on this subject. So in her capacity as a Member of Congress and former staffer, she has stayed on the course for all of these years, and I yield her such time as she may consume.

Ms. LEE. Let me thank you, Chairman CONYERS, for yielding and for those kind words but also for your leadership on so many issues. You are a true warrior, and we would have never been at this place today had it not been for yourself.

I also want to thank Chairman BERMAN; I want to thank our subcommittee chairman, DON PAYNE; and Chairman BENNIE THOMPSON for their leadership on so many issues and for making sure that this bill came today to this floor in a bipartisan fashion.

As a cosponsor of this legislation and a long advocate against apartheid, I am especially pleased that we are taking this important step to finally right this inexcusable wrong. Many of us were arrested during the anti-apartheid movement, myself included.

□ 1500

It wasn't until the mid 1980s that finally Congress put our country on the right side of history by overriding President Reagan's veto to impose sanctions.

This is a bill that my predecessor, a great warrior, now the mayor of Oakland, California, Ron Dellums, had introduced for 12 long years. I can remember during that period the ILWU protesting, in fact, I was arrested with them also, the unloading of ships from South Africa which kicked off much of the anti-apartheid movement. Congresswoman MAXINE WATERS, a great leader who just recently received, as did Mayor Ron Dellums, one of the highest honors by the South African Government, led the fight in California against apartheid. And I think we were one of the first States to impose sanctions.

All of us who were involved during that time had to take risks. The ANC couldn't even travel outside of New York and couldn't come to Washington, D.C. because they were considered a terrorist organization. Many of us had to go to Europe just to meet the members of the ANC to talk about how we could help end the brutal regime of apartheid which was killing so many people, dehumanizing the whole country, and was one of the most ruthless systems that we have ever known.

It has been 18 years since Nelson Mandela was released from prison and 14 years since he was elected president of South Africa. And this year he will turn 90 years old. Yet to this day, to this day, despite his legacy as a hero of the anti-apartheid movement, despite the fact that he is a Nobel Peace Prize recipient, he received the Peace Prize in 1993, despite his election as president, we still require Nelson Mandela to apply for a visa waiver to enter into the United States just for a visit. This is just plain wrong.

Last December I traveled to South Africa for World AIDS Day with our colleague, the Delegate Donna Christian. And we were asked by many people many times over and over and over again why President Nelson Mandela was still on the terrorist list. Well, we were, quite frankly, very embarrassed and shocked. And we were determined that we would do everything we could to finally, again, put our country on the right side of history. So I am pleased and I am excited that we are taking this step today.

The ANC was fundamentally involved in a war of liberation against the oppressive apartheid regime in South Africa for over four decades. If they hadn't been involved in this war of liberation, apartheid would still be existing in South Africa. So instead of continuing to penalize the ANC for their political struggle against apartheid, we really should be commending them for their work in transforming South Africa into a beacon of democracy. And just look at how they have moved forward in their peace and reconciliation process. I think we could learn a heck of a lot in our own country by the leadership of President Mandela and how the people of South Africa, black and white, have come together to reconcile and to move forward to take South Africa into this new millennium and into a new South Africa.

So let me just thank again Chairman CONYERS and Chairman BERMAN for bringing this bill to the floor today. It's really the right thing to do. And for those of us who have been so long involved in the anti-apartheid movement, and now, of course, in the movement to stop the genocide that is taking place in Darfur, this is a day that we have been waiting for for a long time. This is the only thing that we can do now, to say, first of all, that we understand that this should not have taken so long, but at least it is better late than never. Thank you very much, Mr. CONYERS.

Mr. CONYERS. I thank the gentlelady, BARBARA LEE, of Oakland, California, for closing our statement.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today in support of H.R. 5690 which ensures that African National Congress (ANC) members will no longer be denied visas to enter the United States solely based on their anti-Apartheid activities.

I am proud to have introduced this long-overdue legislation that will remedy a situation that was brought to my attention by my colleague, the gentlelady from the U.S. Virgin Islands, Dr. CHRISTENSEN. A few months ago, Dr. CHRISTENSEN informed me that Nelson Mandela, the South African civil rights icon that won 1993 Nobel Peace Prize, is not eligible for a visa to enter the U.S. because he is a member of the African National Congress. I was stunned. How could one of the giants of the 20th Century who is revered for bringing peace and reconciliation to a country that was torn apart by racism be ineligible to receive a standard visa to visit the United States? I quickly learned that the ANC, which was established in 1923 to advocate for the rights of black South Africans against the brutal Apartheid regime, was designated a "terrorist organization" by the same government that subjected black South Africans to racial segregation and violence.

For decades, ANC leaders, including President Mandela, withstood great hardships to overcome the oppression of Apartheid in South Africa, risking everything for basic principles of fairness and opportunity. By 1994, the ANC was the ruling party in South Africa, yet, some ANC leaders and members are still denied entry into America—today—solely because of their affiliation. H.R. 5690 will remedy this situation and ensure that these leaders

and members are no longer deemed to be inadmissible solely because of their membership in the ANC and their anti-apartheid activities.

I am pleased to have worked with my colleague on the Foreign Relations Committee, Mr. BERMAN, to bring this timely legislation to the House floor. I urge all my colleagues to join me and pass this important bill.

Ms. ZOE LOFGREN of California. Mr. Speaker, I am proud to support H.R. 5690, introduced by Chairman HOWARD BERMAN. I applaud Mr. BERMAN and LAMAR SMITH, the ranking member of the Judiciary Committee, for coming together as they have to end the absurdity that now exists with respect to South African government officials who want to visit the U.S.

Like other freedom-fighting groups that should be lauded—not penalized—members of the ANC have been effectively ensnared by the overbroad "terrorism" provisions in our immigration laws. These provisions have prevented the U.S. from admitting and offering protection to many innocent people, including some of the world's most vulnerable refugees.

Caught up in these definitions have been the Hmong and the Montagnards, brave men and women who fought alongside our troops in Vietnam; the Alzados who fought for freedom against Castro's regime in Cuba; and the Chin and the Karen who tried to free themselves from a repressive Burmese government.

Until recently, our immigration laws labeled all of their actions as "terrorist activity," simply because they used weapons to fight for their freedom.

In the 2008 Consolidated Appropriations Act, we finally began to address these issues, freeing many of these groups from this problem. With today's bill we now join the ANC to their ranks.

Like the Hmong and the Montagnards, the Alzados, the Chin and the Karen, many members of the ANC did nothing more than fight for freedom against a repressive government—in this case, a government that severely restricted the rights of its people through apartheid and used brutal and murderous tactics to stay in power.

We should commend their efforts to free themselves and their people, not to mention their spectacularly successful—and peaceful—transition to power.

I strongly support this bill.

Mr. Speaker, I have no further requests for time, and I return all unused time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 5690, as amended.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

PROVIDING FOR COMPENSATION TO STATES INCARCERATING UNDOCUMENTED ALIENS

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1512) to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or two or more misdemeanors.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1512

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

SECTION 1. ASSISTANCE FOR STATES INCARCERATING UNDOCUMENTED ALIENS CHARGED WITH CERTAIN CRIMES.

Section 241(i)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(A)) is amended by inserting "charged with or" before "convicted".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. LINDA T. SAÑCHEZ) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Ms. LINDA T. SÁNCHEZ of California. I yield myself such time as I may consume.

Mr. Speaker, today we act to restore the State Criminal Alien Assistance Program or SCAAP, to its original meaning, that which Congress originally intended it to have. Introduced by myself, H.R. 1512 will help States obtain much-needed reimbursement for the costs of detaining deportable immigrants charged with or convicted of certain criminal offenses.

SCAAP was created in 1994 to reimburse States and localities for arrest, incarceration and transportation costs incurred in detaining criminal aliens. From the program's inception until 2003, States were able to obtain reimbursement for the costs of detaining deportable illegal immigrants charged with a felony or two or more misdemeanors.

In 2003, however, DOJ reinterpreted the SCAAP statute to require that a criminal alien be actually convicted of a felony or two misdemeanors. Moreover, the reimbursement must be requested in the year in which the conviction takes place, and is limited to that 1 year, regardless of how long the expenses are incurred.

Not surprisingly, this novel reinterpretation, which contradicted Congress' clear intent, as well as DOJ's consistent interpretation, from 1994 to 2003, caused every State's reimbursement to fall dramatically.

H.R. 1512 would amend the Immigration and Nationality Act to return SCAAP to its originally intended meaning. States and localities would be reimbursed for the cost of incarcerating criminal aliens who are either "charged with or convicted" of a felony or two misdemeanors regardless of when the incarceration and conviction occur.

H.R. 1512 corrects the current administration's errant reinterpretation of the law and provides States and localities burdened by the costs of jailing criminal aliens the opportunity to apply for and receive much-needed reimbursement for the costs they bear from detaining deportable immigrants charged with crimes.

The bill has broad bipartisan support and the support of many respected law enforcement groups.

I would like to especially commend ZOE LOFGREN, Chair of the Immigration subcommittee and STEVE KING, the Subcommittee ranking member, for their leadership in helping bring this bill to the floor today.

I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Federal Government under the State Criminal Alien Assistance Program, which we refer to as SCAAP, reimburses part of the expenses that States and localities incur in incarcerating illegal immigrants who have been convicted of a felony or of two or more misdemeanors. And, in fact, I would bring the Chamber's attention, Mr. Speaker, to a report that was issued by the GAO in April of 2005 that identifies that the Federal Government is reimbursing 25 percent of the cost of the incarceration of criminal aliens within the institutions in the United States. But H.R. 1512 expands the State Criminal Alien Assistance Program to compensate States for incarcerating illegal immigrants who are charged with, and not only convicted, which is under the current program, charged with a felony or two or more misdemeanors.

I stand here, Mr. Speaker, and applaud the gentlelady from California for bringing this legislation because I think this is a constructive change to our policy, and the language very simply adds the words "charged with or" to the existing language of compensation for those "convicted of." And it recognizes that there are significant costs involved in processing criminal aliens in the investigation stage, the arrest stage and the indictment stage. And as those costs mount and are incurred, we need to be sure that we take this position, that it is the Federal

Government's job to guard and protect our borders. That is not the job of a political subdivision. It is essentially the job of the Federal Government.

When we fail to do our job, when we don't have sufficient constraints in place at our borders or at our airports or our ports of entry, then the result of it is that this burden of law enforcement falls upon the political subdivisions, on the States, on the cities and on the counties to enforce the law. And when they do, they incur these costs. This bill, H.R. 1512, seeks to lift off some of that burden. And it certainly wouldn't be all of it.

LAMAR SMITH, the ranking member of the full Judiciary Committee, and I both believe the available statistics on criminal illegal immigrants in the United States leave much to be desired. There is too little data on illegal immigrants imprisoned in the United States. We don't really know how many there are or what crimes they are charged with or convicted of or how much time they spend in our prison systems.

And I particularly can speak to that, since I asked for the GAO study that was completed in April of 2005. I thought in that study I would get the answers to the percentages of our inmate populations that are criminal aliens, what crimes they might be convicted of, and quite a list of things that would help us establish our policy, both law enforcement policy and our immigration policy.

However, that report came back not quite apples to apples. And there are conclusions that can be drawn. There are also gaps to their knowledge base. And because of the inspiration that is brought forward, because of this bill of Ms. SÁNCHEZ, H.R. 1512, we engaged the Judiciary Committee in dialogue about how we can better gather that information. I am really pleased that Ms. LOFGREN, the Chair of the Immigration Subcommittee, of which I am the ranking member, and Mr. SMITH, the ranking member of the full Judiciary Committee, have agreed to send a joint request to the Government Accountability Office to develop additional statistics on criminal alien immigrants. I look forward to working with Ms. LOFGREN, Mr. SMITH and others on this particular subject matter. This is something we vitally need to provide statistics that will help us establish a better immigration policy.

As we move forward with this piece of legislation that I believe is a constructive move in the right direction that helps to compensate, and it won't be all, but it will at least in part help to compensate the political subdivisions for their costs incurred to enforce laws against criminal aliens, it adds to it those charged with a crime, not just those convicted of a crime or two serious misdemeanors.

But into this negotiation also will be the formal request for the GAO study to look further at the effect of crime on the United States of America by criminal aliens. And the question has got to be constantly before us, since we are charged with the responsibility of protecting the American people. And it is very much a constitutional responsibility. We are also constitutionally charged with the responsibility of establishing immigration policy. The executive branch is charged with the responsibility of enforcing that policy, however aggressively or lack of aggression they might have. The result is that some get in through the borders, through our ports of entry. Some commit crimes, and some of those crimes that are committed are of a very heinous nature. And the cost of those crimes against this society can be quantified if we can identify the numbers of crimes that are being committed by criminal aliens and in what categories they are in, where they are being incarcerated, what lengths of terms they are serving, and especially, Mr. Speaker, when they are released, when they are released from a municipal jail, a county jail or a State penitentiary, let alone from a Federal institution, when they are released, we need to know if they are released into the hands of ICE, if they have been processed for deportation, if that happens to be the law, or if they are released back into the streets. And if they are, we need to ask the question, are they committing further crimes?

□ 1515

So what is the level of effectiveness in our law enforcement system? What percentage of our overall crimes are being committed by criminal aliens? What are those crimes? What's the price against society, and how does this break down into all these categories that I have mentioned in a fashion that will allow us, as a Congress, to prudently step back, take the empirical data that we are expecting to receive from the Government Accountability Office and after the submission of this request, and process that into policy that reflects the best interests of the people in the United States of America.

I think this bill is a healthy step in the right direction. I think it's a prudent thing to do, and I think it says the right thing to the people in America. I applaud the gentlelady for bringing H.R. 1512, and I support the expansion of SCAAP funding to those who have also been charged with a crime.

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

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I reserve the right to close.

Mr. KING of Iowa. Mr. Speaker, I yield myself so much time as I may consume.

Just in summation, this is a component of taking this legislation in the right direction, and it's important that we compensate political subdivisions. When the Federal Government is not doing the job they need to be doing, this is the natural result of it.

I expect that this has come from a request of those political subdivisions. Although they aren't making this request necessarily in my district, there are many jails in my district that will be beneficiaries of this piece of legislation.

I urge its adoption, and I yield back the balance of my time.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, you know, immigration is probably the signature Federal policy issue. Try as they might, States simply can't fix failures in Federal immigration policy on their own.

But when we fall down on the job, States, cities and counties bear the burden for an immigration system that simply doesn't work. While Congress is working on a comprehensive solution to our broken immigration system, we must not forget about the local governments who are paying an extremely high cost as a result of our inaction.

In 1994, Congress passed the State Criminal Alien Assistance Program, SCAAP, to reimburse States and localities for the arrest and incarceration and transportation costs associated with criminal aliens, averting a tidal wave of expenses that could have overwhelmed the State and local budgets.

However, in 2003, the Department of Justice reinterpreted the SCAAP statute and caused a drastic drop in every State's reimbursement. Now States no longer receive reimbursements unless, first, the criminal alien is convicted of a criminal felony and two misdemeanors; and, second, the arrest and conviction occur in the same year.

To add insult to injury, President Bush has zeroed out SCAAP in his budget proposals for the last 6 years. This means that State and local governments are left to pick up the tab. Every dollar reduction in SCAAP reimbursements means one less dollar that law enforcement agencies have to hire new officers, provide essential training, make critical equipment purchases and detain other, perhaps more violent, inmates.

Following the SCAAP funding cuts in 2003, the LA County Sheriff's Department implemented a new early-release policy for inmates convicted of misdemeanors. This means the neighborhoods I represent in Southern California are at risk.

Sadly, these communities are not alone. Across the country, the SCAAP reimbursement cuts have had a domino effect, where funding for anti-gang activities, homicide investigations, antiterrorism activities and even basic maintenance is cut to pay for expenses associated with incarcerating criminal aliens and suspected criminal aliens.

As Arizona county supervisors recently stated, ''This is a huge problem because we can't keep up with fixing roads, the other costs of law enforcement, and keeping up with health agencies.''

While this bill on its own won't solve the fiscal crisis many States now face, it will help in the long term by covering a greater share of costs that

properly belonged to the Federal Government.

H.R. 1512 amends the SCAAP statute so that States and localities can be reimbursed for the cost of incarcerating aliens who are either charged with or convicted of a felony or two misdemeanors, just like it was before the DOJ's reinterpretation in 2003. This Federal investment will allow State and local law enforcement agencies to devote more resources to important public safety programs.

Law enforcement agencies and coalitions from all over the country, including the U.S.-Mexico Border Counties Coalition, the National Association of Counties, the California State Association of Counties, the Sheriffs' Association of Texas and the Virginia Sheriffs' Association support this bipartisan legislation.

Lastly, I want to offer thanks and gratitude to my colleagues on both sides of the aisle for passing this bill unanimously through the Judiciary Committee and for bringing it to the floor today without any amendments. We may not agree on many aspects of immigration policy, but this bill accomplishes a larger goal, making our community safer. For that reason, I appreciate your support.

I urge my colleagues to support their local law enforcement agencies by voting for this bill.

Ms. GIFFORDS. Mr. Speaker, thank you Congresswoman SÁNCHEZ. I appreciate your tireless work for ensuring that the Criminal Alien Assistance Program, or SCAAP, is a strong, fully-funded, functional program.

SCAAP is vital to my district in Southern Arizona. There, along 114 miles of our 2,000 mile boundary with Mexico, Federal, State, county and local law enforcement are on the frontlines defending our border.

Last year, 387,000 undocumented immigrants were apprehended in Arizona. And an average of 1,000 illegal immigrants per day were arrested and deported from Tucson. This year, over 180,000 have been apprehended.

The Tucson Sector, which includes my district, is the most porous section of the entire U.S.-Mexico Border. More than 48 percent of the Nation's drug traffic enters our country through Southern Arizona.

Securing our Nation's borders is the Federal Government's exclusive jurisdiction. However, communities through Southern Arizona and the Nation face extraordinary costs from incarcerating undocumented criminals.

SCAAP reimburses States and localities for costs associated with illegal immigrants who commit crimes in our communities.

I am pleased to be a cosponsor of H.R. 1512. This legislation would expand SCAAP's scope. It will ensure that states are more appropriately compensated for the high costs of incarcerating undocumented aliens.

Please join me in supporting our State and local law enforcement by voting to responsibly expand SCAAP by passing H.R. 1512.

Mr. BISHOP of New York. Mr. Speaker, I rise today in strong support of H.R. 1512, the State Criminal Alien Assistance Program (SCAAP) Reimbursement Protection Act.

SCAAP is vital to my district on eastern Long Island by providing much needed assistance to municipal governments that incur the large cost of incarcerating undocumented immigrants. In fact, in my district of Suffolk County, officials estimate that 10 to 12 percent of those incarcerated are undocumented individuals with a cost to the County of approximately $12 million in 2006.

Unfortunately, SCAAP does not reimburse States for all of the costs to incarcerate undocumented individuals. Presently, the only funding that SCAAP provides is the cost of incarcerating undocumented immigrants who have been convicted of a felony or two or more misdemeanors.

This legislation will reimburse States incarcerating undocumented individuals charged with a felony or two or more misdemeanors. This small change will greatly assist local governments who are overburdened by recent escalating costs.

While my district and many others across the Nation have greatly benefited from SCAAP funding, the Bush administration continues to eliminate funding for the program. I was proud to cosign a bipartisan letter to House appropriators asking that they reject the President's short-sighted elimination of the program and increase SCAAP funding.

I am a strong supporter of comprehensive immigration reform and as Congress continues to debate immigration reform, we cannot deny that State and local governments are on the frontlines of immigration enforcement. I will continue to work to ensure that they receive adequate funding and resources for the important role they play.

I want to thank my colleague, Congresswoman SÁNCHEZ, for introducing this much needed legislation.

Ms. LINDA T. SÁNCHEZ of California. I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) that the House suspend the rules and pass the bill, H.R. 1512.

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

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

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Motions to suspend the rules with regard to H.R. 3658, H. Con. Res. 317, H. Res. 1109, S. 2929—in each case de novo; and motion to instruct on H.R. 2419, 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.

FOREIGN SERVICE MEMBER REST

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 3658.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and pass the bill, H.R. 3658.

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. FRELINGHUYSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 16, as follows:

[Roll No. 249]

YEAS—416

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
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
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
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
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
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—16

Andrews
Burton (IN)
Butterfield
Campbell (CA)
Carson
Conaway
Hulshof
Jones (NC)
Jones (OH)
McHenry
Meek (FL)
Oberstar
Pryce (OH)
Rush
Speier
Weiner

□ 1548

Ms. McCOLLUM of Minnesota changed her vote from ''nay'' to ''yea.''

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.

Mr. ROGERS of Kentucky. Mr. Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Speaker, I move to lay the motion to reconsider on the table.

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

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

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 226, noes 190, not voting 16, as follows:

[Roll No. 250]

AYES—226

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—190

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Andrews
Burton (IN)
Butterfield
Campbell (CA)
Carson
Conaway
Hall (TX)
Hulshof
Jones (NC)
Jones (OH)
McHenry
Oberstar
Pryce (OH)
Rush
Speier
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1556

Mr. ROYCE changed his vote from ''aye'' to ''no.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

CONDEMNING BURMESE REGIME'S UNDEMOCRATIC CONSTITUTION

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 317, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 317, as amended.

The question was taken.

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

RECORDED VOTE

Mr. ROGERS of Kentucky. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 413, noes 1, not voting 18, as follows:

[Roll No. 251]

AYES—413

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
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
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
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
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
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—1

Paul

NOT VOTING—18

Andrews
Burton (IN)
Butterfield
Campbell (CA)
Carson
Conaway
Hulshof
Jones (NC)
Jones (OH)
McHenry
Miller, George
Oberstar
Pryce (OH)
Rush
Speier
Thompson (MS)
Weiner
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1603

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

The result of the vote was announced as above recorded.

The title was amended so as to read: "Concurrent resolution condemning the Burmese regime's undemocratic draft constitution and scheduled referendum".

Mr. ROGERS of Kentucky. Madam Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Madam Speaker, I move to table the motion to reconsider.

The SPEAKER pro tempore (Ms. DEGETTE). The question is on the motion to table.

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

RECORDED VOTE

Mr. ROGERS of Kentucky. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 225, noes 190, not voting 17, as follows:

[Roll No. 252]

AYES—225

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler

Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—190

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Andrews
Burton (IN)
Butterfield
Campbell (CA)
Cannon
Carson
Conaway
Hulshof
Jones (NC)
Jones (OH)
McHenry
Oberstar
Pryce (OH)
Rangel
Rush
Speier
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1611

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

DITH PRAN

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1109, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 1109, as amended.

The question was taken.

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

RECORDED VOTE

Mr. ROGERS of Kentucky. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 413, noes 1, not voting 18, as follows:

[Roll No. 253]

AYES—413

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
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
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
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
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
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
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NOES—1

Young (AK)

NOT VOTING—18

Andrews
Bilbray
Burton (IN)
Butterfield
Campbell (CA)
Carson
Conaway
Hulshof
Jones (NC)
Jones (OH)
Kaptur
McHenry
Oberstar
Pryce (OH)
Rush
Speier
Weiner
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1619

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

The result of the vote was announced as above recorded.

Mr. ROGERS of Kentucky. Madam Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Madam Speaker, I move to lay the motion to reconsider on the table.

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

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

RECORDED VOTE

Mr. ROGERS of Kentucky. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 225, noes 186, not voting 21, as follows:

[Roll No. 254]

AYES—225

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—186

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Andrews
Bishop (UT)
Boehner
Boswell
Burton (IN)
Butterfield
Campbell (CA)
Carson
Conaway
Gingrey
Hulshof
Jones (NC)
Jones (OH)
McHenry
Oberstar
Pryce (OH)
Reyes
Rush
Speier
Waters
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1627

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

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

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Idaho.

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

RECORDED VOTE

Mr. SIMPSON. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to adjourn will be followed by resumed 5-minute voting.

The vote was taken by electronic device, and there were—ayes 145, noes 271, not voting 16, as follows:

[Roll No. 255]

AYES—145

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conyers
Cooper
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Ferguson
Flake
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hayes
Heller
Hensarling
Herger
Hobson
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Porter
Price (GA)
Putnam
Regula
Rehberg
Reichert
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—271

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Filner
Fortenberry
Fossella
Foster
Frank (MA)
Gerlach
Giffords
Gillibrand
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pomeroy
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Wexler
Wilson (OH)
Wittman (VA)
Wu
Wynn
Yarmuth

NOT VOTING—16

Andrews
Burton (IN)
Butterfield
Campbell (CA)
Carson
Conaway
Hulshof
Jones (NC)
Jones (OH)
McHenry
Oberstar
Pryce (OH)
Rush
Speier
Weiner
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1645

Mr. GUTIERREZ changed his vote from ''aye'' to ''no.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

CORRECTING THE ENGROSSMENT OF TITLE AMENDMENT TO H. CON. RES. 317

The SPEAKER pro tempore. Without objection, in the engrossment of the amendment to the title of H. Con. Res. 317, the Clerk may correct any error in spelling.

There was no objection.

HIGHER EDUCATION EXTENSION

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the Senate bill, S. 2929, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. TIERNEY) that the House suspend the rules and pass the Senate bill, S. 2929, as amended.

The question was taken.

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

RECORDED VOTE

Mrs. EMERSON. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 408, noes 0, not voting 24, as follows:

[Roll No. 256]

AYES—408

Abercrombie
Ackerman
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
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
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
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns

Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—24

Aderholt
Andrews
Burton (IN)
Butterfield
Campbell (CA)
Carson
Conaway
Davis, Lincoln
Doggett
Feeney
Hulshof
Jones (NC)
Jones (OH)
Kaptur
Mahoney (FL)
Marchant
Marshall
McHenry
Oberstar
Paul
Pryce (OH)
Rush
Speier
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1652

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

The result of the vote was announced as above recorded.

Mrs. EMERSON. Madam Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Madam Speaker, I move to lay the motion to reconsider on the table.

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

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

RECORDED VOTE

Mrs. EMERSON. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 223, noes 189, not voting 20, as follows:

[Roll No. 257]

AYES—223

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Cazayoux
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—189

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Andrews
Broun (GA)
Burton (IN)
Butterfield
Campbell (CA)
Carson
Clarke
Conaway
Davis, Lincoln
Hulshof
Hunter
Jones (NC)
Jones (OH)
McDermott
McHenry
Oberstar
Pryce (OH)
Rush
Speier
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1701

Ms. MCCOLLUM of Minnesota changed her vote from ''aye'' to ''no.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 2419 offered by the gentleman from Wisconsin (Mr. KIND) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 140, nays 274, not voting 18, as follows:

[Roll No. 258]

YEAS—140

Ackerman
Allen
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bishop (NY)
Blumenauer
Braley (IA)
Brown, Corrine
Cantor
Capps
Capuano
Castle
Castor
Chandler
Coble
Cohen
Cooper
Courtney
Crowley
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Dent
Dingell
Doggett
Ehlers
Ellison
Emanuel
Eshoo
Fattah
Ferguson
Flake
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Green, Gene
Hall (NY)
Harman
Hastings (FL)
Heller
Hensarling
Higgins
Hinchey
Hirono
Hodes
Holt
Honda
Inslee
Israel
Issa
Kind
King (NY)
Kirk
Knollenberg
Kucinich
Larson (CT)
Lee
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Markey
Matheson
McCarthy (NY)
McCollum (MN)
McGovern
McNerney
McNulty
Meeks (NY)
Michaud
Mitchell
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Neal (MA)
Obey
Olver
Pallone
Pascrell
Payne
Petri
Platts
Porter
Price (GA)
Ramstad
Reichert
Renzi
Rothman
Ryan (WI)
Sánchez, Linda T.
Sarbanes

Saxton
Schakowsky
Schiff
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Souder
Stark
Tauscher
Taylor
Tierney
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Waters
Waxman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—274

Abercrombie
Aderholt
Akin
Alexander
Altmire
Arcuri
Baca
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Berry
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Capito
Cardoza
Carnahan
Carney
Carter
Cazayoux
Chabot
Clarke
Clay
Cleaver
Clyburn
Cole (OK)
Conyers
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ellsworth
Emerson
Engel
English (PA)
Etheridge
Everett
Fallin
Farr
Feeney
Filner
Forbes
Foster
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Grijalva
Gutierrez
Hall (TX)
Hare
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hoyer
Hunter
Inglis (SC)
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
Kingston
Klein (FL)
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matsui
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McIntyre
McKeon
McMorris Rodgers
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Nunes
Ortiz
Pastor
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Poe
Pomeroy
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Salazar
Sali
Sanchez, Loretta
Schmidt
Scott (GA)
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (TX)
Snyder
Solis
Space
Spratt
Stearns
Stupak
Sutton
Tancredo
Tanner
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wynn

NOT VOTING—18

Andrews
Burton (IN)
Butterfield
Campbell (CA)
Carson
Conaway
Granger
Hulshof
Jones (NC)
Jones (OH)
McDermott
McHenry
Oberstar
Pryce (OH)
Rush
Speier
Sullivan
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1709

Messrs. DAVIS of Illinois, PORTER and COHEN changed their vote from ''nay'' to ''yea.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, on rollcall No. 258, I inadvertently voted "nay." I intended to vote "yea."

PERSONAL EXPLANATION

Ms. JONES of Ohio. Madam Speaker, on Monday, May 5, 2008, I missed recorded votes. Had I been present I would have voted as follows:

No. 247, Ryan Motion to Instruct Conferees on H.R. 2419, "nay."

No. 249, 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, "yea."

No. 251, H. Con. Res. 317, Condemning the Burmese regime's undemocratic constitution and scheduled referendum, "aye."

No. 253, 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, "aye."

No. 256, S. 2929, A bill to temporarily extend the programs under the Higher Education Act of 1965, "aye."

No. 258, Kind Motion to Instruct Conferees on H.R. 2419, "nay."

Mr. LATHAM. Madam Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Madam Speaker, I move to lay the motion to reconsider on the table.

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

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

RECORDED VOTE

Mr. HASTINGS of Florida. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 221, noes 192, not voting 19, as follows:

[Roll No. 259]

AYES—221

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—192

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin

Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Andrews
Burton (IN)
Butterfield
Campbell (CA)
Carson
Conaway
Gutierrez
Hulshof
Jones (NC)
Jones (OH)
Larson (CT)
McDermott
McHenry
Oberstar
Pryce (OH)
Rush
Schakowsky
Speier
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1716

Mr. DELAHUNT changed his vote from ''no'' to ''aye.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

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

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

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

RECORDED VOTE

Mr. SIMPSON. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 149, noes 251, not voting 32, as follows:

[Roll No. 260]

AYES—149

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Chabot
Cole (OK)
Crenshaw
Cubin
Culberson
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McKeon
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Taylor
Thornberry
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—251

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jordan
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Porter
Rahall
Ramstad
Rangel
Reyes
Richardson
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Weldon (FL)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—32

Andrews
Baldwin
Boyd (FL)
Burton (IN)
Butterfield
Campbell (CA)
Carson
Conaway
Hall (NY)
Hensarling
Holden
Hulshof
Jones (NC)
Jones (OH)
Kagen
Linder
Lofgren, Zoe
McDermott
McHenry
Oberstar
Price (NC)
Pryce (OH)
Rush
Schakowsky
Sestak
Smith (WA)
Speier
Sullivan
Waters
Waxman
Weiner
Welch (VT)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1733

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

FACILITATING PRESERVATION OF CERTAIN AFFORDABLE HOUSING DWELLING UNITS

Mr. MEEKS of New York. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5937) to facilitate the preservation of certain affordable housing dwelling units.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5937

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

SECTION 1. PRESERVATION OF CERTAIN AFFORDABLE HOUSING DWELLING UNITS.

(a) CONVERSION OF HUD CONTRACTS.—Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may, at the request of the owner of the multifamily housing project to which Section 8 Project Number NY 913 VO 0018 and RAP Contract Number 012035NIRAP are subject, convert such contracts to a contract for project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) INITIAL RENEWAL.—

(1) ELIGIBILITY.—At the request of the owner made no later than 90 days prior to a

conversion, the Secretary may, to the extent sufficient amounts are made available in appropriation Acts and notwithstanding any other law, treat the contemplated resulting contract as if such contract were eligible for initial renewal under section 524(a) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note).

(2) REQUEST.—A request by the owner pursuant to paragraph (1) shall be upon such terms and conditions as the Secretary may require.

(c) RESULTING CONTRACT.—The resulting contract shall—

(1) be subject to section 524(a) of MAHRA (42 U.S.C. 1437f note);

(2) be considered for all purposes a contract that has been renewed under section 524(a) of MAHRA (42 U.S.C. 1437f note) for a term not to exceed 20 years;

(3) be subsequently renewable at the request of the owner, under any renewal option for which the project is eligible under MAHRA (42 U.S.C. 1437f note);

(4) contain provisions limiting distributions, as the Secretary determines appropriate, not to exceed 10 percent of the initial investment of the owner;

(5) be subject to the availability of sufficient amounts in appropriation Acts; and

(6) be subject to such other terms and conditions as the Secretary considers appropriate.

(d) INCOME TARGETING.—The owner shall be deemed to be in compliance with all income-targeting requirements under the United States Housing Act of 1937 by serving low-income families, as such term is defined in the section 3(b)(2) of such Act (42 U.S.C. 1437a(b)(2)).

(e) TENANT ELIGIBILITY.—Notwithstanding any other provision of law, each family residing in an assisted dwelling unit on the date of the conversion under this section, subject to the resulting contract under subsection (a), shall be considered to meet the applicable requirements for income eligibility and occupancy.

(f) DEFINITIONS.—As used in this section—

(1) the term ''assisted dwelling unit'' means the dwelling units that, on the date of the conversion under this section, were subject to Section 8 Project Number NY 913 VO 0018 or RAP Contract Number 012035NIRAP;

(2) the term ''conversion'' means the action under which Section 8 Project Number NY 913 VO 0018 and RAP Contract Number 012035NIRAP become a contract for project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) pursuant to subsection (a);

(3) the term ''MAHRA'' means the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note);

(4) the term ''owner'' means Starrett City Associates or any successor owner of the multifamily housing project to which Section 8 Project Number NY 913 VO 0018 and RAP Contract Number 012035NIRAP are subject;

(5) the term ''resulting contract'' means the new contract after a conversion of Section 8 Project Number NY 913 VO 0018 and RAP Contract Number 012035NIRAP to a contract for project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) pursuant to subsection (a); and

(6) the term ''Secretary'' means the Secretary of Housing and Urban Development.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MEEKS) and the gentleman from Delaware (Mr. CASTLE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. MEEKS of New York. Madam 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 New York?

There was no objection.

Mr. MEEKS of New York. Madam Speaker, I yield myself 2 minutes.

Access to affordable housing is one of the most serious challenges facing our Nation today. Working families are experiencing the most trying economic downturn in nearly 25 years. Rising costs in food, household necessities, utilities, along with stagnating wages and daily increases in the price of gasoline are wreaking havoc upon the lives of hardworking American men and women.

The precipitous increases in mortgage delinquencies and foreclosures have caused record numbers of Americans to lose their homes. This crisis has been exacerbated by the unprecedented numbers of people being waitlisted for public housing which has grown significantly.

The lack of affordable housing impacts every region of this Nation. My colleagues and I have been fighting to ensure access to affordable housing in New York and throughout the country. Among my chief responsibilities to the constituents of New York's Sixth Congressional District is to work to help provide affordable housing.

For those reasons, my friend, Congressman ED TOWNS, along with my friends and colleagues, Representatives PETER KING, BARNEY FRANK, MAXINE WATERS and NYDIA VELÁZQUEZ introduced H.R. 5937 which will facilitate the preservation of affordable housing units.

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

Mr. CASTLE. Madam Speaker, I yield myself 4 minutes.

Madam Speaker, today I rise in support of H.R. 5937, a bill to preserve the affordability of the Starrett City development, the largest federally subsidized housing project in the country. This bill is a bipartisan effort with our colleagues from the New York delegation in the House, as well as Senator SCHUMER, to maintain affordable housing in one of the most unaffordable cities, New York City.

The current owners of Starrett City intend to sell the project. This legislation will ensure that Starrett City remains an affordable housing resource for Brooklyn residents when the sale is completed. H.R. 5937 allows HUD, per the request of the project's private owners, to convert the project's section 8 and rental assistance payments contract into project-based section 8 contracts. All existing tenants receiving housing assistance under the existing contracts will remain eligible for assistance under the new project-based section 8 contracts. If this bill is enacted, 5,881 affordable housing units will be preserved for 14,000 residents.

This bill will not result in any additional cost to the Federal Government. In fact, by preserving existing housing, this bill could result in cost savings. The owners of Starrett City are in favor of this legislation, in addition to the State of New York and the residents of Starrett City.

I urge my colleagues to join me in support of this important piece of legislation.

I reserve the balance of my time.

Mr. MEEKS of New York. Madam Speaker, at this time I would like to yield 5 minutes to my dear friend and colleague and the author of this critically important bill, the Honorable Congressman ED TOWNS, who has been a leader during his tenure in Congress on providing access to affordable housing.

Mr. TOWNS. Madam Speaker, I thank my friend for yielding time to me, and I appreciate his help on this bill. I think it is an important piece of legislation.

I also thank Congresswoman NYDIA VELÁZQUEZ. I guess I better also thank the chairman of the committee, BARNEY FRANK, who also worked very hard on this, and the chairperson of the committee, MAXINE WATERS, on their assistance in getting us to this point.

Access to affordable housing is a serious problem across America, particularly with the weakening economy and rising gas, utility and food costs.

With a rise in mortgage foreclosures leading to people losing their homes and unprecedented waiting lists for public housing—and the list gets longer and longer and longer—the ability to find affordable housing is crucial. Every time I go back to my district, this is the subject that comes up: What can we do about finding an affordable apartment?

Along with my colleagues in New York, I have been working to ensure access to affordable housing throughout my tenure in the United States Congress. But as neighborhoods developed, residents have been priced out of their homes and neighborhoods. And more and more, this is a cry coming from across the land.

For these reasons, along with my colleagues Congressman KING, Congressman FRANK, Congresswoman WATERS, and Congresswoman VELÁZQUEZ, we introduced H.R. 5937 which will facilitate the preservation of affordable housing units.

This bill will convert HUD contracts into a new 20-year housing assistance payment contract under the Multifamily Housing Restructuring and Affordability Act of 1997. Conversion of these HUD contracts will allow purchasers of certain affordable housing developments to secure the long-term financing necessary to purchase the property.

By making these properties affordable to the owners, they can in turn keep the housing affordable for the tenants. I hope that you will join us today in voting ''yes'' on H.R. 5937 to help preserve affordable housing.

And let me just say to my good friends throughout this body that there is no additional cost. I think what we are doing here is being creative and making it possible that people who are having difficulty will be able to have apartments. I think that during this difficult time of foreclosures and the problems we are having, I think this legislation is crucial. I want to thank my colleagues for supporting this.

Mr. CASTLE. Madam Speaker, at this time I yield back the balance of my time and urge support from all Members for this legislation.

Mr. MEEKS of New York. Madam Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ) who is a member of this committee and the chairwoman of the Small Business Committee.

Ms. VELÁZQUEZ. Madam Speaker, let me first commend Chairman FRANK, Chairwoman WATERS, Mr. TOWNS, and Mr. KING for their leadership in moving this necessary legislation forward.

I proudly support H.R. 5937 because it addresses the need for affordable housing for thousands of families in Brooklyn. Across our country, low and moderate-income working families are increasingly finding adequate housing to be out of reach. No place is this disparity more apparent than in New York City where one out of every four families spends over 50 percent of their income on rent. New Yorkers in many ways face the most difficult housing market.

Starrett City is the largest federally subsidized rental complex in the country with 5,800 units and 14,000 residents. Eliminating these units will leave thousands of families stranded and set a dangerous precedent.

H.R. 5937 represents an agreement between government agencies and the owners of Starrett City to keep the development affordable. This is a carefully crafted deal that ensures the long-term vibrancy of a Brooklyn institution.

Starrett City is a strong, hard-working community. The restaurant workers, hotel employees, and seniors who live there are part of Brooklyn's very fabric. If New York loses Starrett City, we all lose a unique chance to preserve this valuable community and set a precedent for generations to come.

Starrett City is the symptom of a much larger problem in New York City and across our Nation. We have an affordability problem that requires immediate action. Today, we are taking a step in the right direction. By saving one Brooklyn development, we lay the groundwork for affordable housing preservation in the future.

I urge a ''yes'' vote on this legislation.

Mr. MEEKS of New York. Madam Speaker, I now yield 3 minutes to the gentlelady from the great State of New York who is also the Chair of the House Subcommittee on Financial Institutions, the Honorable CAROLYN MALONEY.

Mrs. MALONEY of New York. I thank the gentleman for yielding, and thank him for his leadership on this important legislation and for the city of New York in general.

Madam Speaker, I rise in strong support of this legislation that will help preserve affordable housing units. I commend my colleagues from Brooklyn, Congressman TOWNS and Congresswoman VELÁZQUEZ, for their leadership in drafting this legislation, and I thank my colleagues on the Committee on Financial Services, especially Congresswoman WATERS who is Chair of the Subcommittee on Housing, and also Chairman FRANK for bringing this important bill to the floor today.

□ 1745

When passed, this legislation would authorize the Secretary of Housing and Urban Development, upon the request of the owner of a multi-family housing project, to convert their contract to a section 8, project-based rental assistance contract. This would have an immediate impact on Starrett City, the Starrett City housing complex in Brooklyn, New York, which is currently serving 14,000 New Yorkers in affordable housing units.

Starrett City is the largest affordable housing complex in our country, and this legislation is innovative, it is helpful, it is collaborative, and it is bipartisan. And I thank my colleague, Mr. CASTLE, for his leadership on the other side of the aisle.

Starrett City was opened in 1974, and recently there have been efforts to sell the complex and potentially leave these affordable housing units and have them sold and re-priced to reflect the current market value. By selling these units, you would put at risk affordable housing for all of the 14,000 residents that are living there. It would endanger their ability to continue as residents living in Starrett City, and I would say, I don't know where they would go. In New York City there is such a housing crisis and we have no affordable housing left. This legislation would help preserve these affordable units for at least the next 20 years.

All of us know that we are facing foreclosures across this country. We are talking about programs to have grants, to have negotiations, to have support, to keep people in their homes. We have before us today creative legislation that the owner supports, that the city supports, and hopefully this Congress supports, that could save 14,000 homes for New Yorkers and keep them in affordable housing.

I congratulate my colleague, Mr. TOWNS, and everyone else who has worked so hard to make this happen.

I urge all of my colleagues to support this tremendously important legislation that will keep people in their homes, affordable homes.

Mr. MEEKS of New York. Madam Speaker, I am now happy to yield 3 minutes to a new Member of the Congress who says that she is in her sophomore year in her freshman term, the Honorable YVETTE CLARKE.

Ms. CLARKE. Madam Speaker, to the manager of this bill, Congressman MEEKS, and to the sponsors of this bill, my colleagues, Congressman TOWNS, Congressman FRANK, Congressman KING, Congresswoman VELÁZQUEZ, and Congresswoman WATERS, I want to say thank you so much for having the vision and the foresight to work across the aisle to do a great service to not only the people of the city of New York, but to this Nation.

Starrett City is the last bastion of federally subsidized housing developments of this nature in this Nation. And as we look at the challenge that it faces today, we are looking at a crisis head-on for affordable housing around this Nation.

Our willingness to come together in the 11th hour to put a remedy in place speaks to our resilience and our ability to address challenges that we face in the 21st century. And as these concerns grow greater and greater and the housing crisis gets more and more in depth, with millions of moderate and low income families in peril's way, today's legislation, H.R. 5937, says that this Congress is willing to stand up and do something, and that we've been sent here to solve the problems that our communities are facing today.

I want to congratulate Congressman CASTLE for standing forward today in a bipartisan way. It may seem to some that this is just a piece of legislation that will impact New York, but when we stand up for New York and Starrett City and Spring Creek, we're standing up for all Americans who are facing such peril.

Mr. MEEKS of New York. Madam Speaker, I yield myself as much time as I may consume.

Let me just say, in conclusion, Madam Speaker, that what this bill does, and what we're talking about around the Nation, in a time of economic crisis, at a time when people are wondering, many, how they could afford or what kind of apartments or homes they can afford, this bill is trying to assure that all Americans can indeed have a decent roof over their head, that all Americans will understand and have the opportunity to really live the American dream. And that's what makes us such a great country.

And by this Congress stepping up to the plate, as it is, making sure that those who may not have as much money as others, but yet still can live in this great country, and can live in a facility such as Starrett City, which is clean, decent, affordable housing, says that we care about all of our people throughout these United States of America.

And so I think it was ingenious, by the authors of this bill, led by Mr.

TOWNS, along with Mr. KING, in a bipartisan manner say that we're going to speak up and we're going to stand up, both Democrats and Republicans, that we're going to stand on the interests of making sure that there's affordable housing for those who need it. And that's what this bill does.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MEEKS) that the House suspend the rules and pass the bill, H.R. 5937.

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

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

The point of no quorum is considered withdrawn.

MOTION TO ADJOURN

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

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Texas.

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

RECORDED VOTE

Mr. CULBERSON. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 138, noes 248, not voting 46, as follows:

[Roll No. 261]

AYES—138

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Calvert
Camp (MI)
Cannon
Cantor
Carter
Castle
Chabot
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Gordon
Granger
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Schmidt
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shays
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Taylor
Thornberry
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Wilson (NM)
Wittman (VA)
Wolf
Young (FL)

NOES—248

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Buyer
Capito
Capps
Cardoza
Carnahan
Carney
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Dent
Dicks
Dingell
Donnelly
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Richardson
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Van Hollen
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Yarmuth

NOT VOTING—46

Andrews
Baca
Boehner
Braley (IA)
Brown-Waite, Ginny
Burton (IN)
Butterfield
Campbell (CA)
Capuano
Carson
Conaway
Conyers
Cummings
Davis, Lincoln
Delahunt
DeLauro
Doolittle
Doyle
Hinchey
Holden
Hulshof
Jones (NC)
Jones (OH)
Linder
McHenry
Oberstar
Peterson (PA)
Pryce (OH)
Rangel
Renzi
Reyes
Rush
Sali
Schakowsky
Shimkus
Shuster
Speier
Tiahrt
Udall (CO)
Udall (NM)
Velázquez
Weiner
Weldon (FL)
Whitfield (KY)
Wynn
Young (AK)

□ 1823

Messrs. POE, CLEAVER and ACKERMAN changed their vote from ''aye'' to ''no.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

COIN MODERNIZATION AND TAXPAYER SAVINGS ACT OF 2008

Mr. GUTIERREZ. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5512) to authorize the Secretary of the Treasury to prescribe the weights and the compositions of circulating coins, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5512

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 ''Coin Modernization and Taxpayer Savings Act of 2008''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) International demand along with market speculation for commodity metals has, over the past several years, increased the cost of producing circulating coins in the United States.

(2) In a July 30, 2007, letter to the Congress, the Secretary of the Treasury, with support of the Administration's Office of Management and Budget, requested that legislation be put forward to authorize the Secretary of the Treasury to make changes to the composition of circulating coins.

(3) The United States Mint has studied alternative metals for use in circulating coins, as noticed in its 2004 annual report.

(4) In 1943, the United States Mint produced zinc-coated steel pennies in response to war-time demands for copper.

(5) The United States Mint gained further experience changing the metal content of pennies in 1982, when it began producing copper-coated zinc pennies as a result of rising copper prices.

(6) The Royal Canadian Mint has produced for several years a copper-coated steel 1-cent coin that is similar to the United States penny at a significantly lower cost than the cost to produce the United States penny.

(7) Given the current cost to make a penny and volume of pennies minted, by simply reducing penny production costs to face value, the United States will save more than $500,000,000 in the next 10 years alone.

(8) Reducing the cost to produce a nickel to face value will save the United States an additional $60,000,000 per year.

(9) Commodity metal prices are often cyclical in nature, and can be inflated by speculation, so it is important that a solid trend in the rising price of a commodity metal be established before any change in the metal content of a coin is made.

SEC. 3. IMMEDIATE REDUCTION IN THE COST OF PRODUCING 1-CENT COINS THROUGH THE USE OF STEEL PENNIES.

Subsection (c) of section 5112 of title 31, United States Code, is amended to read as follows:

''(c) COMPOSITION OF 1-CENT AND 5-CENT COINS.—

''(1) 1-CENT COIN.—

''(A) IN GENERAL.—Subject to paragraph (2), beginning 270 days after the date of the enactment of the Coin Modernization and Taxpayer Savings Act of 2008, the 1-cent coin shall—

''(i) be produced primarily of steel; and

''(ii) meet such other specifications as the Secretary may determine to be appropriate, including any change in the weight from that specified in subsection (a)(6).

''(B) TREATMENT.—The 1-cent coin shall be treated to impart a copper color to the appearance of the coins so that the appearance is similar to 1-cent coins produced of a copper-zinc alloy.

''(C) EXCEPTION FOR LINCOLN BICENTENNIAL NUMISMATIC PENNIES.—No provision of this paragraph shall apply with respect to 1-cent coins described in section 304 of the Presidential $1 Coin Act of 2005 that are issued for numismatic purposes.

''(2) ALTERNATIVE 1-CENT COIN COMPOSITION.—

''(A) IN GENERAL.—If, before the end of the 90-day period beginning on the date of the enactment of the Coin Modernization and Taxpayer Savings Act of 2008, the Secretary determines that, with the addition of any other element to any alloy of zinc and copper of which 1-cent coins could have been composed as of the day before such date of enactment, there is a way—

''(i) to produce 1-cent coins of the same diameter, general composition, and general weight as 1-cent coins produced in accordance with this subsection as of the day before such date of enactment; and

''(ii) to achieve the goals of paragraph (1) by reducing the unit cost to produce the 1-cent coin to less than 1 cent while retaining such coin's ease of use and ensuring ease of co-circulation with 1-cent coins of the diameter and weight already circulating as of such date of enactment for ordinary commerce,

the Secretary may add any such element and continue production of 1-cent coins of the same diameter, general composition, and general weight as 1-cent coins produced in accordance with this subsection as of the day before such date of enactment instead of complying with paragraph (1).

''(B) EFFECTIVE PERIOD.—This paragraph shall only apply if the change to the new composition and the subsequent drop in the production cost of the 1-cent coin referred to in subparagraph (A) can be achieved before the end of the 270-day period referred to in paragraph (1).

''(C) REPORT TO THE CONGRESS.—Any determination and action by the Secretary under subparagraph (A) shall be promptly reported to the Congress.''.

SEC. 4. AUTHORITY TO CHANGE METALLIC CONTENT OF 5-CENT COINS TO LESS COSTLY ALTERNATIVE.

(a) IN GENERAL.—Subsection (c) of section 5112 of title 31, United States Code, (as amended by section 3) is amended by adding at the end the following new paragraph:

''(3) 5-CENT COIN.—

''(A) IN GENERAL.—After the end of the 2-year period beginning on the date of the enactment of the Coin Modernization and Taxpayer Savings Act of 2008, the Secretary shall produce no 5-cent coin that is not primarily made of steel with a coating of nickel, that can co-circulate with the existing supply of 5-cent coins and work interchangeably in coin handling machines, except that—

''(i) the Secretary shall make no change to the content of the existing 5-cent coin if at that point the unit cost of production of such coins is lower than the face value of the coin; and

''(ii) if the report issued by the Secretary pursuant to section 6 indicates that a different metallic content of circulating 5-cent coins is both functional and interchangeable, and more economical to produce in both the short and long term, the Secretary shall propose such content to the Congress in the form of a legislative recommendation.

''(B) FACTORS TO BE CONSIDERED.—In prescribing the weight and the composition of the 5-cent coin, the Secretary shall consider—

''(i) factors relevant to the potential impact of any revisions to the weight and composition of the material on the current coin suppliers;

''(ii) factors relevant to the acceptability of new coinage materials, including the effect on vending machines and commercial coin processing equipment and making certain, to the greatest extent practicable, that any new coins work without interruption in existing coin acceptance equipment without modification; and

''(iii) such other factors that the Secretary, in consultation with merchants who would be affected by any change in the weight and composition of the 5-cent coin, vending machine and other coin acceptor manufacturers, vending machine owners and operators, transit officials, municipal parking officials, depository institutions, coin and currency handlers, armored-car operators, car wash operators, and American-owned manufacturers of commercial coin processing equipment, considers to be appropriate and in the public interest, after notice and opportunity for comment.

''(C) COMMENT AND SELECTION PROCESS.—In making any determination with respect to any change in the weight and composition of the 5-cent coin, the Secretary shall enter into a formal rulemaking process that includes a hearing on a record in addition to the publication of notice and opportunity for comment.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 5112(a)(5) of title 31, United States Code, is amended by striking ''and weighs 5 grams''.

SEC. 5. AUTHORITY TO CONDUCT RESEARCH AND DEVELOPMENT ON ALL CIRCULATING COINS.

To accomplish the goals of this Act, the Secretary may conduct any appropriate testing within or without the Department of the Treasury, and may solicit input from or otherwise work in conjunction with entities within or without the Federal government including independent research facilities or current or potential suppliers of the material used in volume production of circulating coins, to complete the report referred to in this Act and to develop, evaluate or begin the use of new metallic material for such production.

SEC. 6. BIENNIAL REPORT TO CONGRESS ON CURRENT STATUS OF COIN PRODUCTION COSTS AND ANALYSIS OF ALTERNATIVE CONTENT REQUIRED.

(a) BIENNIAL REPORT REQUIRED.—Before the end of the 270-day period beginning on enactment of this Act, and at 2-year intervals following the initial report, the Secretary of the Treasury 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 analyzing production costs for each circulating coin, cost trends, and possible new metallic materials or technologies for the production of circulating coins.

(b) DETAILED RECOMMENDATIONS.—The reports required under this section shall contain detailed recommendations for any appropriate changes to the metallic content of circulating coins in such a form that the recommendations could be enacted into law as appropriate.

(c) IMPROVED PRODUCTION EFFICIENCY.—The reports required under this section shall include recommendations for changes in the methods of producing coins at the United States Mint that would further reduce the costs to produce circulating coins, and include notes on any legislative changes that might be necessary to achieve such goals.

(d) MINIMIZING CONVERSION COSTS.—The reports required under this section shall—

(1) include no recommendation for new specifications for producing a circulating coin that would require significant change to coin-accepting and coin-handling equipment to accommodate changes to all circulating coins simultaneously, except for any potential change to the 5-cent coin as authorized under section 4; and

(2) to the greatest extent possible, recommend specifications that, while consistent with other portions of this section and the amendments made by this Act, require no changes to coin-accepting or coin-handling equipment whatsoever to accommodate both coins produced with the new specifications and coins produced as of July 31, 2007.

(e) FRAUD PREVENTION.—The reports required under this section shall make no recommendation for a specification change that would facilitate or allow the use of a coin with a lesser value produced by another country, or the use of any token or other easily or regularly produced metal device of minimal value, in the place of a circulating coin produced by the Secretary.

The SPEAKER pro tempore (Ms. JACKSON-LEE of Texas). Pursuant to the rule, the gentleman from Illinois (Mr. GUTIERREZ) and the gentleman from Illinois (Mr. ROSKAM) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. GUTIERREZ. Madam 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 insert extraneous material thereon.

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

There was no objection.

Mr. GUTIERREZ. Madam Speaker, I yield myself 5 minutes.

I rise today in strong support of H.R. 5512, the Coin Modernization and Taxpayer Savings Act of 2008, and I want to thank the gentleman from Ohio (Mr. SPACE) for all of his hard work and perseverance in getting this very important piece of legislation to the House floor.

It's not every day that the House considers legislation that has the potential of saving U.S. taxpayers over

$100 million a year, but that is exactly what we're doing today with H.R. 5512, and Mr. SPACE should be proud of his efforts and accomplishments on this bill.

Since March of 2003, increasing metal prices, caused by high world demand for core metals, have driven the costs of copper and nickel up by 300 percent, while zinc has increased 450 percent. As a result, the cost of producing our Nation's circulating coins have increased dramatically.

In fiscal year 2007, it cost nearly 2 cents to make each penny and 10 cents for each nickel, needlessly costing the American taxpayers over $100 million last year alone, but by simply bringing the cost of producing pennies and nickels down to their face value, H.R. 5512 will save the government nearly $1 billion over the next 10 years.

In brief, H.R. 5512 requires the U.S. Mint to immediately take steps to lower the production costs of pennies, requires the Mint to research an alternative composition for the nickel in 2 years, and grants the Mint the authority to research lower cost alternative metal content for all U.S. coins.

First, H.R. 5512 requires the Mint to begin production of a steel penny within 9 months of enactment. This should result in immediate and substantial savings to taxpayers. The bill also gives the Mint the flexibility to research other low-cost alternatives to a steel penny within the same 9-month period and report to Congress any alternative recommendation.

Second, the bill requires the Mint to begin producing a nickel-coated steel nickel in 2 years, unless the Mint develops a less costly alternative and recommends such an alternative to Congress or the cost of producing the nickel in its current form is below the coin's face value.

Finally, H.R. 5512 confirms that the Mint has the authority to conduct research and development into alternative composition that will lower production costs for all U.S. coins. This provision, along with the bill's requirement that the Mint issue a biennial report to Congress on the current status of coin production costs and an analysis of alternative content, will ensure that we avoid situations of negative seignorage for U.S. coins in the future.

Bottom line, Madam Speaker, if we continue under the status quo, with each new penny and nickel we issue, we will be contributing to our national debt by almost as much as the coin is worth. These losses are mounting rapidly, and we need to act immediately to lower the costs of producing the penny and the nickel.

H.R. 5512 will give the U.S. Mint the authority it needs to make the necessary changes to our coins without creating an undue burden on the relevant industries or causing a disruption in the minting process.

For these reasons, I urge all Members to support its passage.

I reserve the balance of my time.

□ 1830

Mr. ROSKAM. Madam Speaker, I yield myself such time as I may consume. I am pleased to rise in support of H.R. 5512, the Coin Modernization and Taxpayer Savings Act of 2008.

First, I would like to thank Chairman FRANK, Chairman GUTIERREZ and my colleague from Ohio (Mr. SPACE) for bringing this important bill to the floor. And I would also like to thank Ranking Member BACHUS for his support of my own coin content bill, H.R. 4036, the Cents and Sensibility Act, which I introduced with Mr. CASTLE of Delaware.

Madam Speaker, last year, I took my son to visit the Denver Mint in Colorado, and there we discovered during our tour that the cost of a penny was—actually what the gentleman from Illinois just referred to—1.7 cents, the cost to the government to make each single penny. And that's obviously more than it's worth. At current production rates, the Federal Government spends more than $134 million to produce eight billion pennies annually at a loss of $54 million to the taxpayer. It makes no sense.

Two years ago last Thursday, when I was not yet a Member of this body, the U.S. Mint sent to Congress a letter stating what my son and I discovered on our trip. And since then, a whole lot of nothing has happened. And I think, frankly, the Mint has been a little bit remiss in not bringing up a thoughtful suggestion on cost cutting. This bill will address the short-term problem of the costly penny and I believe the longer term issues of what circulating coins should be made of.

I've got to say I'm flattered in a way in that there are elements of this bill that have taken some of the elements of the bill that I introduced. So when H.R. 5512 was introduced, this bill, in other words, it was done so with some of the provisions that I was pleased to offer. The most important point is to immediately change the composition of the penny from copper-coated zinc to copper-coated steel. This change would slash the cost to make the penny.

For several years, Canada, our neighbors to the north, have been saving money producing its one cent coin, which is essentially identical to the U.S. penny, out of steel in this manner, originally in the same Tennessee plant in which our penny blanks are made. This provision blends an enormous cost-saving opportunity with ensuring that the content of the penny remains metal and securing American jobs that currently produce the penny.

Two other provisions from my bill are included in H.R. 5512, that is, the provision giving the Mint explicit authority to do research and development with outside firms on potential coin content, an authority that the Mint says now is ambiguous, and this bill takes away that ambiguity. And secondly, requiring regular reports from the Mint to the Congress on production cost trends and strategies to reduce costs, Madam Speaker, either with different content or different production techniques, either one.

These two provisions will ensure that the Mint is performing its due diligence in a timely manner and keeping the cost of production of all circulating coins down while maintaining communication with those who currently are involved in the industry on the production, supply and research sides.

Madam Speaker, without wanting to be overly critical of the Mint, let me just point out that I think that they have not done exactly as I think would be wise as it relates to solving this cost production problem. It sent legislation here proposing to transfer power from Congress to the Mint on the authority to decide what coins should be made of, what they would weigh, authority explicitly held by Congress since the founding of this country.

More recently, the Mint has criticized the bill before us because it would force the Mint to continue making coins out of metal. I don't know about your constituents, Madam Speaker, but I can guess, along with mine, that they're not interested in having coins made out of plastic, and even less enthusiastic if they found out that the decision to switch had been made by a few unelected bureaucrats in a gray building somewhere in Washington, DC. This is our responsibility to make these decisions. And worse, if such a switch were made the wrong way, it could force billions in conversion costs onto coin handlers, vending machines and banks, that would eventually be passed onto customers.

As a Member representing the Land of Lincoln, Madam Speaker, I'm pleased that H.R. 5512 satisfies the need to reduce the cost to taxpayers, retains American jobs, all the while preserving the small one cent coin that has been the foundation of our economic system since its inception.

I urge my colleagues to support the bill.

Madam Speaker, I reserve the balance of my time.

Mr. GUTIERREZ. I would like to yield as much time as he may consume to the author and chief proponent of the bill, Mr. SPACE from Ohio.

Mr. SPACE. Madam Speaker, I'd like to thank the gentleman from Illinois, Subcommittee Chairman GUTIERREZ, for his cooperation and assistance in this legislation. I would also like to thank the ranking member, Mr. PAUL from Texas, as well. And I would further like to extend my gratitude to Chairman FRANK and Ranking Member BACHUS for their work in advancing this important piece of legislation that will, in fact, eliminate wasteful governmental spending, saving the taxpayers a billion dollars over the next 10 years.

Right now, our government is needlessly throwing away money in the production of coins. Estimates, as have been indicated, suggest that we're spending 1.7 cents or more per penny

produced in this country, as well as 9.5 cents per nickel.

The content of a penny, as it exists now, is roughly 97½ percent zinc, with the balance copper. The content of a nickel is roughly 25 percent nickel and 75 percent copper. And during the last 5 years, we've seen huge increases in the price of copper, nickel and zinc. As Subcommittee Chairman GUTIERREZ indicated, that is attributable to excess demand throughout the world on those metals, along with speculation in the market. This legislation is designed with an eye toward common sense to save, again, roughly $100 million per year over the next 10 years.

Wasteful spending is especially egregious at a time when Americans are facing the pitfalls of an economic downturn. This legislation will begin the process of eliminating this wasteful spending by mandating changes in the content of the penny and the nickel and giving the Treasury a louder voice in the process.

Based on production numbers, again I want to emphasize these changes will save taxpayers $1 billion over the next 10 years. The legislation will also help Congress be more responsive to market changes in the value of different metals over time, helping it to be more efficient and precise in its expenditures.

The savings can be spent to put money into our schools, improve our infrastructure, increase access to health care, all the things that many Americans—certainly Americans I represent back in Ohio's 18th District—desperately need.

As a Congress, we have a responsibility to use our funds in a responsible fashion. This legislation is a step toward more responsible spending and represents a bipartisan effort to work together on a measure that encompasses a high degree of common sense. Refreshing.

Mr. GUTIERREZ. I congratulate the gentleman from Ohio on that wonderful speech.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. GUTIERREZ) that the House suspend the rules and pass the bill, H.R. 5512, as amended.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

MOTION TO ADJOURN

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

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Texas.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to adjourn will be followed by 5-minute votes on motions to suspend the rules on House Resolution 1168, and House Resolution 1155.

The vote was taken by electronic device, and there were—yeas 149, nays 236, not voting 47, as follows:

[Roll No. 262]

YEAS—149

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown-Waite, Ginny
Buchanan
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Carter
Castle
Chabot
Clay
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hunter
Inglis (SC)
Issa
Johnson (IL)
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCrery
McHugh
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Thornberry
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—236

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Burgess
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Cazayoux
Chandler
Clarke
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dingell
Doggett
Donnelly
Doyle
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Fossella
Foster
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McGovern
McIntyre
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (MI)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Richardson
Rodriguez
Rogers (MI)
Ros-Lehtinen
Rothman
Roybal-Allard
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solis
Space
Stark
Stupak
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—47

Andrews
Bachus
Baird
Berry
Braley (IA)
Burton (IN)
Butterfield
Campbell (CA)
Capito
Carson
Conaway
Costa
Cummings
Dicks
Doolittle
Edwards
Gilchrest
Gohmert
Gordon
Gutierrez
Hooley
Hulshof
Johnson, Sam
Jones (NC)
Jones (OH)
Langevin
McCaul (TX)
McDermott
McHenry
McNerney
Meeks (NY)
Miller (NC)
Murphy, Tim
Oberstar
Peterson (PA)
Pryce (OH)
Ross
Ruppersberger
Rush
Snyder
Speier
Spratt
Udall (NM)
Watt
Weiner
Weldon (FL)
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Less than 2 minutes are remaining.

□ 1900

Messrs. COHEN, ELLSWORTH, ACKERMAN, WAXMAN, Ms. VELÁZQUEZ and Ms. CLARKE changed their vote from ''yea'' to ''nay.''

Ms. GINNY BROWN-WAITE of Florida changed her vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BRALEY. of Iowa. Madam Speaker, on rollcall No. 261 and had I been present, I would have voted "no."

CONGRATULATING CHARTER SCHOOLS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1168, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. TIERNEY) that the House suspend the rules and agree to the resolution, H. Res. 1168, as amended.

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

RECORDED VOTE

Mr. CARTER. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 391, noes 2, answered ''present'' 1, not voting 38, as follows:

[Roll No. 263]

AYES—391

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—2

Hinchey
Kucinich

ANSWERED ''PRESENT''—1

Hall (NY)

NOT VOTING—38

Andrews
Bachus
Baird
Burton (IN)
Butterfield
Campbell (CA)
Carson
Coble
Cole (OK)
Conaway
Cummings
Dicks
Doolittle
Gilchrest
Hooley
Hulshof
Johnson, Sam
Jones (NC)
Jones (OH)
Keller
Lampson
Lofgren, Zoe
McHenry
McMorris Rodgers
Meeks (NY)
Miller (NC)
Oberstar
Olver
Ortiz
Peterson (PA)
Pryce (OH)
Rush
Saxton
Snyder
Speier
Udall (NM)
Watt
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Less than 2 minutes remain in this vote.

□ 1912

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

The result of the vote was announced as above recorded.

Mr. CARTER. Madam Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Madam Speaker, I move to table the motion to reconsider.

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

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

RECORDED VOTE

Mr. CARTER. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 215, noes 182, not voting 35, as follows:

[Roll No. 264]

AYES—215

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski

Loebsack
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Melancon
Michaud
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—182

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—35

Andrews
Bachus
Baird
Burton (IN)
Butterfield
Campbell (CA)
Carson
Coble
Cole (OK)
Conaway
Cummings
Dicks
Doolittle
Gilchrest
Gohmert
Hooley
Hulshof
Johnson, Sam
Jones (NC)
Jones (OH)
Lofgren, Zoe
McHenry
McNerney
Meeks (NY)
Miller (NC)
Oberstar
Peterson (PA)
Pryce (OH)
Rush
Saxton
Snyder
Speier
Udall (NM)
Watt
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left in the vote.

□ 1919

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

HONORING THE RECIPIENTS OF THE EL DORADO PROMISE SCHOLARSHIP

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1155, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. TIERNEY) that the House suspend the rules and agree to the resolution, H. Res. 1155, as amended.

The question was taken.

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

RECORDED VOTE

Mr. TIAHRT. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 390, noes 1, not voting 41, as follows:

[Roll No. 265]

AYES—390

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
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
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)

Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—1

Young (AK)

NOT VOTING—41

Andrews
Bachus
Baird
Bilirakis
Burton (IN)
Butterfield
Campbell (CA)
Carson
Coble
Cole (OK)
Conaway
Dicks
Doolittle
Gilchrest
Hall (NY)
Heller
Hinchey
Hinojosa
Hooley
Hulshof
Hunter
Johnson, Sam
Jones (NC)
Jones (OH)
McCarthy (CA)
McCarthy (NY)
McHenry
Meeks (NY)
Melancon
Miller (NC)
Oberstar
Pascrell
Peterson (PA)
Pryce (OH)
Rush
Speier
Stark
Udall (NM)
Waters
Watt
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1926

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

The result of the vote was announced as above recorded.

Mr. TIAHRT. Madam Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Madam Speaker, I move that the motion to reconsider be laid on the table.

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

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

RECORDED VOTE

Mr. TIAHRT. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 216, noes 180, not voting 36, as follows:

[Roll No. 266]

AYES—216

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wynn
Yarmuth

NOES—180

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Inglis (SC)
Issa
Johnson (IL)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—36

Andrews
Bachus
Baird
Burton (IN)
Butterfield
Campbell (CA)
Carson
Coble
Cole (OK)
Conaway
DeFazio
Dicks
Doolittle
Garrett (NJ)
Gilchrest
Herger
Hooley
Hulshof
Hunter
Johnson, Sam
Jones (NC)
Jones (OH)
McHenry
Miller (NC)
Oberstar
Peterson (MN)
Peterson (PA)
Pryce (OH)
Rangel
Rush
Speier
Udall (NM)
Watt
Weiner
Weldon (FL)
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1934

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5818, NEIGHBORHOOD STABILIZATION ACT OF 2008

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–621) on the resolution (H. Res. 1174) providing for consideration of the bill (H.R. 5818) to authorize the Secretary of Housing and Urban Development to make loans to States to acquire foreclosed housing and to make grants to States for related costs, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 3221, FORECLOSURE PREVENTION ACT OF 2008

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–622) on the resolution (H. Res. 1175) providing for consideration of the Senate amendments to the bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation, which was referred to the House Calendar and ordered to be printed.

MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. FLAKE. Madam Speaker, I have a motion at the desk.

The SPEAKER pro tempore (Ms. DEGETTE). The Clerk will report the motion.

The Clerk read 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 not to recede to the provisions contained in subtitle A of title XII of the Senate amendment (relating to a permanent agriculture disaster assistance program).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. FLAKE) and the gentleman from North Dakota (Mr. POMEROY) will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Speaker, this motion to instruct conferees is simple. It would urge the farm bill conferees to not include a new permanent disaster program contained in the Senate-passed farm bill. The Senate-passed farm bill included a new and permanent disaster program which has been estimated to cost an additional $5.1 billion.

First of all, I want to commend the House for not including the disaster title. It is not needed. We end up paying far more than we should in the regular subsidy programs; but to add a permanent disaster title is simply heaping too much on the taxpayers. As I go through some of this, you will see why.

According to the Congressional Research Service, since 1989 Congress has passed 35 appropriations authorizations or farm disaster acts that have added more than $60 billion in supplemental funding to USDA programs with just under 8 percent of that coming in the last 10 years. An analysis by the Environmental Working Group showed the Federal Government provided $26 billion in disaster relief payments between 1985 and 2005. Congress spent more than $8 billion in disaster payments between 2002 and 2006, with an additional $3.4 billion being made available for the 2008 omnibus for disaster payments for losses between 2005 and 2007.

So you see, we have regular subsidy programs that are awfully big, and then we are being asked to add a disaster title on top of that. When we debated the bill in 2002, the 2002 farm bill, the idea was to stop the expensive disaster assistance payments. Former Senator Daschle said at that time: ''We are getting rid of these ad hoc disaster payments approaches. We are actually bringing down the cost of the Federal program.''

So in essence we were basically including permanent disaster relief within the farm program in 2002. Or that is what was said at the time. And now we are being asked again, let's add another disaster title because we simply aren't subsidizing enough.

Representative LUCAS of Oklahoma said during that debate: ''On the committee, both Republicans and Democrats worked to find a balanced bill so we would not have to come back to Congress and ask for ad hoc disaster bills year after year. We have found that balance in the manager's amendment.'' Again, that was in 2002.

We were told if we passed the bill in 2002, we wouldn't have to come back again and again for disaster payments. But guess what, we were back the next year and the next year and the next year with disaster payments; and we are being asked again here to include a permanent disaster title. Now believe me, if we do this, next year we will be asked to add disaster payments again and the next year again and again. This is nothing more than an effort to increase the baseline, to increase more subsidies going out to farmers.

Representative POMEROY said in 2002: ''There is a better way to go than to add ad hoc year-to-year disaster bills that leave the farmer and their lenders and their creditors not knowing where they stand. The better way is to put it in the farm bill, just like this bill does.''

Let me remind you, that bill was passed. We did exactly what these Members said we should do in order to avoid ad hoc disaster payments henceforth. Guess what, we didn't. We have seen those payments again and again. Now we are being asked to include a permanent disaster title, only to see these payments again and again. It is simply too much.

When do we stand up and say enough is enough? The taxpayer is on the hook for too much.

Madam Speaker, I reserve the balance of my time.

Mr. POMEROY. Madam Speaker, I respond to the constructive tone of the proponent of the motion to instruct with just a few words of explanation.

Essentially there are two risks that farmers cannot control. One of them is if the prices collapse. And we have seen prices collapse often in the years I have been in the House below the cost of raising the crop. In that circumstance, farmers need help.

We also see the risk of production failure where weather and natural disasters produce a broad crop failure. Well, the 2002 farm bill referenced by my friend, Mr. FLAKE, restored protection for farmers when prices collapse. Prior to that restoration, we had a farm bill that did not respond when prices collapsed, and during the late 1990s we sought not one but two, maybe even three disaster bills to respond to the price collapse. The 2002 farm bill fixed that, and with price support payments that trigger when prices hit a certain low level, we have not had to come the disaster route to deal with price collapse again. The result has been a tremendous savings for taxpayers. We have a farm bill that only pays out when farmers need it, and billions of dollars have been reduced from the baseline for agriculture because the pricing environment has not required the Federal Government to step in with price support.

Now as a matter of budget principle, I would think that Mr. FLAKE, and we all know he is ever-vigilant on budget matters, would very much like bringing disaster on the budget where it is paid for rather than rely on ad hoc disaster payments that are not paid for, that are emergency spending. And so that is what I want to focus on during the balance of my time.

We know that in our great Nation there will be production circumstances causing disaster losses, and we know that these are going to move around.

This is the U.S. drought monitor for midsummer 2006. We see a broad pattern of drought. The very next year we had other parts of the country facing a drought threat that really could produce disaster losses.

□ 1945

So we know that someplace in the country we're going to have extraordinary circumstances that will literally threaten the family farmers in that region.

Well, why don't we just move ahead then and, with this farm bill opportunity, address that issue, and that's precisely where the conferees are in terms of completing their work on this farm bill. They have a disaster component of this bill. It is paid for in the spending of the farm bill; no off-budget, no emergency spending. It's paid for in the farm bill. And what's more, it involves important reforms as well.

I expect my friend, Mr. FLAKE, and I agree that when you have ad hoc program, you don't necessarily have the reins around the spending as you'd like.

This bill is very spelled out. It only pays if the entire farm suffers a disaster loss as defined in the statute. Earlier ad hoc programs will pay if just a portion of the farm is hit with disaster-type losses. This is whole farm loss that's provided for.

And we require the farmer to maintain crop insurance. We don't want anybody relying on this disaster program as their risk protection. They've got to provide for their own risk protection with crop insurance, and this would only cover additional losses in the event of a disaster situation.

You might ask, why do you need that if you've got crop insurance? And it's well known that crop insurance leaves a significant percentage of the farmers' costs exposed.

Now, let me just tell you, as I wrap up, why this is so important. We have farmers putting in the most expensive crop in the history of U.S. agriculture. The bankers that I have been visiting with in recent days have told me that operating loans to our farmers are running 30 percent above the amounts last year because of the extraordinary costs our farmers are encountering.

I had a farmer tell me today that putting in his crop near Edgeley, North Dakota ran $10,000 a day just for the fuel burned by the three tractors. $10,000 a day. That means, while farmers usually put it all on the table and take enormous risk at the beginning of

a planting season, this year, more than ever before, they've got it all hanging out there. And if we don't have protections, those farmers that might find themselves in a disaster loss situation would take a hit that might very well threaten the continuation of that family farm.

So we think the best way to deal with this prospect of disaster losses is to put it in the farm bill, make sure that it's paid for, provided in the budget, and that's precisely what we have done.

I would resist the motion to instruct, and urge my colleagues to vote ''no.''

I yield back the balance of my time.

Mr. FLAKE. The gentleman mentioned that having these permanent disaster titles built into the budget would be a good thing so we don't have the ad hoc disaster programs. I agree, it would be. But we've done that. That's how the last firm bill was sold to us; that yes, it's a bit bloated; yes, it's bigger than you'd like, but it's going to include disaster payment so we don't have to do ad hoc stuff anymore. We're going to build it into the budget.

I read several quotes. There are several more. Let me just read one more. Representative Combest of Texas said, ''There is a safety net which is built into the program. I think, to my budget conscious colleagues, of which I am one, this is more of an honest way to deal with this problem than ad hoc disaster bill after disaster bill after disaster bill after disaster bill.''

Now, that sounds just like what we heard. This was in 2002. And we've had many ad hoc disaster bills pass since that time. I guarantee you, if we pass this, with this large disaster bill attached to it, we'll see more disaster bills after this time.

The gentleman mentioned that disaster bills come to fill in the gaps when there are bad crop years. That's the purpose of it. In fact, we subsidize crop disaster insurance to the tune of about $3 billion a year, I believe. We've had many programs, many bills to do that. But it hasn't seemed to work because we keep funding on top of that.

If you look at this chart, this chart will show 2002 through 2006, these were not particularly bad years. In the red you will see the subsidies that were given during this time. In the yellow you'll see disaster payments added on top of the programs. So you see, in good years, in bad, it doesn't matter. We seem to have crop disaster programs and money paid out every time, no matter what.

This next chart is quite telling. Shortly before the 2002 Congressional elections, the Bush administration faced growing pressure from ranchers and politicians in a handful of western States that were hit hard by drought. There was pressure to actually do something to help these ranchers.

The USDA responded with a plan to give ranchers cash payments based on how much livestock they owned. Now, to qualify, a rancher had to be in a county that suffered from a drought and declared a disaster by the Agriculture Secretary in 2001 or 2002. Legislation was approved by Congress to extend the livestock program into January of 2003 as well.

Let me just give you one example of how this works. I'll go to this chart later. But all you have to do is to be in a county where some kind of disaster is declared. The rules were loosened so it didn't even have to be a weather-related disaster. Something else could trigger it as well. And all a farmer had to do is say, or a rancher had to do is say, I am from this county, therefore I deserve payment. Per head livestock payment. And that was paid out.

And you had counties that had no disaster at all, or parts of counties, in Arizona we have large counties, only 15 in the State, so you have parts of counties that perhaps weren't suffering any disaster at all where people were collecting payments.

But what you also had, and this will demonstrate the absurdity of the program we have now and the eligibility rules. In Texas here, on February 1, 2003, we had a very unfortunate incident where the Space Shuttle Columbia exploded over Texas, upon re-entry. It scattered over a certain part of the State. The President declared certain counties in Texas a disaster area in order to have emergency services go and collect the debris.

Because that was a national or, I'm sorry, a disaster declared in certain counties, all ranchers had to do in those counties is claim there's a disaster; I'm going to collect benefits for my livestock. And you had, literally, millions of dollars paid out to ranchers for their livestock because of a disaster, a space shuttle exploding over Texas.

Now, that will give you some idea of the eligibility rules that apply here. This, we make no effort in this legislation, nor have we made any effort in any others to really seriously tighten up these eligibility rules. And that is simply wrong to do this.

We are embarking again, let me remind you, in 2002 we were told, let's include a bigger bill, let's have a bigger bill that will include disaster relief, and then we won't need to come back anymore. We'll include it in the base bill. That's better budgeting.

That's exactly what we're hearing today, the same thing, but with no promise that we'll actually get rid, or that we'll actually cut other programs, go into the commodity programs, shave money here to pay it here. No, we're just increasing the baseline substantially.

And I should note, this is not paid for in the bill. The permanent disaster relief is above the base line. We're having to charge fees somewhere else to pay for this. So it's not in the bill. It's not paid for. It's actually above the baseline.

So let me just urge my colleagues, you know, we have a program here that I think all of us, in our candid moments, realizes is out of control. We have subsidies going here that are well beyond what is required and necessary and right and proper. Yet, we continue to do this simply because it makes for good politics. I would think that we're better than that.

I would think that we can rise up, at least now, as the House did, frankly, and say, we shouldn't have a permanent disaster title. Again, I want to commend the House for doing that. But this is why this motion is to instruct the conferees to go with the House version and not the Senate version.

And I would ask my colleague, I would yield for just a minute, if you would, if we felt that a disaster title was so needed, why wasn't it included in the House bill, and why did we rely on the Senate to have it?

I yield 30 seconds to the gentleman.

Mr. POMEROY. I thank the gentleman for yielding. Because I yielded back my time, anticipating you were rising to close, if you would give me leave, I'll have about 2 minutes, 3 minutes of answers to that.

Mr. FLAKE. I will gladly yield.

Mr. POMEROY. I thank my friend.

First, there have been mistakes made in the administration of farm programs. And, for example, the gentleman's illustration about the Texas ranch issue relative to the space shuttle tragedy, that was not under an ad hoc disaster bill, but we believe it was very poor administration of relief under another program called section 32. We would hope that never happens again. Action is taken here to make certain that it doesn't.

The disaster bill precludes losses on livestock. Moreover, they can only go in areas designated by the Secretary as having sustained a disaster loss; at which time, in the legislation, it's specified that the whole farm of the applicant has to suffer a qualifying loss. So no more if you happen to live in an area where somebody else got hit, we got a check for you. That's done, and tightened up considerably under this program.

We think that all of those are good government provisions. We also addressed in the 2002 bill, and expect it to anticipate continuing in this bill, price support protection in the farm bill. So we have not had, since 2002, a disaster bill to respond to collapsed prices in the marketplace. We expect that that would absolutely continue. We've got a provision in the farm bill to respond to that. No ad hoc disaster required for price collapse.

And then the gentleman's question to me, I forgot. I yield back for clarification, and I'll respond directly.

Mr. FLAKE. Well, I'd just like to ask the gentleman. In 2002 didn't we hear exactly what we're hearing today, that if we include a permanent disaster title, that there will be no more need for disaster relief beyond this year?

Mr. POMEROY. Well, I can only speak for the comments the gentleman

quoted from my own debate. And what I was so happy about the 2002 bill is we were restoring a safety net for farmers when prices collapsed. During the earlier farm bill, known as Freedom to Farm, that protection had been taken away and we had to resort to ad hoc disaster bills when the prices collapsed. We took care of that in the last firm bill and we have not had a disaster bill on that since.

This disaster bill relates to production loss. And we're always going to have disasters in our country that bedevil some of our farmers relative to disaster dimension losses. We put them in the budget. We specify in tight reform language how the losses would be compensated. And we think it's good budgeting.

Mr. FLAKE. Reclaiming my time, we heard some of these same arguments in 2002, that we had tightened things up, and that we wouldn't have the ability to game the system. Yet I mentioned the shuttle disaster as one of the more egregious examples. There are plenty of others.

For example, after the Katrina disaster, part of the programs that we have allow, if prices drop substantially, that prices can be locked in at a certain price, and then farmers can go sell on the market afterwards. The system was gamed at that point; to the loss, to the tune of a couple of billion dollars. These were imaginary losses. These were not real losses.

Mr. POMEROY. Will the gentleman yield on that?

Mr. FLAKE. Just 15 seconds, if I could.

Mr. POMEROY. We fixed the Katrina issue. That's another provision, not a disaster provision. That's a provision that relates to what's called beneficial interest, and we make adjustments reforms along the lines sought by the White House on that one.

□ 2000

Mr. FLAKE. Madam Speaker, I would simply say in response to that, this is what we heard in 2002, that we have fixed these loopholes, that this has tightened up. We won't have to have ad hoc disaster payments. There are several types. I mentioned the number of bills that have been passed to provide this type of disaster relief, whether it was for livestock or crop loss or something else. We just passed a myriad of bills to do that. And every time we hear, We've tightened it up; if you just give us a little higher baseline, if you just increase it a little more, then we promise we won't come back again and again and again. And here we are. We're back doing the same thing again.

I would submit, Madam Speaker, that we simply can't do this any more. We simply can't do this.

Let me go to this chart for a minute.

May I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman has 15 minutes remaining.

Mr. FLAKE. I assure my colleagues I won't take my entire 15 minutes, but let me point out this chart right here.

These are areas that have received disaster payments in 11 of the past 21 years. When you think disaster payments, you think this is something that happens once every decade or once every century or something that is an odd occurrence. It doesn't always occur. Yet here we see, look at these dots here. One, you can tell they're highly concentrated. Certain areas keep going back for more again and again and again. These areas where you see the dots received disaster payments 11 out of the last 21 years. One dot equals one recipient here.

Now 11 out of the past 21 years, if you do the math right, that's better than once every 2 years people are coming back for disaster payments, catastrophic losses of some type or another. So the notion that we're taking care of it all, that we won't have any more catastrophic disasters, I think is blown away by this chart because we see again and again.

Another thing that's quite notable with this chart is you see there is a very political disbursement here. I will point out one place, right here at the top of Arkansas. You will see a smattering of dots where this represents, believe me, millions and millions and millions of taxpayer dollars going to disaster relief. But something funny happens here. Once you cross the State line into Missouri, virtually no dots at all. Very little was received at all.

Now, unless droughts respect State boundaries right along the State line, or a tornado is deterred by a barbed wire fence, then this is political. There is no other way to explain this. You look down here near the panhandle of Florida into Georgia and whatnot, there are a lot, and then as soon as you cross over that State line, virtually nothing.

What this suggests to me, and I'm sure anybody who looks at it in candor would say, There's probably a very active farm service organization there that is applying for these grants and going after that drought relief for whatever it's for.

But you have to concede there is no other way to explain this than to see that this is extremely political. That's how it happens. That's how it happened after 2002 when the White House was under much pressure to provide disaster relief before the election was coming up. It doesn't just happen under Democrat's administrations; it happens under Republicans and everyone. We shouldn't allow this to happen.

Let me just close by saying, again, we heard this in 2002, we're hearing it again. We bought it then. We shouldn't have. Let's not include this $5.1 billion disaster program. I'm hearing that it's down to $3.8. That's maybe a good sign.

Mr. POMEROY. If the gentleman would yield, I think it's the gentleman's motion so he has the right to close.

Mr. FLAKE. I would yield 15 seconds.

Mr. POMEROY. Actually, I'm going to ask unanimous consent to get a couple of minutes of my time back, 2 minutes of my time back, to basically put in perspective some of the points the gentleman has raised; and then you might want to reserve your time so you have the opportunity to close.

Mr. FLAKE. Madam Speaker, I will reserve.

Mr. POMEROY. Madam Speaker, I ask for 2 minutes of my time back that I yielded.

Mr. FLAKE. Madam Speaker, I will yield 2 minutes to the gentleman.

Mr. POMEROY. Madam Speaker, I will speak under Mr. FLAKE's time, and thank you for yielding.

The reason I yielded back was because I thought this was about ready to draw to a close. There are a couple of points that I do want to make and believe the record needs to make clear.

First, under the last farm bill, we haven't added billions. We've reduced billions from the baseline for agriculture. Because we stopped the ad hoc disaster response when prices collapsed, we had a provision in the farm bill to respond when prices collapsed. Guess what? Prices did not collapse, and the farm bill did not need to extend itself to help farmers. The market took care of the farmers. That saved, over the last farm bill, $18 billion off of the baseline in commodity payments.

Now, what happens as we try to build the farm bill this year? It means we have $18 billion less to do it. We have come up with a farm bill that has additional spending, every dollar of it paid for without raising taxes.

And so this farm bill is a very tightly constructed, paid-for farm bill in contrast to the last farm bill where $73 billion was added to the baseline, none of it paid for, under the Republican majority that previously ruled this Congress.

The final point I would make is that we are going to have disasters. They will threaten the very continuation of family farms across this country. It depends who happens to be afflicted with the disaster at a certain point in time. The option before this Congress is we're either going to prefund, pay for, and budget a disaster response anticipating these losses, or we're going to continue to rely on ad hoc, off-the-budget responses, which we believe is a less responsible way to proceed.

I thank the gentleman for yielding and allowing me to make these rebuttal points.

Mr. FLAKE. Madam Speaker, I would yield 15 seconds. The question I had asked before of the gentleman is why didn't the House include the disaster.

Mr. POMEROY. I thank the gentleman for yielding.

Essentially, we didn't have the funding in place to support a paid-for disaster bill. Later, negotiations between House and Senate negotiators, and I have been right in the middle of it, found ways to fund the bill, and at that point in time, the disaster title came back in.

Mr. FLAKE. Madam Speaker, I thank the gentleman.

I should note, as I did before, this is not below the baseline. There is only room because we're going well above the baseline. We're actually charging fees or doing some other things to free up offset money to actually pay for the disaster.

Mr. POMEROY. If I just can respond briefly.

Mr. FLAKE. Sure.

Mr. POMEROY. Madam Speaker, the ad hoc disaster programs that we have passed did not figure into the agriculture baseline so they have not counted.

Additionally, the baseline that we're operating under for this farm bill is below the baseline that we operated under for the last farm bill.

Mr. FLAKE. I thank the gentleman.

I should note that the gentleman mentioned that we've cut billions of dollars since the last farm bill. We haven't cut anything. The reason that not as much has been paid out under countercyclical or some of the other programs is being a product of high prices, and that's as the program works. But I should note that even though there have been high prices, we're still having disasters seemingly everywhere with very loose definitions of what a disaster is, and I would suggest that we will have those again, whether or not we include a permanent disaster title. That's what experience tells us. That's what we've learned just over the past few years. It doesn't matter if you include a permanent disaster title or you include this under the baseline, you will have disaster payments go out.

And my plea would be let's stand for the taxpayer here. We don't often do that in the Congress. Let's say that enough is enough, that we can't continue to pay out money on top of money that we said we weren't going to pay out.

Again, I thank my colleagues for their indulgence. I know we went a little longer than we thought.

I would urge support for this motion to instruct.

Let's keep what the House did and reject the disaster title that the Senate put in.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Arizona (Mr. FLAKE).

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

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

The yeas and nays were ordered.

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

ADJOURNMENT

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

The motion was agreed to; accordingly (at 8 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 7, 2008, at 10 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 110th Congress, pursuant to the provisions of 2 U.S.C. 25:

DONALD J. CAZAYOUX, Jr., Louisiana, Sixth.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6402. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyraclostrobin; Pesticide Tolerance for Emergency Exemptions [EPA-HQ-OPP-2008-0003; FRL-83590-7] received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6403. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cyazofamid; Pesticide Tolerances [EPA-HQ-OPP-2007-0872; FRL-8360-4] received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6404. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Thiamethoxam; Pesticide Tolerances [EPA-HQ-OPP-2008-0139; FRL-8359-9] received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6405. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyraclostrobin; Pesticide Tolerance [EPA-HQ-OPP-2007-0906; FRL-8355-4] received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6406. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Metconazole; Pesticide Tolerance [EPA-HQ-OPP-2006-0855; FRL-8360-5] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6407. A letter from the Assistant Secretary for Health Affairs, Department of Defense, transmitting the Department's Evaluation of the TRICARE Program for Fiscal Year 2008, pursuant to 10 U.S.C. 1073 note; to the Committee on Armed Services.

6408. A letter from the Assistant Secretary for Installations and Environment, Department of the Navy, Department of Defense, transmitting notice of the completion of a public-private competition at the Fleet Readiness Center — East (formerly Naval Air Systems Command Naval Air Depot — Cherry Point) in Havelock, NC, pursuant to 10 U.S.C. 2462(a); to the Committee on Armed Services.

6409. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Colonel Daniel O. Wyman, United States Air Force, to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

6410. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting letter on the approved retirement of General Dan K. McNeill, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

6411. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting letter on the approved retirement of General Burwell B. Bell III, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

6412. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John G. Castellaw, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6413. A letter from the Director, Administration and Management, Department of Defense, transmitting Certification that the total cost for the planning, design, construction and installation of equipment for the renovation of wedges 2 through 5 of the Pentagon Reservation, cumulatively, will not exceed four times the total cost for the planning, design, construction, and installation of equipment for the renovation of wedge 1, pursuant to Public Law 108-287, section 8055; to the Committee on Armed Services.

6414. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Report to Congress on the Social and Economic Conditions of Native Americans: Fiscal Years 2001 and 2002,'' pursuant to Section 811A of the Native American Programs Act of 1974; to the Committee on Education and Labor.

6415. A letter from the Secretary, Department of Labor, transmitting a copy of proposed legislation to improve enforcement of the Labor-Management Reporting and Disclosure Act of 1959; to the Committee on Education and Labor.

6416. A letter from the Chairperson, National Council on Disabilities, transmitting the Council's report entitled, ''Empowerment for Americans with Disabilities: Breaking Barriers to Careers and Full Employment''; to the Committee on Education and Labor.

6417. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Withdrawal of Federal Implementation Plans for the Clean Air Interstate Rule in 12 States [EPA-HQ-OAR-2007-0510; FRL-8556-1] received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6418. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Petition for Reconsideration and Withdrawal of Findings of Significant Contribution and Rulemaking for Georgia for Purposes of Reducing Ozone Interstate Transport [EPA-HQ-OAR-2004-0439, FRL-8556-2] (RIN: 2060-AN12) received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6419. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Incorporation of On-board Diagnostic Testing and Other Amendments to the Motor Vehicle Emission Inspection Program for the Northern Virginia Program Area [EPA-R03-OAR-2007-0185; FRL-8555-5] received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6420. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Transportation Conformity Regulations [EPA-R03-OAR-2007-1009; FRL-8555-4] received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6421. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revocation of Significant New Use Rules on Certain Chemical Substances [EPA-HQ-OPPT-2006-0213; FRL-8358-4] (RIN: 2070-AB27) received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6422. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Finding of Failure to Submit State Implementation Plans Required for the 1997 8-hour Ozone NAAQS [FRL-8545-5] received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6423. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Georgia: Enhanced Inspection and Maintenance Plan [EPA-R04-OAR-2008-0116-200807a; FRL-8560-3] received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6424. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Volatile Organic Compound Emission Standards for Aerosol Coatings [EPA-HQ-OAR-2006-0971; FRL-8544-2] (RIN: 2060-AO86) received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6425. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Montana; Whitefish PM10 Nonattainment Area Control Plan [EPA-R08-OAR-2007-0367; FRL-8552-4] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6426. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Revisions to Particulate Matter Rules [EPA-R05-OAR-2007-1177; FRL-8559-7] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6427. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — LAND DISPOSAL RESTRICTIONS: Site-Specific Treatment Variance for P and U-listed Hazardous Mixed Wastes Treated by Vacuum Thermal Desorption at the EnergySolutions' Facility in Clive, Utah [EPA-HQ-RCRA-2007-0936; FRL-8560-1] received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6428. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Deadline for Action on Section 126 Petition From Warrick County, Indiana, and the Town of Newburgh, Indiana [EPA-HQ-OAR-2008-0314; FRL-8559-9] received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6429. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Alabama Prevention of Significant Deterioration and Nonattainment New Source Review [EPA-R04-OAR-2007-0532-200810, FRL-8560-2] received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6430. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Control of Stationary Generator Emissions [EPA-R03-OAR-2007-1188 FRL-8559-5] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6431. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Redesignation of the Forest County Potawatomi Community Reservation to a PSD Class 1 Area [EPA-R05-OAR-2004-WI-0002; FRL-8557-6] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6432. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Section 110(a) 8-Hour Ozone Maintenance Plan for the White Top Mountain, Smyth County, Virginia 1-Hour Ozone Nonattainment Area [EPA-R03-OAR-2007-1068; FRL-8559-6] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6433. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) [EPA-HQ-OAR-2003-0138, FRL-8557-1] (RIN: 2060-A099) received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6434. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Kentucky: Tennessee Valley Authority Paradise Facility State Implementation Plan Revision [EPA-R04-OAR-2007-1091-200813; FRL-8559-1] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6435. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: Revised Definition of Substantially Similar Rule for Alaska [EPA-HQ-OAR-2007-0071; FRL-8557-8] (RIN: 2060-AN94) received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6436. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Outer Continental Shelf Air Regulations Consistency Update for California [OAR-2004-0091; FRL-8542-3] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6437. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Control of Emissions of Air Pollution from Locomotive Engines and Marine Compression-Ignition Engines Less than 30 Liters per Cylinder [EPA-HQ-OAR-2003-0190; FRL-8545-3] (RIN: 2060-AM06) received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6438. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Completeness Findings for Section 110(a) State Implementation Plans for the 8-hour Ozone NAAQS [FRL-8545-6] (RIN: 2060-AP03) received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6439. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Approval of 8-Hour Ozone Section 110(a)(1) Maintenance Plans for the Parishes of Lafayette and Lafourche [EPA-R06-OAR-2006-0871; FRL-8545-2] received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6440. A letter from the Attorney-Advisor, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Rural Health Care Support Mechanism [WC Docket No. 02-60] received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6441. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Clayton, Oklahoma) [MB Docket No. 07-227 RM-11405] received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6442. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Ash Fork and Paulden, Arizona) [MB Docket No. 07-220 rm-11403] received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. CASTOR: Committee on Rules. House Resolution 1174. Resolution providing for consideration of the bill (H.R. 5818) to authorize the Secretary of Housing and Urban Development to make loans to States to acquire foreclosed housing and to make grants to States for related costs (Rept. 110–621). Referred to the House Calendar.

Mr. WELCH of Vermont: Committee on Rules. House Resolution 1175. Resolution providing for consideration of the Senate amendments to the bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation (Rept. 110–622). 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. SMITH of New Jersey (for himself, Mr. HASTINGS of Florida, Mr. MCINTYRE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MCCOTTER, Mr. PALLONE, Mr. HOLT, Mr. SHIMKUS, Mr. MCGOVERN, and Mr. DAVIS of Illinois):

H.R. 5970. A bill to amend the Belarus Democracy Act of 2004 to reauthorize that Act, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HELLER:

H.R. 5971. A bill to require that ballots used in Federal elections be generally printed only in English and to amend the Voting Rights Act of 1965 to modify the requirement that certain jurisdictions provide ballots and other voting materials in languages other than English, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Pennsylvania (for himself, Mr. EHLERS, and Mr. CAPUANO):

H.R. 5972. A bill to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes; to the Committee on House Administration.

By Mr. PRICE of North Carolina (for himself and Ms. SCHAKOWSKY):

H.R. 5973. A bill to enhance transparency and accountability within the intelligence community for activities performed under Federal contracts, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committees on Armed Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TERRY (for himself, Mr. SESSIONS, Mr. CANTOR, Mr. FOSSELLA, Mr. WILSON of South Carolina, Mrs. CAPITO, Mr. MARCHANT, and Mr. BLUNT):

H.R. 5974. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases; to the Committee on Ways and Means.

By Mr. ARCURI (for himself, Mr. PATRICK MURPHY of Pennsylvania, Ms. CLARKE, Mr. TOWNS, Mr. ISRAEL, Mrs. GILLIBRAND, Mr. ACKERMAN, Mr. HINCHEY, Mr. SERRANO, Mrs. MALONEY of New York, Mrs. LOWEY, Mr. HIGGINS, Mr. BOSWELL, Mr. FOSSELLA, Mr. CROWLEY, Mr. BISHOP of New York, Mr. REYNOLDS, Mr. MCHUGH, Mr. HALL of Texas, Mr. ENGEL, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. NADLER, Mr. WALSH of New York, Mr. KING of New York, Mr. RANGEL, Ms. VELÁZQUEZ, Mr. MEEKS of New York, Mr. WEINER, Mr. MCNULTY, Mr. KUHL of New York, and Ms. SLAUGHTER):

H.R. 5975. A bill to designate the facility of the United States Postal Service located at 101 West Main Street in Waterville, New York, as the ''Cpl. John P. Sigsbee Post Office''; to the Committee on Oversight and Government Reform.

By Mr. BLUMENAUER (for himself, Mrs. TAUSCHER, Mr. GEORGE MILLER of California, Ms. VELÁZQUEZ, Mr. RAHALL, Mr. FARR, Mr. FRANK of Massachusetts, Ms. DELAURO, Mrs. LOWEY, Mr. EMANUEL, Mr. BECERRA, Mr. DEFAZIO, Mr. LATOURETTE, Mr. PETRI, Mr. SHAYS, and Mr. WELCH of Vermont):

H.R. 5976. A bill to establish the United States Commission on Rebuilding America for the 21st Century, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, Natural Resources, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO (for himself, Mr. PETRI, and Mr. ELLSWORTH):

H.R. 5977. A bill to amend title 49, United States Code, to require a motor carrier, broker, or freight forwarder that collects a fuel surcharge to disclose and pay the fuel surcharge to the person responsible for bearing the cost of the fuel, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HALL of New York (for himself and Mr. KUHL of New York):

H.R. 5978. A bill to designate the facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, as the ''1st Lieutenant Louis Allen Post Office''; to the Committee on Oversight and Government Reform.

By Mr. KING of New York:

H.R. 5979. A bill to amend the Public Health Service Act to provide for the national collection of data on stillbirths in a standardized manner, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SCHIFF:

H.R. 5980. A bill to establish the Commission on Securing the United States in the 21st Century; to the Committee on Foreign Affairs.

By Mr. WEINER:

H.R. 5981. A bill to reauthorize certain DNA-related grant programs under the Justice For All Act of 2004, and for other purposes; to the Committee on the Judiciary.

By Mr. ROSS (for himself, Mrs. EMERSON, Ms. BALDWIN, Mr. BURGESS, Mr. FARR, Mr. CARTER, and Ms. GIFFORDS):

H. Con. Res. 342. Concurrent resolution expressing the sense of Congress that the Food and Drug Administration's (FDA) new policy restricting women's access to medications containing estriol does not serve the public interest; to the Committee on Energy and Commerce.

By Ms. CORRINE BROWN of Florida:

H. Res. 1176. A resolution supporting the goals and ideals of National Train Day; to the Committee on Transportation and Infrastructure.

By Ms. SUTTON (for herself, Mr. MCDERMOTT, Mr. COHEN, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, Ms. BALDWIN, Mr. GRIJALVA, Mr. STARK, Mr. KUCINICH, and Mr. FILNER):

H. Res. 1177. A resolution expressing the sense of the House of Representatives that the practice of the Department of Defense to continue to use stop-loss orders to retain members of the Armed Forces who have completed their contractual obligations runs contrary to the stated policy of the United States to utilize an all-volunteer force; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. CARSON and Mr. FOSTER.
H.R. 96: Mr. SMITH of New Jersey.
H.R. 139: Mr. MARCHANT.
H.R. 154: Mr. JEFFERSON and Mr. CONYERS.
H.R. 158: Mr. DINGELL.
H.R. 245: Mr. SALI and Mr. GOODE.
H.R. 248: Mr. PLATTS.
H.R. 351: Ms. BALDWIN.
H.R. 370: Mr. ADERHOLT.
H.R. 503: Mrs. SCHMIDT.
H.R. 542: Mr. CARSON.
H.R. 552: Ms. TSONGAS, Mrs. CAPITO, Mr. ROGERS of Michigan, Mr. ADERHOLT, Mr. ELLSWORTH, and Mr. CAPUANO.
H.R. 688: Mr. BISHOP of Georgia.
H.R. 882: Mr. CARSON and Mr. GRAVES.
H.R. 1043: Mr. ALEXANDER.
H.R. 1050: Mr. CONYERS.
H.R. 1108: Mr. RENZI.
H.R. 1127: Mr. CARTER.
H.R. 1134: Mr. CARSON, Mr. MOORE of Kansas, Mr. COURTNEY, Mr. PASCRELL, Mr. TIM MURPHY of Pennsylvania, Ms. CORRINE BROWN of Florida, and Mr. WALZ of Minnesota.
H.R. 1146: Mr. SALI.
H.R. 1157: Mr. COSTELLO, Mr. BOEHNER, Mr. WALDEN of Oregon, Mrs. EMERSON, Mr. CARSON, Mr. CULBERSON, Mr. ROSKAM, and Mr. ROYCE.
H.R. 1194: Mr. MCGOVERN.
H.R. 1279: Mr. HODES.
H.R. 1295: Mr. DANIEL E. LUNGREN of California.
H.R. 1343: Mr. JEFFERSON.
H.R. 1440: Mr. NEUGEBAUER.
H.R. 1474: Mr. CARSON.
H.R. 1514: Mr. SENSENBRENNER and Mr. RAMSTAD.
H.R. 1524: Mr. SNYDER.
H.R. 1532: Mr. GORDON.
H.R. 1540: Ms. DEGETTE.
H.R. 1553: Mr. MEEKS of New York.
H.R. 1606: Mrs. TAUSCHER.
H.R. 1609: Mr. SESTAK, Ms. BALDWIN, Mr. BISHOP of New York, Ms. CLARKE, Mr. ELLISON, Mr. FARR, Mr. HALL of New York, Mr. HIGGINS, Mr. KLEIN of Florida, Mr. RODRIGUEZ, Mr. MELANCON, Mr. MOORE of

Kansas, Ms. MOORE of Wisconsin, Mr. OLVER, Mr. ORTIZ, Mr. EMANUEL, Mr. PRICE of North Carolina, Mr. SMITH of Washington, Ms. VELÁZQUEZ, Ms. WATERS, Mr. WATT, Mr. LINCOLN DAVIS of Tennessee, Mr. FOSTER, Mr. CARSON, Mr. PERLMUTTER, Mr. MARSHALL, Mr. POE, Mr. FORTENBERRY, Mr. EDWARDS, Mr. MANZULLO, Ms. GIFFORDS, Mr. LATOURETTE, Mr. SCOTT of Georgia, Mr. LUCAS, Mr. FORTUÑO, Mr. MARCHANT, Mr. INGLIS of South Carolina, Mrs. BACHMANN, Mr. ROYCE, Mr. ROSKAM, Mr. MCCARTHY of California, Mr. LAHOOD, Mr. HENSARLING, Mrs. DAVIS of California, Mr. MEEK of Florida, Mr. HOYER, Mr. SKELTON, and Mrs. GILLIBRAND.

H.R. 1621: Mr. MCCOTTER, Mr. FOSSELLA, and Mr. ENGEL.

H.R. 1665: Ms. WASSERMAN SCHULTZ.

H.R. 1748: Mr. GOODE.

H.R. 1767: Mr. DAVIS of Illinois, Mrs. BACHMANN, and Mr. JOHNSON of Illinois.

H.R. 1820: Ms. BERKLEY.

H.R. 1840: Mr. LYNCH.

H.R. 1845: Mr. CARSON.

H.R. 1884: Mr. TIM MURPHY of Pennsylvania, Mr. SNYDER, Mrs. SCHMIDT, Mr. RUSH, and Mr. KIND.

H.R. 1968: Mr. CONYERS.

H.R. 2017: Mr. CARSON.

H.R. 2052: Mr. BARROW.

H.R. 2074: Ms. ROS-LEHTINEN.

H.R. 2092: Mr. SMITH of Washington, Mr. MCCOTTER, Ms. SUTTON, and Ms. BORDALLO.

H.R. 2111: Mr. ROTHMAN.

H.R. 2164: Mr. KILDEE.

H.R. 2169: Mr. COURTNEY.

H.R. 2205: Mr. KUHL of New York.

H.R. 2244: Mr. MCCOTTER, Mr. HONDA, and Mr. JEFFERSON.

H.R. 2268: Mr. DREIER, Mr. SKELTON, Mrs. TAUSCHER, Mr. BERMAN, Mr. FEENEY, Mr. MAHONEY of Florida, Mr. BOOZMAN, Mr. CLAY, Ms. SCHWARTZ, Mr. SAXTON, Mr. RYAN of Wisconsin, Mr. TANCREDO, Mr. GALLEGLY, Mr. NUNES, Mr. CALVERT, Mr. TANNER, Ms. WATERS, Mr. WATT, Mr. SALAZAR, Ms. NORTON, Mrs. CHRISTENSEN, Mr. MURTHA, Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Mr. REYES, Mr. SMITH of Texas, Mr. ETHERIDGE, Mr. BACHUS, Ms. SPEIER, Ms. SCHAKOWSKY, Mr. NEAL of Massachusetts, Ms. CASTOR, Mrs. MYRICK, Mr. LEWIS of Kentucky, Ms. BEAN, Mr. DAVIS of Kentucky, Mr. DENT, Mr. ISSA, Mr. KING of New York, Mr. LANGEVIN, Mr. LATOURETTE, Mr. MCCARTHY of California, Mr. MARCHANT, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Mr. PALLONE, Mr. SULLIVAN, Mr. BOUSTANY, Mr. BROUN of Georgia, Mr. CAPUANO, Mr. CHABOT, Mr. COSTELLO, Mrs. CUBIN, Mr. DOOLITTLE, Mr. DUNCAN, Mr. ENGLISH of Pennsylvania, Mr. FRANKS of Arizona, Mr. FRELINGHUYSEN, Mr. GILCHREST, Mr. GRAVES, Mr. HELLER, Mr. INGLIS of South Carolina, Mr. KILDEE, Mr. KING of Iowa, Mr. LUCAS, Mr. DANIEL E. LUNGREN of California, Mr. MICA, Mr. MILLER of Florida, Mr. PITTS, Mr. PORTER, Mr. REGULA, Mr. SERRANO, Mr. SHIMKUS, Mr. WELDON of Florida, Mr. WELLER, and Mr. BLUMENAUER.

H.R. 2343: Mr. KUHL of New York.

H.R. 2357: Mr. CARSON.

H.R. 2370: Mr. KENNEDY and Mr. BOOZMAN.

H.R. 2412: Mr. ELLISON.

H.R. 2502: Mr. MCCOTTER and Mr. JEFFERSON.

H.R. 2523: Mr. INSLEE and Mr. BOSWELL.

H.R. 2549: Mr. TERRY.

H.R. 2593: Ms. MATSUI.

H.R. 2711: Mr. MCDERMOTT.

H.R. 2896: Mr. GRIJALVA.

H.R. 2933: Mr. TERRY and Mr. WOLF.

H.R. 2942: Mr. ELLSWORTH.

H.R. 3021: Mr. LOEBSACK, Mr. ANDREWS, Mr. BISHOP of New York, Mr. COURTNEY, Mr. DAVIS of Illinois, Mr. GRIJALVA, Mr. HINOJOSA, Ms. HIRONO, Mr. KUCINICH, Ms. LINDA T. SÁNCHEZ of California, Mr. SARBANES, Ms. SHEA-PORTER, Mr. HOLT, Mr. ALTMIRE, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. KLEIN of Florida, Mr. CARSON, Mr. PAYNE, Mr. STARK, Ms. WOOLSEY, Mrs. DAVIS of California, Mr. LEWIS of Georgia, Mr. CONYERS, Mr. ROSS, Mr. WELCH of Vermont, Mr. BRALEY of Iowa, Mr. CARNEY, Mr. ELLISON, Mr. JOHNSON of Georgia, Mr. PERLMUTTER, Mr. SIRES, Ms. SUTTON, Mr. JACKSON of Illinois, Mr. PALLONE, Mr. DEFAZIO, Mr. HINCHEY, Mr. KIND, Mrs. CAPPS, Ms. SOLIS, Mr. LINCOLN DAVIS of Tennessee, Mr. CRAMER, Mr. MATHESON, Mr. MELANCON, Mr. SALAZAR, Mrs. NAPOLITANO, Ms. HERSETH SANDLIN, Mr. SCHIFF, Mr. LIPINSKI, Mr. CUELLAR, Mr. BOSWELL, Mr. UDALL of Colorado, Mr. SMITH of Washington, Mr. WEXLER, Mr. BARROW, Mr. BERRY, Mr. MOORE of Kansas, Mr. GORDON, Mr. WU, Mr. TANNER, Mr. ISRAEL, Mr. SNYDER, Mr. HILL, Mr. BLUMENAUER, Ms. RICHARDSON, and Mr. LARSON of Connecticut.

H.R. 3036: Mr. HODES.

H.R. 3041: Mr. CUMMINGS.

H.R. 3054: Mr. MCCAUL of Texas.

H.R. 3063: Ms. SLAUGHTER.

H.R. 3088: Mr. FORTENBERRY.

H.R. 3089: Mr. MANZULLO, Mr. BOOZMAN, and Mr. DUNCAN.

H.R. 3132: Mr. KIRK, Ms. MCCOLLUM of Minnesota, and Mrs. BOYDA of Kansas.

H.R. 3202: Mr. MILLER of North Carolina.

H.R. 3267: Mr. CARSON and Mr. BRADY of Pennsylvania.

H.R. 3282: Ms. BALDWIN.

H.R. 3331: Mr. MCGOVERN.

H.R. 3380: Mr. SHAYS.

H.R. 3404: Mr. MILLER of North Carolina.

H.R. 3406: Ms. MCCOLLUM of Minnesota.

H.R. 3416: Mr. MCGOVERN.

H.R. 3423: Ms. MATSUI.

H.R. 3439: Mr. LYNCH.

H.R. 3440: Mr. PRICE of North Carolina.

H.R. 3609: Mr. TOWNS, Mr. COURTNEY, Mr. KUCINICH and Ms. KAPTUR.

H.R. 3652: Mr. SPACE and Mr. DELAHUNT.

H.R. 3700: Mr. WALZ of Minnesota.

H.R. 3757: Ms. BALDWIN.

H.R. 3842: Mr. PAYNE.

H.R. 3934: Mr. ELLSWORTH.

H.R. 4008: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 4026: Mrs. CHRISTENSEN.

H.R. 4044: Ms. MATSUI and Ms. HIRONO.

H.R. 4055: Mr. CONYERS.

H.R. 4061: Mr. ELLISON.

H.R. 4109: Mr. JOHNSON of Georgia.

H.R. 4236: Ms. LEE.

H.R. 4248: Mr. SULLIVAN, Mr. LUCAS and Mr. MATHESON.

H.R. 4304: Mr. SHIMKUS.

H.R. 4344: Ms. GINNY BROWN-WAITE of Florida and Ms. FALLIN.

H.R. 4544: Mr. JOHNSON of Georgia.

H.R. 4900: Mr. GARY G. MILLER of California, Mr. BOYD of Florida, Mr. TAYLOR, Mrs. MCMORRIS RODGERS and Mr. WALDEN of Oregon.

H.R. 4926: Mr. FORTUÑO.

H.R. 5110: Mr. CONYERS.

H.R. 5131: Mr. LATTA.

H.R. 5179: Mr. LATOURETTE and Mr. PLATTS.

H.R. 5244: Mr. ANDREWS.

H.R. 5267: Mr. LAHOOD.

H.R. 5312: Mr. BRALEY of Iowa.

H.R. 5442: Ms. SCHAKOWSKY.

H.R. 5473: Mr. HIGGINS, Mr. OBERSTAR, Mr. ABERCROMBIE, Mr. HARE, Ms. SLAUGHTER, Ms. ESHOO, Mr. MICHAUD, Mr. JOHNSON of Georgia, Mr. MCNERNEY, Mr. GRIJALVA, Mrs. BOYDA of Kansas, Mr. SPACE, Mr. RODRIGUEZ, Mr. BISHOP of New York, Ms. HIRONO, Mr. ELLISON, Mr. ROTHMAN, Mr. COHEN, Ms. BALDWIN, Mr. DOGGETT, Ms. HARMAN, Mr. KILDEE, Mrs. TAUSCHER, and Mr. VAN HOLLEN.

H.R. 5536: Mr. ROTHMAN, Mr. MOORE of Kansas and Ms. HIRONO.

H.R. 5559: Ms. GRANGER and Mr. CHABOT.

H.R. 5580: Ms. BALDWIN.

H.R. 5611: Mr. KUHL of New York.

H.R. 5617: Mr. DEFAZIO.

H.R. 5627: Mr. SALI.

H.R. 5656: Mr. BUYER, Mr. YOUNG of Alaska, and Mr. ADERHOLT.

H.R. 5662: Mr. WELCH of Vermont.

H.R. 5673: Mr. BOREN.

H.R. 5674: Mr. WALZ of Minnesota and Mr. LOBIONDO.

H.R. 5677: Mr. BARTLETT of Maryland, Mr. FURTUÑO, Mrs. BACHMANN, Mr. LATTA, Mr. GOODE, Mrs. MUSGRAVE, Mr. GINGREY, Mr. TANCREDO, Mr. SESSIONS, Ms. FALLIN, Mr. FRANKS of Arizona, Mr. DAVID DAVIS of Tennessee, Mr. BURTON of Indiana, Mr. BISHOP of Utah, Mr. KLINE of Minnesota, Mr. BROUN of Georgia, Mr. HOEKSTRA, Mr. NEUGEBAUER, and Mr. KING of Iowa.

H.R. 5681: Mrs. NAPOLITANO and Mr. PAUL.

H.R. 5684: Mr. CARNAHAN.

H.R. 5693: Mr. MCHUGH.

H.R. 5694: Mr. MCHUGH.

H.R. 5700: Mr. BISHOP of Georgia.

H.R. 5716: Ms. HIRONO.

H.R. 5722: Mr. LOBIONDO.

H.R. 5731: Mr. MCCAUL of Texas.

H.R. 5733: Mr. BURGESS.

H.R. 5740: Ms. WATERS and Mr. ACKERMAN.

H.R. 5752: Mr. BOOZMAN.

H.R. 5774: Mr. CLEAVER, Ms. WOOLSEY, Mr. SERRANO, Ms. HIRONO, Mr. MCNERNEY, and Mr. FILNER.

H.R. 5775: Mr. WILSON of South Carolina.

H.R. 5784: Mr. NEUGEBAUER.

H.R. 5793: Mrs. MYRICK, Mr. PETERSON of Minnesota, Mr. SMITH of Nebraska, and Mr. ROGERS of Michigan.

H.R. 5794: Mr. GALLEGLY.

H.R. 5802: Ms. SCHAKOWSKY and Mr. JEFFERSON.

H.R. 5825: Mr. HULSHOF and Mr. FRANK of Massachusetts.

H.R. 5831: Mr. COURTNEY and Mr. HALL of New York.

H.R. 5848: Mr. CARSON.

H.R. 5875: Ms. HIRONO and Ms. BORDALLO.

H.R. 5876: Mr. LEWIS of Georgia, Mr. COHEN, Mr. SESTAK, Mr. MCDERMOTT, and Ms. HIRONO.

H.R. 5878: Mr. WAXMAN.

H.R. 5881: Mr. CONYERS and Mr. FARR.

H.R. 5892: Mrs. GILLIBRAND.

H.R. 5894: Mr. DAVIS of Illinois.

H.R. 5898: Mr. HAYES and Mr. LATOURETTE.

H.R. 5899: Mr. BISHOP of Georgia and Mr. HILL.

H.R. 5908: Mr. LATTA and Mr. MACK.

H.R. 5941: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 5946: Ms. WATERS.

H.R. 5955: Ms. GINNY BROWN-WAITE of Florida, Mr. BURTON of Indiana, Mr. GOODLATTE, Mr. PLATTS, and Mr. NEUGEBAUER.

H.R. 5958: Mr. GALLEGLY, Mr. HALL of New York, Mr. FOSSELLA, Mr. BACA, and Mrs. BONO MACK.

H.R. 5965: Mr. WYNN.

H.J. Res. 39: Mr. SESTAK.

H. Con. Res. 70: Mr. TIBERI and Mr. BOUCHER.

H. Con. Res. 163: Ms. SCHAKOWSKY and Mr. BARROW.

H. Con. Res. 195: Mr. PLATTS.

H. Con. Res. 223: Mr. SPRATT.

H. Con. Res. 296: Mrs. BLACKBURN, Mr. TIM MURPHY of Pennsylvania, Mr. WILSON of South Carolina, Mr. BOUSTANY, Mr. SESSIONS, Mr. BROWN of South Carolina, Mr. CARTER, Mr. SAXTON, Mr. HALL of Texas, Mr. WOLF, Mr. TOWNS, Mr. MILLER of Florida, Mr. MCGOVERN, Mr. MARCHANT, Mr. ROSKAM, Mr. CRENSHAW, Mr. GINGREY, Mr. SHIMKUS, Mr. BRALEY of Iowa, Mr. SHAYS, Ms. SCHAKOWSKY, Mr. LATTA, Mr. FILNER, Mr. BISHOP of Georgia, and Ms. BORDALLO.

H. Con. Res. 305: Mrs. TAUSCHER and Mr. MCCOTTER.

H. Con. Res. 327: Mr. BERMAN and Mr. JEFFERSON.

H. Con. Res. 329: Mr. LAMBORN.

H. Con. Res. 331: Mr. MARKEY, Mr. BOREN, Mr. WAXMAN, Ms. SCHAKOWSKY, Mr. GENE GREEN of Texas, Mr. SCHIFF, Mr. BERRY, Mr. INSLEE, Mr. PASTOR, Ms. HERSETH SANDLIN, and Mr. STUPAK.

H. Res. 258: Mr. SMITH of New Jersey, Mr. KUHL of New York, Mr. GENE GREEN of Texas, and Mrs. DAVIS of California.

Res. 369: Mr. ALTMIRE.

Res. 373: Mr. MARKEY.

H. Res. 389: Mr. ACKERMAN, Mrs. CHRISTENSEN, and Mr. JEFFERSON.

H. Res. 795: Mr. ISRAEL and Mr. MILLER of North Carolina.

H. Res. 881: Mr. PETERSON of Minnesota, Mr. MATHESON, Mr. SALI, and Mr. JORDAN.

H. Res. 896: Ms. MOORE of Wisconsin.

H. Res. 900: Mr. COHEN, Mr. PAYNE, Ms. ESHOO, Mr. EVERETT, and Mr. HINCHEY.

H. Res. 1002: Mr. BOOZMAN and Mr. RUPPERSBERGER.

H. Res. 1009: Mr. BROUN of Georgia.

H. Res. 1019: Mr. CONYERS and Mr. WYNN.

H. Res. 1022: Mrs. BIGGERT, Mrs. BOYDA of Kansas, Mrs. CAPITO, Ms. CASTOR, Mrs. EMERSON, Ms. GIFFORDS, Ms. HOOLEY, Ms. KAPTUR, Mrs. MYRICK, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Ms. SHEA-PORTER, Ms. VELÁZQUEZ, Ms. WATERS, Mr. OLVER, Mr. ALLEN, Mr. KUCINICH, Mrs. MCCARTHY of New York, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 1026: Mr. CULBERSON.

H. Res. 1028: Mr. CONYERS.

H. Res. 1042: Mr. MCCOTTER.

H. Res. 1067: Mrs. GILLIBRAND and Mr. ELLSWORTH.

H. Res. 1078: Mr. CONYERS and Ms. LEE.

H. Res. 1106: Mr. LEWIS of California, Mr. FORBES, Mr. CANTOR, Ms. CASTOR, Mr. INGLIS of South Carolina, Mr. BOUCHER, Mr. MURPHY of Connecticut, Mr. SALI, Mr. HALL of Texas, Mr. SHIMKUS, Mr. BUYER, Mr. UPTON, Mr. SHADEGG, Mrs. CUBIN, Mrs. SCHMIDT, Ms. HARMAN, Mr. MARKEY, Mr. GORDON, and Mrs. MCMORRIS RODGERS.

H. Res. 1110: Mr. BROUN of Georgia, Mr. HARE, Mr. MOORE of Kansas, and Mr. GOODLATTE.

H. Res. 1124: Mrs. BIGGERT, Ms. WATERS, and Mr. UPTON.

H. Res. 1140: Mr. BLUNT and Mr. SOUDER.

H. Res. 1143: Mr. KIND and Mr. HINCHEY.

H. Res. 1144: Mrs. CAPITO, Mr. WHITFIELD of Kentucky, Mr. SHUSTER, Mr. ENGLISH of Pennsylvania, Mr. GINGREY, Mrs. WILSON of New Mexico, Mr. GRIJALVA, Mr. PASTOR, Mr. TIAHRT, Mr. MCCOTTER, and Mr. SESSIONS.

H. Res. 1162: Ms. WOOLSEY.

H. Res. 1164: Mr. PETERSON of Pennsylvania and Mr. SKELTON.

H. Res. 1170: Mr. BURTON of Indiana.

H. Res. 1172: Mr. PAYNE.

H. Res. 1173: Mr. ROSS, Mr. YARMUTH, Mr. THOMPSON of California, Mr. LEWIS of Georgia, Mr. ALLEN, Mr. WAXMAN, Mr. SARBANES, Mr. WALSH of New York, Mr. DAVIS of Illinois, Mr. DICKS, Mr. DEFAZIO, Mrs. NAPOLITANO, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Mr. BERRY, Mr. LOEBSACK, Mrs. TAUSCHER, Mr. PERLMUTTER, Mr. MCGOVERN, Mr. MARKEY, Mr. HASTINGS of Florida, Mr. RAHALL, Mr. ALTMIRE, Mr. CARDOZA, Ms. SUTTON, Mr. HILL, Mrs. CAPPS, and Mrs. DAVIS of California.

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 MS. WATERS

The amendment to be offered by Representative WATERS, or a designee, to H.R. 5818, the Neighborhood Stabilization Act of 2008, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits, as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

CORRECTION

Congressional Record

United States of America

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, TUESDAY, MAY 6, 2008 No. 74

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord, our God, You have called us to represent You. May our lives bring honor and glory to your holy Name. Strengthen our lawmakers with Your spirit's power. Empower and guide them to serve You by serving the lost, the lonely and the least. Be in their minds and understanding. Be also in their mouths and their speaking.

Fill them with Your truth and give them sufficient abilities to deal with the changing issues they face. Lord, show them the doors of opportunity through which You would have them pass. And, Lord, we ask that You would be with the cyclone victims of Myanmar. We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 6, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Washington State is recognized.

SCHEDULE

Mrs. MURRAY. Mr. President, today there will be a period of morning business for up to 1 hour, with the time equally divided and controlled between the two leaders or their designees. The Republicans will control the first half, the majority will control the final half.

After morning business, the Senate will resume consideration of H.R. 2881, a bill to reauthorize the Federal Aviation Administration. At 2:30 p.m., there will be a rollcall vote on the motion to invoke cloture on the substitute amendment.

As a reminder, the filing deadline for second-degree amendments on the FAA bill is 1:30 p.m. today. If cloture is not invoked on the substitute, we expect to vitiate the cloture vote on the underlying bill and immediately proceed to a cloture vote on the motion to proceed to S. 2284, a bill to restore the financial solvency of the national flood insurance fund.

MEASURES PLACED ON THE CALENDAR—S. 2972 and S. 2973

Mrs. MURRAY. Mr. President, I understand that there are two bills at the desk for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the titles of the bills for a second time.

The legislative clerk read as follows:

A bill (S. 2972) to reauthorize and modernize the Federal Aviation Administration.

A bill (S. 2973) to promote the energy security of the United States and for other purposes.

Mrs. MURRAY. Mr. President, I object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FAA MODERNIZATION

Mr. MCCONNELL. Mr. President, the underlying FAA bill that came out of the Commerce Committee had wide bipartisan support. The provisions that came out of the Finance Committee that are directly related to aviation financing have wide bipartisan support.

This bill was on a fast track to passage and to improving airline safety in our country. Unfortunately, our friends across the aisle bogged it down with extraneous provisions that do nothing to improve airline safety and that do not belong on this bill.

And then, to prevent any changes to those provisions, they used a procedure that used to be rare to block amendments and improvements to the bill. So rather than quickly passing an airline safety bill that has broad bipartisan support, our friends on the other side have decided it is more important to fight for a few pet projects.

Rather than quickly finish the bill and move on to gas prices, they have decided to dig in and fight for a few extra provisions for a few extra Senators. The right choice is clear: We should quickly pass the bipartisan aviation-related portions of the FAA bill and move on to legislation that addresses the high price Americans are paying at the pump.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Republicans put forward an energy proposal, a plan that gets at the root of the problem rather than at increased dependence on OPEC. The Republican plan would increase the supply of American energy and bolster American jobs while lowering our dependence on foreign oil.

Meanwhile, Democratic suggestions for addressing high gas prices ranged from driving slower to more frequent oil changes. This is a debate we are eager to have. One wonders if the reason our friends are stalling on the FAA bill is that they are worried about exposing the fact that they have no plan for gas prices.

But Americans who are paying close to $4 a gallon for gasoline do not particularly care which party comes up with the idea; they would like some action.

CYCLONE DEATHS IN BURMA

Mr. MCCONNELL. Mr. President, my prayers go out to the families of those killed in Burma in this past weekend's natural disaster. Initial estimates reported the cyclone killed more than 22,000 people and tens of thousands more are missing.

Yesterday, First Lady Laura Bush announced that the United States is prepared to provide assistance and supplies to Burma, but at this time the Government has not accepted our offer.

I urge the Burmese Government to move quickly and accept the offer of the American people and act in the best interests of the population.

CONGRESSIONAL GOLD MEDAL FOR AUNG SAN SUU KYI

Mr. MCCONNELL. Mr. President, I had a chance earlier this morning to attend the signing ceremony for legislation to award Aung San Suu Kyi the Congressional Gold Medal. I wish to thank the President and the First Lady for their continued support on this issue.

For more than 20 years, Aung San Suu Kyi's support for justice and democracy has placed her at odds with the tyranny and oppression of the Burmese junta. She and her supporters have combated the brutality of the junta with peaceful protests and resistance. Suu Kyi has chosen dignity as her weapon, and she has found allies around the world to aid her in this struggle.

By awarding Suu Kyi the Congressional Gold Medal, we are letting the world know the American people would stand with her and the freedom-loving people of Burma.

HONORING OUR ARMED FORCES

SERGEANT CHRISTOPHER T. HEFLIN

Mr. MCCONNELL. Mr. President, I rise today because there is a family in Kentucky that has lost their beloved son in this time of war. SGT Christopher T. Heflin of Paducah, KY, was killed on November 16, 2004, during combat operations in the Al Anbar Province of Iraq. He was 26 years old.

For his valor in service as a U.S. marine, Sergeant Heflin earned several medals, awards and decorations, including the Navy and Marine Corps Commendation Medal, two Navy and Marine Corps Achievement Medals, the National Defense Service Medal, two Meritorious Masts and the Purple Heart.

Sergeant Heflin's mother, Meleasa Ellis, still remembers well the day Chris told her he intended to enlist in the Marine Corps. ''When he was a senior [in high school], he came home [and] said, 'Mom, I need to talk to you,'" she says. "'I want to join the Marines,' he said. I said why? His response: 'I want to serve my country.'"

Before the Marines, there was football, Chris's first love as a child. He started playing in sixth grade and by high school had become the starting center on the team, wearing the No. 50 jersey.

''He was a young man who led by example . . . . He played center and was always one of the hardest-working players I had,'' says Jeff Sturm, Chris's head football coach at Reidland High School in Paducah. ''He was just a quality young man. I just hate to see it happen, but I'm proud that he was over there defending his country. That's the way he led his life.''

Growing up, Chris also was a member of the National Hockey League Association of Ohio and of Mount Zion Baptist Church in Paducah. He had an afterschool job at Taco John's. He enjoyed riding his four-wheeler, which he called his ''country Cadillac,'' and he had recently taken up deer hunting.

The vigorous life suited Chris, who was always on the go. ''If he sat still, it was just because he had to eat,'' remembers his brother Cory Heflin. ''If I had any problems, I could come to him. He was always there if I needed someone to talk to. We always stuck together. Now he's going to a better home.''

Cory and other family members also remember how active Chris was in volunteer work. His favorite program was the Marine Corps Reserves' Toys for Tots, which collects toys for needy children at Christmas. Chris made sure to do his part every year.

''He missed a lot of Thanksgivings with us to make sure the kids had Christmas,'' his mother Meleasa recalls. ''During Thanksgiving, he was helping wherever he was with Toys for Tots; he had a passion for kids. He would have been a great dad someday.''

Chris graduated from Reidland High School in 1997 and signed up with the Marine Corps 5 days afterwards. He would go on to serve with them for nearly 8 years. By the time he deployed to Iraq, Chris was assigned to the 3rd Battalion, 1st Marine Regiment, 1st Marine Division, 1st Marine Expeditionary Force, based at Camp Pendleton, CA.

One of his first assignments put him behind a desk. Chris communicated his displeasure to his friend, the Reverend Larry Davidson, the man who had baptized Chris when he was a young teenager. ''He said that was not what he wanted to be here for,'' the Reverend Davidson says. ''He wanted to be on the battlefield.''

Chris would move on to spend 3 years training reservists in weapons and equipment use in Moundsville, WV. While there, he worked with John Nanny, commandant of the Wheeling, WV, Marine Corps League.

Chris ''was a Marine's Marine,'' John says. ''He was always gung-ho and fired up about what he did.''

In June 2004, Chris was deployed to Iraq in support of Operation Iraqi Freedom. His mother Meleasa remembers the day Chris gave her the news, in April 2004.

Meleasa says Chris ''told me he was leaving for Iraq. I could do nothing but weep,'' Meleasa says. ''He told me, remember the reason I joined the Marines? I have to go and fight for our country. He fought till the last day, November 16, 2004.''

Our thoughts and prayers are with the Heflin family after the tragic loss of this brave Marine. We are thinking of Chris's mother Meleasa Ellis; his brothers, Cory Heflin, Josh Hicks, and Derek Ellis; his grandparents, Marvin and Marie Salsbury; his aunts and uncles, Lisa and Pete Witenberger and Tim and Diane Salsbury; and many other beloved family members and friends.

More than 200 people turned out for Chris's funeral at the Mount Zion Baptist Church, officiated by Chris's friend, the Reverend Davidson. Later, at the Woodlawn Memorial Gardens cemetery, Chris was laid to rest with a 21-gun salute.

Two marines folded the flag that had draped over his casket and presented it to his brother Derek, who is also serving in the Marine Corps as a lance corporal.

When Chris was a small child, his grandfather, Marvin, would take him fishing. Chris had so much fun that when the visits were over, he would tell his mother to go get his clothes and bring them back to his grandparents' house so he could stay with them.

Marvin still remembers the last time he spoke to his grandson, just before Chris deployed to Iraq. ''Son, I want to ask you something,'' Marvin said. ''Are you right with the Lord?''

''Yes, Pa, I am,'' Chris replied, using the nickname for his grandfather he had used since childhood.

The loss that the Heflin family has suffered can never be fully healed. But it is my hope that every person who hears Chris's story is inspired by and draws strength from it.

The little boy Marvin once took fishing grew up to become a man, a patriot and a marine who stepped forward to serve his country. This Senate salutes SGT Christopher T. Heflin's service,

and we will forever honor his sacrifice. Our Nation is richer today for what he did on behalf of freedom's cause.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington State.

Mrs. MURRAY. Mr. President, I ask unanimous consent to use leader time for our side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered

FAA AND GAS PRICES

Mrs. MURRAY. Mr. President, I want to respond to some of the opening remarks of the Republican leader.

The Senate is going to vote this afternoon on cloture on the FAA modernization bill. This is an extremely important piece of legislation. It is bipartisan. We agreed unanimously last week to go to this bill. It has been stalled on procedural motions ever since. This is a critical piece of legislation that all of us know we need to get to. I will be speaking later this morning on that bill. But I wanted to address the remarks of the Republican leader in particular, who said the Republicans were going to block the motion to invoke cloture this afternoon because of ''extraneous measures'' in the bill.

I remind my colleagues, the majority leader was on the floor of the Senate last week offering numerous alternatives to the Republican side to allow them to offer amendments, to allow them to move forward on this bill, to come to some agreement to move forward.

It is disappointing to hear they still object. Of the extraneous amendments, one has to do with the highway trust fund and the fact that we are out of money and need to address that issue. It is addressed in a bipartisan way in this bill. It is badly needed for roads, bridges, and highway construction, and it is a responsibility with which we should proceed. The other one has to do with reimbursing New York for money from 9/11. This is not controversial. It was agreed upon after 9/11.

The budget the President sent to us says it is necessary, and it is in this bill because it is important that we get that done and move it forward. This legislation allows us the opportunity to do so.

These are not controversial issues. It is important that we move forward on this legislation. I hope our colleagues will agree to do that this afternoon.

Finally, I heard this morning that our Republican colleagues say that Democrats aren't going to deal with the gas tax issue. I assure everyone, we understand this issue. When we go home and see gas prices nearing $4 a gallon, when we hear from truck drivers and people who are trying to get to work or to grocery stores, the price is really hurting them. We are doing everything we can on this side—and have been—to try to move us forward in a way that addresses this crisis, but we recognize there are no short-term, easy, quick fixes. We know the same-old, same-old of promising drilling that would not produce anything for 10 years or giving away more money to the oil companies as an incentive is not the right way to get constituents to a place where they believe gas prices are again affordable. We are in the process of putting together a comprehensive piece of legislation that the Democratic leader will announce this week. I look forward to having our colleagues on the other side move forward with us on that comprehensive package to address the gas price issue facing our constituents.

With that, we will be now moving to a period of morning business. I look forward to addressing the Senate later on the FAA authorization bill.

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 Republicans controlling the first half and the majority controlling the final half.

The Senator from Pennsylvania.

NOMINATION PROCESS

Mr. SPECTER. Mr. President, I have sought recognition to speak about the nomination process, to be followed by Senators CORNYN and KYL.

The situation is desperate at the present time, as the Senate has reverted to a longstanding policy in the last 2 years where the White House is controlled by one party and the Senate by another. The nominees of President Bush are being inappropriately blocked. During the course of the last 2 years of the Clinton administration, there were 15 circuit judges confirmed, 57 district judges, contrasted with only 7 circuit judges confirmed during the last 2 years of the Bush administration, and 38 district judges. For the entire 8 years, President Clinton has 65 circuit confirmations contrasted with only 58 for President Bush. President Clinton had 305 district confirmations contrasted with only 241.

Regrettably, this has been the pattern for the past 20 years—in the last 2 years of President Reagan's administration, when the Senate was controlled by Democrats; in the last 2 years of President Bush the first; and in the 6 years Republicans controlled the Senate during President Clinton's administration.

The issue has been raised by Democrats about the inappropriate blocking by Republicans of the Clinton administration. I have agreed with them. I voted to confirm the Clinton judges who were qualified. The action taken was not appropriate, and I disagreed with my caucus. But now my caucus is right.

An agreement had been reached—a good-faith agreement, so to speak—by leadership to confirm three circuit judges between now and Memorial Day. The Democrats had chosen three nominees: Judge Helene White, Mr. Kethledge, and Justice Agee, who are really out of turn. It would be much more appropriate to take up Judge Conrad who has been waiting 290 days for a hearing; Mr. Matthews, who has been waiting 240 days for a hearing; or Mr. Keisler, who has been waiting 675 days for a committee vote.

The chairman obviously has the right to make the selection on the calendar, but it is important to note that this selection was made without any consultation with the Republicans, which is a sharp shift in practice from what happened during the last Congress when I chaired the committee and Senator LEAHY was ranking. The White House wanted the confirmation hearings of Chief Justice Roberts to start on August 29. I had serious questions about the wisdom of doing that and consulted with Senator LEAHY extensively. Senator LEAHY was totally opposed. I made the decision to start the hearings after Labor Day, after due and appropriate consultation with the Democrats.

Similarly, on the nomination of Justice Alito, the White House wanted the confirmation completed by Christmas. Again, I had severe concerns about hurrying the process. I consulted extensively with Senator LEAHY, and then I made the decision to start the hearings in January. Let the record show after the confirmations were completed successfully, President Bush agreed with the judgment to hold the hearings when they were scheduled. That is the sort of comity which is indispensable if this body is to function.

There are grave concerns raised about the scheduling of the confirmation of Judge Helene White because, simply stated, there is not enough time to do it and do it right. Judge White was nominated on April 15, less than a month ago. Her questionnaire was not received until April 25. The FBI investigation was not begun until April 25. The ABA report cannot be completed until May 19 at the earliest. After Judge White's hearing, which is scheduled hastily for May 7, the committee typically leaves the record open for 1 week, which would close the record on May 14. If there are questions for the record, Judge White would have 1 week to answer those questions, which would bring us to May 21. If the nomination is held over for a week, that would put us

into June. Assuming the nomination is not held over for a week, that leaves only 2 days before May 23 for the committee to review her answers, schedule and hold a committee vote, and for the full Senate to vote on her nomination. No circuit court nominee has had hearings prior to their ABA report being received. The ABA report is not expected until at least May 19.

In the past, the Democrats have been very vocal in opposing this kind of a schedule. When the schedule was set for Peter Keisler 33 days after his nomination, the Democrats cited the concern that the Keisler hearing should not be held so quickly in advance of the ABA recommendations: ''We should not be scheduling hearings for nominees before the Committee has received their ABA ratings,'' all of which is violated here.

Senator SCHUMER said:

So let me reiterate some of the concerns we expressed about proceeding so hastily on this nomination. First, we have barely had time to consider the nominee's record. Mr. Keisler was named to this seat 33 days ago. So, we are having this hearing with astonishing and inexplicable speed.

Well, this hearing is even more astonishing and even more inexplicable. When we do not follow regular order, we tend to get into trouble. The appropriate course would be to move to the nominations of Judge Conrad and Mr. Matthews in the Fourth Circuit where there is a judicial emergency.

How much time remains, Mr. President?

The ACTING PRESIDENT pro tempore. The Senator has 2 minutes 20 seconds.

FILIBUSTERING

Mr. SPECTER. I want to comment briefly about what I consider the disintegration of the standing of the Senate as the world's greatest deliberative body. There was a time, when someone wanted to filibuster, that they had to stand up and speak. The Democrats brought to the floor legislation to alter the Supreme Court decision which cut short the statute of limitations on women's pay. I voted for cloture to take up that issue. The issue came and went in the course of a few hours one day. Under the traditional rules of the Senate, when a matter is raised, it is presented. It is argued. If someone opposes and wants to object and filibuster, they have to speak.

The cost of a filibuster today is very cheap. All you have to do is say: I am going to filibuster. Then there is a cloture vote, and 60 votes are not obtained, and the issue goes away.

That is not the way the Senate has traditionally functioned. If the Democrats had been serious about trying to change the rule that the Supreme Court handed down, which I thought was a bad decision—bad on the law, and it certainly can be changed by legislation—they would have argued the matter. They would have compelled opponents to come to the Senate floor and oppose the matter. There would have been a public debate. Had there been an extended debate, the American people would have understood the wrong Supreme Court decision and insisted the Congress take corrective action.

Similarly, we have found the Senate has now been overwhelmed by procedural motions on filling the tree which preclude any meaningful, traditional Senate approach to our function where Senators should be able to offer amendments at any time on any issue. Senator REID, who now has the distinction of having the record on filling the tree the most times, has it in heavy competition. Senator Mitchell established a new record in the 103rd Congress with nine. Senator Lott tied him in the 106th Congress with nine. Senator Frist tied him in the 109th Congress with nine. But Senator REID is now the champion.

The problem with filling the tree is that Senators are precluded from coming to the floor and offering amendments. The American people do not understand what is happening in the Senate because nothing is happening in the Senate. Last week we had one cloture vote at 5:30 on Monday. We didn't vote on Tuesday, Wednesday, Thursday, or Friday—one vote, and not a peep in the news media about the inactive Senate. So what we are seeing—and I intend to speak at length on this at a later date—is the disintegration of what the Senate is supposed to be.

If legislation is needed to change the statute of limitations on enforcing women's employment rights for equal pay, let the Senate take it up and debate. If we are on the FAA Act, let's have Senators come forward and consider it.

It is time we declared a truce on the judge issue. It has been exacerbated continuously over the last 20 years. It is time for a truce because the American people are caught in the crossfire.

Mr. President, I ask unanimous consent that a survey of the filling of the tree, compiled by CRS, be printed in the RECORD. I urge my colleagues to study it to see how the business of the Senate has been thwarted, stymied, and eliminated by this procedural, inappropriate activity.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 1.—INSTANCES WHERE OPPORTUNITIES FOR FLOOR AMENDMENT WERE LIMITED BY THE SENATE MAJORITY LEADER OR HIS DESIGNEE FILLING OF PARTIALLY FILLING THE ''AMENDMENT TREE'': 1987–2008 [1]

Congress & Years	Senate Majority Leader	Measure(s)	Notes & Citations
100th (1987–1988)	Robert C. Byrd (D–WV)	S. 1420, Omnibus Trade and Competitiveness Act of 1987.	Sen. Byrd, working in concert with Sen. Howard M. Metzenbaum, filled the ''strike and insert'' tree with a series of amendments, SA435–439. (Congressional Record, vol. 133, July 8, 1987, pp. 18871–18876.) Media reports indicate the goal was to obtain a straight vote on a compromise proposal requiring advance notice of certain plant closings. (''Senate Passes Measure on Plant-Closing Notice,'' The Washington Post, July 9, 1987, p. E1.)
		S. 2, Senatorial Election Campaign Act of 1987.	Sen. Byrd, working in concert with Sen. David L. Boren, filled the ''motion to recommit'' tree with amendments, SA1403–1405. In debate, Sen. Byrd indicated his goal was to displace several non-germane amendments to S. 1 relating to funding for the Nicaraguan contras, thus returning the Senate to consideration of the subject of the underlying bill. (Congressional Record, vol. 134, Feb. 17, 1988, p. 1481.)
		S. 2488, Parental and Medical Leave Act of 1988.	Sen. Byrd filled the ''motion to recommit'' tree with amendments, SA3308–3310. In floor debate, Sen. Byrd indicated that he had done so in response to a continued inability to secure a time agreement on amendments, including a requirement for germaneness or relevancy. He characterized the motion and the amendments to it as an attempt to place S. 2488 back before the Senate in a form containing several specific policy provisions. (Congressional Record, vol. 134, Sep. 29, 1988, pp. 26523–26588.)
101st (1989–1990)	George J. Mitchell (D–ME)	None identified	None identified
102nd (1991–1992)	George J. Mitchell (D–ME)	S. Con. Res. 106, Concurrent resolution setting forth the congressional budget for FY 1993, 1994, 1995, 1996, & 1997.	Sen. Mitchell filled the ''insert'' tree with two amendments, SA1778–1779 offered to a substitute amendment for S. Con. Res. 106, SA1777, which appears to have been treated as an original text for the purposes of amendment. Floor debate suggests a unanimous consent agreement was entered into laying out this approach with the goal of controlling and structuring the consideration of policy alternatives relating to entitlement reform. (Congressional Record, vol. 134, Apr. 10, 1992, pp. 9283–9284.)
103rd (1993–1994)	George J. Mitchell (D–ME)	H.R. 1335, Emergency Supplemental Appropriations for FY 1993.	Sen. Robert C. Byrd, acting on behalf of the majority leader, filled the tree on the substitute to the measure, offering SA271–272. (Congressional Record, daily edition, vol. 139, Mar. 25, 1993, p. S3715.)
		S. 1491, FAA Authorization Act of 1994.	On multiple occasions during consideration of this measure, Sen. Mitchell or his designee offered second-degree amendments, for example, SA1776, 1779, and 1781, to non-germane first-degree amendments dealing with the subject of President William J. Clinton and the Whitewater Development Corporation. On each occasion, this action filled the ''insert'' tree and prevented a vote on the first-degree amendment. (Congressional Record, daily edition, vol. 140, June 15, 1994, pp. S6890–6894.)
104th (1995–1996)	Robert Dole (R–KS)	S.J. Res. 21, Constitutional Amendment to Limit Congressional Terms.	Acting as the designee of the majority leader, Sen. Fred Thompson offered a series of amendments, SA3692–3397, to the committee substitute for S.J. Res 21, filling the amendment tree. He then offered a motion to recommit the joint resolution and proceeded to offer amendments SA3698–3699 to the motion, filling the tree on the motion. In debate, Sen. Thompson indicated that he did so to prevent non-germane amendments from being offered to the measure and to ensure the Senate would debate only the subject of congressional term limits. (Congressional Record, daily edition, vol. 142, Apr. 19, 1996, pp. S3715–3717.)
		S. 1664, Immigration Control and Financial Responsibility Act of 1996.	Acting as the designee of the majority leader, Sen. Alan K. Simpson offered a series of second-degree amendments to a number of ''stacked'' first degree amendments, filling the amendment tree on them. He also filled the recommit tree on the underlying bill, offering SA3725–3726. In debate, Sen. Simpson indicated that he did so to prevent the offering of non-germane second-degree amendments on subjects such as the minimum wage and Social Security. (Congressional Record, daily edition, vol. 142, Apr. 24, 1996, pp. S4012–4016.)
		H.R. 2937, White House Travel Office Reimbursement.	Sen. Dole offered a series of amendments, SA3952–3956, first to the bill and then to a motion to refer the bill, filling the tree on both. Sen. Dole indicated that he took this action to prevent non-germane amendments to the measure. Sen. Dole filed for cloture on the measure and indicated his willingness to enter into negotiations on possibly permitting a non-germane amendment relating to the minimum wage to be offered. (Congressional Record, daily edition, vol. 142, May 3, 1996, pp. S4670–4672.)

TABLE 1.—INSTANCES WHERE OPPORTUNITIES FOR FLOOR AMENDMENT WERE LIMITED BY THE SENATE MAJORITY LEADER OR HIS DESIGNEE FILLING OF PARTIALLY FILLING THE ''AMENDMENT TREE'': 1987–2008 [1]—Continued

Congress & Years	Senate Majority Leader	Measure(s)	Notes & Citations
		H.R. 1296, To provide for the administration of certain Presidio properties at minimal cost to the federal taxpayer.	On Mar. 26, 1996, Sen. Dole filled the tree on the motion to commit the bill SA3653–3654 and immediately filed cloture on the motion. The floor debate suggests that this action was taken in an attempt to block amendments to the measure on the subject of the minimum wage. (Congressional Record, daily edition, vol. 142, Mar. 26, 1996, pp. S2898–2899.)
105th (1997–1998)	Trent Lott (R–MS)	S. 25, Bipartisan Campaign Reform Act of 1997.	Sen. Lott offered a series of amendments, SA1258–1265, to the bill and to a motion to recommit the bill, filling both the ''strike and insert'' tree and the recommit tree. In debate, Sen. Lott indicated he did so to bar all amendments to the measure except those negotiated between himself and supporters of S. 25. The agreement provided for a modified form of the bill and one Lott amendment to it containing provisions of the ''Paycheck Protection Act,'' (Congressional Record, daily edition, vol. 143, Sept. 29, 1997, pp. S10106–10114.)
		S. 1663, Paycheck Protection Act	On Feb. 24, 1998, Sen. Lott offered a series of amendments SA1648–1650 along with a motion to commit, which he then filled with amendments SA1651–1653. The leader then filed cloture on the motion. (Congressional Record, daily edition, vol. 143, Feb. 24, 1997, pp. S939–940.)
106th (1999–2000)	Trent Lott (R–MS)	S. 280, Education Flexibility Partnership Act of 1999.	Sen. James Jeffords, as the designee of Sen. Lott filled the tree on the measure on Mar. 10, 1999 with SA66–68. (Congressional Record, daily edition, vol. 145, Mar. 10, 1999, p. S2489–2490.) Media reports claimed he did so to prevent certain minority party Senators, ''from offering amendments reflecting their education goals including the hiring of 100,000 additional teachers.'' (Matthew Tully, ''Both Sides Used Senate Rules Effectively to Tie Things Up,'' CQ Daily Monitor, Nov. 29, 1999.)
		S. 557, An original bill to provide guidance for the designation of emergencies as a part of the budget process.	On Apr. 20, 1999, Sen. Lott filled this tree by offering two amendments on behalf of another Senator SA254–255 and then immediately filing for cloture. Floor debate suggests he did this to block the offering of amendments relating to a Social Security and Medicare ''lockbox.'' (Congressional Record, daily edition, vol. 145, Apr. 20, 1999, p. S3896.)
		S. 544, Emergency Supplemental Appropriations Act for Fiscal Year 1999.	On Mar. 19, 1999, Sen. Lott proposed a second-degree amendment (SA124) ''prohibiting the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct of those operations.'' This amendment filled the insert tree and he then filed cloture on the amendment. In floor debate. Sen. Lott indicated he took this action to ensure that there would be a debate on the subject of Yugoslavia, but added that he wanted to continue to negotiate a time agreement for Senate consideration of the subject. (Congressional Record, daily edition, vol. 145, Mar. 19, 1999, pp. S2995–2996.)
		S. 96, The Y2K Act	Sen. Lott filled the tree on the measure, offering SA268–271. In debate, he indicated his willingness to have a pending amendment on the filled tree laid aside so that germane amendments could be offered. (Congressional Record, daily edition, vol. 145, Apr. 27, 1999, pp. S4232–4234.) A media account stated that Sen. Lott pursued this strategy in part to prevent minority party Senators from offering non-germane amendments relating to gun control. (Matthew Tully, ''Both Sides Used Senate Rules Effectively to Tie Things Up,'' CQ Daily Monitor, Nov. 29, 1999.)
		H.R. 1501, Juvenile Justice Reform Act of 1999.	On July 26, 1999, Sen. Lott filled the tree on the measure, offering amendments SA1344–1348. In debate, Sen. Lott indicated he filled the tree with amendments consisting of the Senate version of the bill with the intention of going to conference with the House. (Congressional Record, daily edition, vol. 146, July 26, 1999, pp. S9209–9210.)
		H.R. 434, African Growth and Opportunity Act.	Sen. Lott filled the tree on the measure on Oct. 27, 1999, offering SA2332–2335. In debate, he expressed regret at ''having to'' do so, and indicated he would agree to lay aside a pending amendment if a Senator wished to offer relevant amendments. (Congressional Record, daily edition, vol. 146, Oct. 27, 1999, pp. S13202–13203.) A media account stated that Sen. Lott pursued this strategy in part to prevent minority party Senators from offering nongermane amendments on the subjects of minimum wage and campaign finance reform. (Matthew Tully, ''Both Sides Used Senate Rules Effectively to Tie Things Up,'' CQ Daily Monitor, Nov. 29, 1999.)
		H.R. 4577, Labor-HHS-Education Appropriations.	Sen. Lott filled the tree on the motion to commit the bill, offering amendments SA3598–3600. During debate, he indicated his desire to negotiate a time agreement for the consideration of amendments dealing with the ergonomic standard issued by the Occupational Safety and Health Administration (OSHA). The motion to commit was later withdrawn when a time agreement was accepted. (Congressional Record, daily edition, vol. 146, June 22, 2000, pp. S5628–5629.)
		S. 2045, American Competitiveness in the Twenty-First Century Act.	Sen. Lott filled the ''strike and insert'' tree twice on this bill as well as a tree on a motion to recommit the measure. In doing so, Sen. Lott called up an amendment filed by a minority party Senator, SA 4183. In debate, Sen. Lott indicated followed this course because of an inability to reach a time agreement governing consideration of the measure. (Congressional Record, daily edition, vol. 146, Sept. 15, 2000, pp. S9026–9029.)
107th (2001–2002)	Thomas A. Daschle (D–SD)	H.R. 5005, Homeland Security Act of 2002.	Sen. Daschle filled the tree on the motion to commit with instructions by offering amendments SA4742–4743. In debate, he indicated he did so to ''keep in place the current parliamentary circumstances'' while Senators tried to negotiate a time agreement for the further consideration of amendments. (Congressional Record, daily edition, vol. 148, Sept. 25, 2002, pp. S9205.)
108th (2003–2004)	William H. Frist (R–TN)	S. 14, Energy Policy Act of 2003	On July 30, 2003, the majority leader offered a motion to commit the bill to the Energy and Natural Resources Committee with instructions. He filled the tree on the motion to commit with instructions with amendments SA1433–1434 and filed cloture on the motion. In debate, the leader indicated he did so to try to bring the underlying bill to a final vote prior to the August recess period. (Congressional Record, daily edition, vol. 149, July 30, 2003, p. S10251.)
		S. 2062, Class Action Fairness Act.	On July 7, the majority leader offered two amendments to the bill (SA3548–3549) filling the insert tree. He then offered a motion to commit the bill with instructions and filled the tree on the motion with amendments SA3551–3551. The majority leader filed cloture on the bill. Floor debate suggests that Sen. Frist pursued this course in response to an inability to secure a time agreement structuring the offering of amendments to the bill, including a relevancy requirement. (Congressional Record, daily edition, vol. 150, July 7, 2004, pp. S7698–7699.)
		S. 1637, Jumpstart our Business Strength Act.	On Mar. 22, 2004, the majority leader offered a motion to commit the bill with instructions that the committee report back the measure with an amendment specified in the motion. Senators filed amendments SA2898–2899 to those instructions, filling the tree. After cloture on the motion subsequently failed, the majority leader offered another motion to commit, and offered amendments SA3011–3013 to it, filling the tree on the motion. Floor debate suggests these efforts were attempts to expedite consideration of the bill. (Congressional Record, daily edition, vol. 150, Mar. 22, 2004, pp. S2852–2853.)
109th (2005–2006)	William H. Frist (R–TN)	S. 397, Protection of Lawful Commerce in Arms Act.	On July 27, 2005, the majority leader offered amendments to the bill SA1605–1606 filling the tree. Senators came to the floor to ask unanimous consent to set aside the pending amendments to be able to consider their amendment. This request was objected to each time. Floor debate suggests that this action was undertaken pending the negotiation of a time agreement relating to the consideration of amendments, including a germaneness requirement. (Congressional Record, daily edition, vol. 151, July 27, 2005, p. 9087.)
		H.R. 4297, Tax Relief Extension Reconciliation.	On Feb. 2, 2006, the majority leader offered amendments SA2707–2709, filling the tree on the bill. He then offered a motion to commit the bill with instructions, and proceeded to fill the tree on the motion with amendments SA2710–2711. In floor debate, Sen. Frist indicated he did this in order to structure floor consideration and potentially reach a final vote on the measure. (Congressional Record, daily edition, vol. 152, Feb. 2, 2006, pp. 472–473.)
		S. 2271, USA PATRIOT Act Amendments.	On Feb. 16, 2006, the majority leader filled the insert tree on the measure with amendments SA2895–2896. The majority leader then filed a cloture petition on the bill and objected to unanimous consent requests to lay aside any of the pending amendments. In debate, one Senator charged that the leader undertook this action to block amendments to the bill. (Congressional Record, daily edition, vol. 152, Feb. 16, 2006, pp. 1379–1380.)
		S. 1955, Health Insurance Marketplace Modernization Act.	On May 10, 2006, the majority leader filled the insert tree with amendments SA3886–3887. He then offered a motion to recommit the bill with instructions and immediately offered amendments SA3888–3890 to fill the tree on the motion. In debate, Sen. Frist explained that he did this because there had, ''. . . been attempts or suggestions that we use this bill as a Christmas tree for all sorts of amendments . . . amendments that don't relate to the underlying bill.'' (Congressional Record, daily edition, vol. 152, May 10, 2006, pp. S4285–4295.)
		S. 3711, Gulf of Mexico Energy Security Act of 2006.	On July 27, 2006, the majority leader filled the insert tree with amendments SA4713–4714. The majority leader then filed cloture on the bill. Remarks made in floor debate suggests he did so to exert some control over the subject of energy amendments offered to the bill. (Congressional Record, daily edition, vol. 152, July 27, 2006, p. S8334.)
		S. 2454, Securing America's Borders Act.	On Mar. 29, 2006, SA3192 was offered as a substitute to the measure. Senators then offered amendments to SA3192, filling the tree. Senators attempted to offer additional amendments by asking unanimous consent to set aside the pending amendments, but objection was heard in each instance. On Apr. 5, 2006 the majority leader moved to commit the bill to the Judiciary Committee with instructions that the committee report forthwith with an amendment. He then offered amendments to the motion SA3424–3426 filling the tree on it. (Congressional Record, daily edition, vol. 152, Apr. 5, 2006, p. S2895–2896.)
		H.R. 6061, Secure Fence Act of 2006.	On Sep. 21, 2006, the majority leader filled the insert tree on the bill with amendments SA5031–5032. On Sep. 25, 2006, the majority leader withdrew his first degree amendment (rendering the second degree amendment moot), and then filled the tree again with amendments SA5036–5037. He then filed cloture on the first degree amendment and offered a motion to commit the bill with instructions, and filled the tree on that motion, offering amendments, SA5038–5040. Floor debate suggests this action was taken while the leaders attempted to negotiate an agreement for the consideration of amendments relating to terrorist detainees. (Congressional Record, daily edition, vol. 152, Sept. 21, 2006, pp. 10097–10098)
		S. 403, Child Interstate Abortion Notification Act.	On Sep. 27, 2006, Sen. Bennett, acting on behalf of the majority leader, filled the tree on the House amendment to the measure with amendments SA5090–5091. He also filed for cloture on the House amendment. (Congressional Record, daily edition, vol. 152, Sept. 27, 2006, pp. S10616–10618.)
		H.R. 6111, Tax Relief and Health Care Act of 2006.	On Dec. 8, 2006, Sen. Frist filled the tree on the motion to concur in the House amendment to the Senate amendment to the measure, with SA5236–5237. He also filed for cloture on the motion. (Congressional Record, daily edition, vol. 152, Dec. 8, 2006, pp. S11658–11659.)
110th (2007–2008)	Harry M. Reid (D–NV)	H.J.Res. 20, Revised Continuing Appropriations Resolution 2007.	On Feb. 8, 2007, Sen. Reid filled the tree on the measure with the offering of SA237–241. Debate suggests the strategy was pursued in order to speed consideration of the measure. (Congressional Record, daily edition, vol. 153, Feb. 8, 2007, p. S1746.)

TABLE 1.—INSTANCES WHERE OPPORTUNITIES FOR FLOOR AMENDMENT WERE LIMITED BY THE SENATE MAJORITY LEADER OR HIS DESIGNEE FILLING OF PARTIALLY FILLING THE ''AMENDMENT TREE'': 1987–2008 [1]—Continued

Congress & Years	Senate Majority Leader	Measure(s)	Notes & Citations
		H.R. 2206, U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007.	On May 15, 2007, Sen. Reid filled the tree on the measure and the motion to commit, offering SA1123–1128. Floor debate indicates this was an action taken with the knowledge and cooperation of the minority leader, in an attempt to structure floor consideration and move the measure to conference. (Congressional Record, daily edition, vol. 153, May 15, 2007, p. S6116–S6117.)
		S. 1348, Comprehensive Immigration Reform Act of 2007.	
		PARTIAL TREE	On June 7, 2007, Sen. Reid used his right of first recognition to offer two amendments to the measure, SA1492–1493. While this action does not appear to have completely filled the amendment tree, remarks made by the Senator in debate (''What I am going to do is send a couple of amendments to the desk so there is some control over amendments that are offered'') suggest it was done to limit or obtain a measure of control over the next amendment offered by filling some available limbs and refusing consent to lay aside amendments. (Congressional Record, daily edition, vol. 153, June 7, 2007, p. S7303–7304)
		S. 1639, A bill to provide comprehensive immigration reform, and for other purposes..	On June 26, 2007, Sen. Reid proposed SA1934, and filled the ''insert'' tree multiple times when the amendment was subsequently divided into several components, an action which some colloquially referred to as the ''clay pigeon.''
		S.1, Honest Leadership and Open Government Act of 2007.	On July 31, 2007, Sen. Reid filled the tree on the motion to concur in the House amendment to the measure, offering amendments SA2589–2590. The leader then filed cloture on the motion. (Congressional Record, daily edition, vol. 153, July 31, 2007, pp. S10400–10401.)
		H.R. 1585, FY 2008 National Defense Authorization Act.	On Sept. 25, 2007, Sen. Reid offered SA3038–3040 to the motion to commit the bill, filling the recommit tree. (Congressional Record, daily edition, vol. 153, Sept. 25, 2007, p. S12024.)
		H.R. 976, Children's Health Insurance Program Reauthorization Act of 2007.	On Sept. 26, 2007, Sen. Reid moved to concur in the House amendments to the Senate amendments to H.R. 976. He then filed cloture on the motion and filled that tree, offering SA3071–3072. (Congressional Record, daily edition, vol. 153, Sept. 26, 2007, pp. S12122–12123.)
		H.R. 2419 Farm, Nutrition, and Bioenergy Act of 2007.	On Nov. 6, 2007, Sen. Reid filled the ''strike and insert'' tree as well as the motion to commit tree, offering SA3509–3514. In debate, the Senator indicated he would be willing to lay aside pending amendments in order for Senators to offer germane or relevant amendments. (Congressional Record, daily edition, vol. 153, Nov. 6, 2007, pp. S13946–13949.)
		H.R. 6, Energy Independence and Security Act of 2007.	On Dec. 12, 2007, Sen. Reid filled the tree on the motion to concur with two amendments SA3841–3842 and immediately filed cloture on the motion. (Congressional Record, daily edition, vol. 153, Dec. 12, 2007, p. S15218.)
		H.R. 5140, Economic Stimulus Act of 2008.	On Feb. 5, 2008, Sen. Reid filled the insert tree as well as on the motion to commit tree with amendments SA3983–3987. (Congressional Record, daily edition, vol. 154, Feb. 5, 2008, p. S656.)
		H.R. 2881, FAA Reauthorization Act of 2007.	On May 1, 2008, Sen. Reid filled the tree on the measure with amendments SA4628–4631 and on the motion to commit with instructions with SA4636–4637. (Congressional Record, daily edition, vol. 154, May 1, 2008, p. S3581–3582.)

[1] As of May 2, 2008. Information from the Legislative information System of the U.S. Congress (LIS) and cited issues of the Congressional Record.

Mr. SPECTER. I again call on the Rules Committee to take up my pending rule change which would stop this abhorrent practice.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

GASOLINE PRICES

Mr. CORNYN. Mr. President, I wish to join my distinguished colleague, the ranking member of the Judiciary Committee, in talking about the importance of moving judicial nominations through the Senate.

I also, though, wish to start by briefly mentioning a couple numbers. The first is $3.61. This is the average price of a gallon of gasoline in America today. The next number I would like to show my colleagues is 743. That is how many days it has been since Speaker PELOSI said she would—if elected Speaker—how long ago she said the Democrats would offer their commonsense plan for bringing down prices of gasoline at the pump. I would note we continue to wait for that commonsense plan, and Americans across this country are waiting for Congress to do something about it.

I would note last Friday I joined a number of my colleagues, including the Senator from New Mexico, Mr. DOMENICI, and others in introducing a plan we think will help bring down the price of gasoline at the pump. Our colleagues, not surprisingly, may disagree. But we are waiting for their plan, all these 743 days. I think the American people are wondering and watching and wondering why we have not acted and why Speaker PELOSI, in particular, has not followed through on her commitment made more than 2 years ago.

JUDICIAL NOMINATIONS

Mr. CORNYN. Mr. President, this morning, in North Carolina, Senator JOHN MCCAIN, the presumptive Republican nominee for President of the United States, is giving a very important speech. He may be speaking even as I am speaking. But he is talking about the role of judges in our Government. I think it is a very important speech. I hope our colleagues and the American people will pay close attention to what Senator MCCAIN is saying when he talks about the important role Federal judges play in our American Government.

I hope Senator OBAMA and Senator CLINTON will likewise take the opportunity, at the first chance they have, to talk about their philosophy, about the types of judges they believe should be nominated by the next President of the United States, were they to have that privilege and that opportunity.

Five years ago, on April 30, 2003, I, along with nine other of the newest Members of the Senate, wrote a letter on this issue to Senator Frist and Senator Daschle, the respective leaders of our parties. That letter was important not only because it was a bipartisan statement acknowledging the judicial confirmation process was broken and needed fixing but also important because it called, on a bipartisan basis, by the newest Members of the Senate, for a clean break or as we called it, a fresh start when it came to the issue of judicial confirmations and, notably, we said to ''leave the bitterness of the past behind us.''

Mr. President, I ask unanimous consent that letter be printed in the RECORD at the end of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. I would like to read from a passage in that letter, signed by we 10 freshmen at the time. In 2003, we wrote to our leaders:

> In some instances, when a well qualified nominee for the federal bench is denied a vote, the obstruction is justified on the ground of how prior nominees—typically, the nominees of a previous President—were treated. All of these recriminations, made by members on both sides of the aisle, relate to circumstances which occurred before any of us [actually] arrived in the United States Senate. None of us were parties to any of the reported past offenses, whether real or perceived. None of us believe that the ill will of the past should dictate the terms and direction of the future.

Unfortunately, 5 years later, when it comes to judicial nominations, the grievances of the past are still dictating the terms and direction of the future when it comes to judicial nominees. There is still time for that fresh start we called for, still time for a clean slate but, unfortunately, no signs that is likely to occur in the current environment.

So it will likely come to pass once again that last year's and the previous year's grievances will be used again, not without some justification, by Senate Republicans to justify the obstruction of a future Democratic President's judicial nominees, which shows the death spiral we are involved in when it comes to not taking care of the Nation's work, not allowing an up-or-down vote of judicial nominees on the floor of the Senate.

When it comes to judicial nominations, the Senate is supposed to be, as Senator SPECTER said, the world's greatest deliberative body. But it often acts more like the Hatfields and the McCoys, or perhaps, for those who remember Huck Finn, the Grangerfords and the Shepherdsons, who do not know how the feud began but, nonetheless, continue to escalate the violence.

Let's step back and consider the basic facts. Right now across America there are 46 Federal judicial vacancies—12 on the circuit court of appeals, 34 on the district courts. Of these 46 vacancies, 13 are considered ''judicial emergencies,'' including a handful on the Fourth Circuit Court of Appeals,

where a full 33 percent of the bench is vacant because we in the Senate have not done our job.

The simple fact of the matter is, thus far, during President Bush's final 2 years in office, we have seen a record-low number of Federal judges approved by the Senate.

Since our friends on the other side of the aisle took over the Senate in 2007, a total of only 7 circuit court nominees have been approved—and only one this year. It would be most unfortunate and indeed, I daresay, precedent setting if this Senate set this new low-water mark.

For my part, I have been pleased to work with the chairman of the Judiciary Committee, Senator LEAHY, to gain confirmation of the last two Texans to be nominated and confirmed to the Fifth Circuit Court of Appeals. Most recently, I appreciated the chairman's cooperation and assistance in confirming Catharina Haynes to the Fifth Circuit.

But despite my appreciation, I must also express my regret that Ms. Haynes is the only circuit nominee confirmed this year. I would not be fulfilling my oath of office if I did not press for fair treatment not only for judicial nominees who come from my State, Texas, but for my colleagues' home State nominees as well.

There are many other critical judicial positions that demand our immediate action. I mentioned the Fourth Circuit, which serves the States of Virginia, Maryland, North Carolina, South Carolina, and West Virginia.

The Fourth Circuit is currently operating, as I indicated, with one-third less than a full complement of judges on the bench. That is why the Judicial Conference has called this a judicial emergency. The Senate can and must act to alleviate this strain and this denial of access to justice on behalf of the people of those States, who are denied access to justice because there are simply not enough judges who have been confirmed to sit and hear their cases.

The Judiciary Committee is poised to act this Thursday on Justice Stephen Agee of Virginia, a Fourth Circuit nominee, and it should at the very least move forward with the nominations of other Fourth Circuit nominees who have the support of both home State Senators.

Even the Washington Post, in December 2007, decried the situation on the Fourth Circuit saying:

> [T]he Senate should act in good faith to fill vacancies—not as a favor to the president but out of respect for the residents, businesses, defendants and victims of crime in the region the 4th Circuit covers.

I am greatly disappointed the Judiciary Committee has been so slow to act on these important nominations. I would ask the chairman again to push forward with hearings and give the nominees an opportunity for an up-or-down vote on the Senate floor.

There is no doubt the American people deserve, and our very concept of American Government requires, qualified judges who understand the proper role of a judge, which is not to be another branch of the legislature dispensing their view of justice, sort of on an ad hoc basis, but, rather, judges who believe their job is to interpret and enforce the Constitution, not to make up the law as they go along.

As such, we should exercise due diligence to properly review nominees. But the constitutionally mandated process of advice and consent should be done expeditiously, and debates on these nominees should be done openly, as the Senator from Pennsylvania suggested.

We have before us numerous well-qualified nominees who have offered themselves to serve our citizens. We must endeavor to minimize the role of partisan politics in judicial nominations, and we should work harder to ensure the judicial vacancies are filled in a more timely manner.

I know my time is up, and I know the distinguished Senator from Arizona is here to speak, perhaps on the same subject. But I am glad Senator MCCAIN, the presumptive Republican nominee, is speaking on this important issue today. I repeat my hope that Senator OBAMA and Senator CLINTON would address this very important responsibility of the next President of the United States. But I would submit, again, it is our responsibility to promptly move on these nominations and to give these nominees a fair up-or-down vote. That has not been happening.

Mr. President, I yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, April 30, 2003.

DEAR SENATORS FRIST AND DASCHLE: As the ten newest members of the United States Senate, we write to express our concerns about the state of the federal judicial nomination and confirmation process. The apparent breakdown in this process reflects poorly on the ability of the Senate and the Administration to work together in the best interests of our country. The breakdown also disserves the qualified nominees to the federal bench whose confirmations have been delayed or blocked, and the American people who rely on our federal courts for justice.

We, the ten freshmen of the United States Senate for the 108th Congress, are a diverse group. Among our ranks are former federal executive branch officials, members of the U.S. House of Representatives, and state attorneys general. We include state and local officials, and a former trial and appellate judge. We have different viewpoints on a variety of important issues currently facing our country. But we are united in our commitment to maintaining and preserving a fair and effective justice system for all Americans. And we are united in our concern that the judicial confirmation process is broken and needs to be fixed.

In some instances, when a well qualified nominee for the federal bench is denied a vote, the obstruction is justified on the ground of how prior nominees—typically, the nominees of a previous President—were treated. All of these recriminations, made by members on both sides of the aisle, relate to circumstances which occurred before any of us arrived in the United States Senate. None of us were parties to any of the reported past offenses, whether real or perceived. None of us believe that the ill will of the past should dictate the terms and direction of the future.

Each of us firmly believes that the United States Senate needs a fresh start. And each of us believes strongly that we were elected to this body in order to do a job for the citizens of our respective states—to enact legislation to stimulate our economy, protect national security, and promote the national welfare, and to provide advice and consent, and to vote on the President's nominations to important positions in the executive branch and on our nation's courts.

Accordingly, the ten freshmen of the United States Senate for the 108th Congress urge you to work toward improving the Senate's use of the current process or establishing a better process for the Senate's consideration of judicial nominations. We acknowledge that the White House should be included in repairing this process.

All of us were elected to do a job. Unfortunately, the current state of our judicial confirmation process prevents us from doing an important part of that job. We seek a bipartisan solution that will protect the integrity and independence of our nation's courts, ensure fairness for judicial nominees, and leave the bitterness of the past behind us.

Yours truly,

John Cornyn, Lisa Murkowski, Elizabeth Dole, Norm Coleman, Lamar Alexander, Mark Pryor, Lindsey Graham, Saxby Chambliss, Jim Talent, John E. Sununu.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, might I inquire how much time is remaining on this side?

The ACTING PRESIDENT pro tempore. Six and a half minutes.

Mr. KYL. Thank you, Mr. President.

I appreciate the comments of my colleague from Texas and would note, as he did, my colleague from Arizona, JOHN MCCAIN, is making an important statement today respecting the need to confirm good judges for our court of appeals and Federal district courts—something which he will be committed to when he is President of the United States.

Our friends around the country might be wondering: What exactly is going on around here? Why are we talking about the need to confirm judges? It is a good question. The answer is this: It is interesting that in most of the Presidencies—in fact, in the last four Presidencies—in the last 2 years of the Presidency, the other party is in charge of the Senate. You had that situation with Ronald Reagan; with George Bush, the 41st President; with Bill Clinton; and with the current President Bush. In each case, the other party was in charge of the Senate the last 2 years of their Presidency.

Now, on the average, between 15 and 17 circuit court judges have been confirmed in the last 2 years, even though it is the other party in charge of the Senate. That is because we have a responsibility under the Constitution to act on the nominees the President, regardless of party, has made.

That is his job, and this is our job. Both of us have to do our jobs. It would not be appropriate for the Senate to simply sit on our hands and not act on the nominees of the President, even though he may be of the other party.

So between 15 and 17 nominees of the President have been confirmed each of the last 2 years for these last Presidencies. But, unfortunately, that is not the case with the current President. We are not on track to get that number confirmed. In fact, we have only had six confirmed.

That is why our leader, Senator MCCONNELL, sought to have an agreement with the majority leader to try to get more circuit judges confirmed. An agreement was reached that at least three judges would be confirmed by the end of this month.

Now, what is interesting is that up to now, there has been sort of a sense that: Well, it is not possible to get very many judges confirmed. It takes a long time, and there is a lot of process involved. But what this latest agreement demonstrates, as Senator SPECTER, who spoke earlier, pointed out, is that when the majority party wants to, it can act very quickly to confirm judges. In fact, it can move very quickly.

That is what Senator LEAHY, the chairman of the Senate Judiciary Committee, is now doing because, unfortunately, he does not want to take the judges who are in the queue and get those judges considered by the committee on the floor of the Senate and voted on by the Senate. He has judges that he would rather get considered, but they were way behind in the process. So he is speeding them up, getting them through the process very quickly, in breach of what had been the policy in the past.

Nevertheless, he is moving them along very quickly with an intention, I gather, to try to comply with this agreement and get them confirmed by the end of the month. That is a good thing in the sense that we will get three more circuit court nominees.

I suspect it does illustrate that the Judiciary Committee and the Senate can act quickly when we want to get these confirmations accomplished. But that will leave us several more judges who have been pending a long time. That will leave us the months of June, July, and September, at least, when we can confirm additional nominees. The question will be, what will happen then? Will we act with similar alacrity?

We have one judge nominee, Peter Keisler, who has been pending for almost 2 years now. His hearing has been held. All he has to do is come before the committee. That will take 1 or 2 weeks at the most, and he could be on the floor of the Senate. We have other nominees from the Fourth Circuit Court of Appeals, four nominees pending in the Judiciary Committee. Judge Robert Conrad and Steve Matthews are ready for hearings. Mr. Rod Rosenstein of Maryland could be ready but is being blocked by the two Senators from his State. Judge Steven Agee had a hearing last week.

So there are judges in the queue who could be dealt with. There is no reason to hold them back except a possible desire not to get them confirmed or politics. I don't know what is behind it. There is no reason not to move forward with these nominees.

The Washington Post, no big supporter of the President, said recently, after we confirmed one court of appeals nominee:

> That should be only the beginning. . . .In the past two years, the Senate has confirmed seven nominees to the Court of Appeals; 16 such nominees were confirmed during President Bill Clinton's final two years in office.
>
> It appears unlikely that Democratic Senators will match that number, but they should at least give every current nominee an up-or-down vote and expeditiously process the nominees to the U.S. Court of Appeals for the 4th Circuit, where five of the court's 15 seats are vacant.

That was an editorial entitled, ''Judges, and Justice, Delayed: The Senate Needs To Move Faster On Court Nominations,'' of April 15, 2008. That is obviously very true. There is no reason these other judges cannot be considered as well. When we ask the question, what is really going on, it is that the chairman of the committee apparently is desirous of picking and choosing which nominees move forward. It is not a matter that the nominees cannot move forward.

In one case, or in two or three cases, they are ready to have the hearings. In one case, the hearing has already been held. So it is literally only a matter of a week or two before those nominees could be brought to the Senate floor. As illustrated by the current process, to get these other judges confirmed by Memorial Day, it is clear that when we want to we can accelerate the process and get the job done.

I will close by noting that regarding the nominee who has been pending now for almost 2 years, Peter Keisler, the Washington Post had this to say:

> Peter Keisler was nominated in 2006 to the U.S. Court of Appeals for the DC Circuit; his confirmation hearing was in August of that year. It is a travesty that he has yet to get a vote from the Senate Judiciary Committee.

Here, I will interpose, what is the holdup? Going back to the editorial:

> Mr. Keisler, who was chief of the Justice Department's Civil Division before joining a private law firm, earns plaudits from the right and left for stellar intellect and his judicial demeanor. Democrats have held up Mr. Keisler's nomination over a squabble about whether the DC Circuit needs 12 full-time judges. That dispute is over: Congress eliminated the 12th seat this year. Mr. Keisler should be confirmed forthwith.

So, clearly, we have nominees who should be confirmed. They are in the queue waiting. They could be easily taken up this week or next week. Their hearings need to be held. They need to be brought to the Senate floor and I urge my colleagues to work with us to move this process forward so these important nominees can be considered by the full Senate.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

FAA MODERNIZATION ACT

Mrs. MURRAY. Mr. President, the FAA Modernization Act, which we are debating in the Senate today, makes critical improvements that will ensure our aviation system is safe and efficient. That will put us on a path to modernizing our air traffic control system.

Now, in a short while, early this afternoon, the Senate will vote on whether we will finish this bill and send it to conference or whether Republicans are again going to refuse to work with us and force us to take this bill off the Senate floor.

I hope we are going to vote to move forward this afternoon. My colleagues on the Commerce and Finance Committees worked very hard on this important bill because it is critical to our Nation's economy that our aviation system work smoothly. We have some serious problems that we need to address.

Our air travel infrastructure is aging fast. It needs to be updated. The bill before us will help us modernize our aviation system to ensure that it continues to be the safest in the world.

We also have to take action to help carriers deal with rising fuel costs and, of course, to protect our passengers by reducing flight delays and cancellations.

Unfortunately, as we speak this morning, the Senate is essentially deadlocked. Republicans say they object to certain tax provisions, even though this bill, I remind everyone, was supported overwhelmingly when it was marked up in the Finance Committee. But our Republican colleagues insist that we strip out every provision that isn't directly linked to aviation. If that isn't done, they say they are going to filibuster this bill and keep us from ever getting to a final vote on it.

The majority leader has said time and again that he would welcome amendments to the bill, but Republicans have refused. Instead of working with us to come to an agreement on the points they oppose, they are going to block the whole bill.

What is most unfortunate about the Republican filibuster today is that this is a vitally important piece of legislation. Although my job as chairman of the Transportation Appropriations Subcommittee is to deal with appropriations, not authorizations, I can also tell you that this FAA bill is not just a bill that would be nice to have, it is a bill we must have.

Some of our most important aviation authorities expire at the end of this June. That means by the end of next month, if this bill is not enacted, the FAA will no longer have the authority to spend money out of the Airport and Airway Trust Fund.

Every penny that has been appropriated for purchasing and modernization at the FAA is paid for out of that fund. So if this bill doesn't become law at the end of next month, billions of dollars in projects at the FAA are going to grind to a halt.

If this bill doesn't become law, all of the employees who work on those projects will be told to stay home because the agency would not be able to pay them.

Mr. President, that is not all. Republican obstruction of this bill would cost billions of dollars in capital projects at our Nation's airports. The entire Airport Improvement Program, or AIP, would be shut down, and billions of dollars in critical safety improvements at airports across the country would go unspent.

Finally, our ability to collect ticket taxes from air travelers in order to fund our trust fund will run out. That would push the FAA's primary source of funding closer to bankruptcy.

Mr. President, these are not just small things. These programs ensure that airplanes and airports operate safely, and nobody can argue that safety would not be harmed if we shut down the ability of the FAA to modernize its long-outdated radar infrastructure.

I wish to talk about one of the non-aviation provisions that the Republicans say is a reason they are standing in the way of this important critical piece of legislation. I want to tell you why I believe it is critical to keep it in this legislation. The provision I am referring to addresses an urgent problem with the highway trust fund.

If we don't act now, the highway trust fund will go bankrupt sometime next year. If that happens, it will put a stop to Federal road projects across our entire country. That means bridge improvements, turn lanes, highway widenings, and countless projects would no longer get the Federal funding that has been promised. These are vital projects to all of our communities. They ensure that our highways are safe. They are essential to commerce and economic development.

It is critical to every State in our Nation and everybody who drives on our Federal highway system that we find a way to keep this trust fund solvent.

I have been sounding the alarm over this looming disaster for almost 2 years. We are at a point now where we have to find a fix to ensure that we don't have to make disastrous cuts in our highway spending next year.

Very early in this Congress, both Chairman BAUCUS and Ranking Member GRASSLEY committed in writing to myself and my ranking member, Senator BOND, that they would make this fix that is now contained in this bill.

I ask unanimous consent that the letter to Senator BOND and myself be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, January 25, 2007.

Hon. PATTY MURRAY,
Chairman, Subcommittee on Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies, Washington, DC.

Hon. CHRISTOPHER BOND,
Ranking Member, Subcommittee on Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies, Washington, DC.

DEAR SENATORS MURRAY AND BOND: Meeting the funding obligations laid out in SAFETEA–LU is of vital importance to our nation's transportation system. According to the recent CBO projections, the Highway Trust Fund shows a shortfall of several billion dollars in fiscal year 2009, the last year of SAFETEA–LU. The Senate Finance Committee is dedicated to finding the necessary revenues to keep the Highway Trust Fund whole for the life of the current authorization. We are actively working on several options to accomplish this task.

We appreciate this opportunity to share our commitment to meeting the nation's transportation needs.

Sincerely yours,

MAX BAUCUS,
Chairman.
CHARLES E. GRASSLEY,
Ranking Member.

Mrs. MURRAY. Mr. President, in the tax portion of the aviation bill, Chairman BAUCUS and Senator GRASSLEY are keeping their word. This provision in this bill authorizes that there will be enough money to continue highway projects under SAFETEA–LU—the Federal transportation planning bill.

As I said, this addresses an urgent need. If the highway trust fund provision is stripped from this bill, my subcommittee could be required to cut highway spending for 2009 by $14 billion just to keep the trust fund out of bankruptcy next year. That will represent a cut of more than one-third in a single year.

I think all of our colleagues should know exactly what is being put at risk if the highway trust fund provisions were to be stripped out of this bill.

I ask unanimous consent that a table that has been prepared by the Federal Highway Administration be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF TRANSPORTATION—FEDERAL HIGHWAY ADMINISTRATION—COMPARISION OF DISTRIBUTION OF OBLIGATION LIMITATION

[Scenario 1: Obligation Limitation Distribution for FY 2008 Based on Consolidated Appropriations Act, 2008. Scenario 2: Obligation Limitation Distribution for FY 2009 Based on Obligation Limitation of $27.2 Billion]

State	Total obligation limitation		
	Scenario 1	Scenario 2	Difference
Alabama	652,726,547	454,824,733	(197,901,814)
Alaska	282,066,711	213,461,360	(68,605,351)
Arizona	645,075,344	423,184,887	(221,890,457)
Arkansas	408,704,023	286,719,068	(121,984,955)
California	3,027,693,941	2,162,914,748	(864,779,193)
Colorado	439,113,155	305,442,339	(133,670,816)
Connecticut	448,398,704	298,155,051	(150,243,653)
Delaware	128,377,882	89,408,810	(38,969,072)
Dist. of Col.	131,278,091	89,055,744	(42,222,347)
Florida	1,646,926,789	1,102,615,868	(544,310,921)
Georgia	1,189,444,266	808,957,462	(380,486,804)
Hawaii	138,186,609	92,455,082	(45,731,527)
Idaho	240,341,940	168,827,927	(71,514,013)
Illinois	1,116,883,893	783,330,484	(333,553,409)
Indiana	837,221,544	581,195,810	(256,025,734)
Iowa	376,023,626	242,857,239	(133,166,387)
Kansas	331,623,187	223,029,846	(108,593,341)
Kentucky	563,101,468	388,477,945	(174,623,523)
Louisiana	525,533,278	351,623,950	(173,909,328)
Maine	145,807,693	101,473,221	(44,334,472)
Maryland	526,801,824	351,819,107	(174,982,717)
Massachusetts	563,444,067	365,897,655	(197,546,412)
Michigan	949,589,055	722,171,474	(227,417,581)
Minnesota	516,029,374	391,306,319	(124,723,055)
Mississippi	386,729,693	267,581,968	(119,147,725)
Missouri	762,557,035	530,486,038	(232,070,997)
Montana	307,593,579	218,174,703	(89,418,876)
Nebraska	241,810,163	163,744,876	(78,065,287)
Nevada	235,089,219	145,744,407	(89,344,812)
New Hampshire	148,716,449	100,205,953	(48,510,496)
New Jersey	869,636,446	582,846,004	(286,790,442)
New Mexico	302,478,979	217,029,410	(85,449,569)
New York	1,520,182,342	990,367,322	(529,815,020)
North Carolina	926,525,517	651,798,430	(274,727,087)
North Dakota	202,565,774	139,213,152	(63,352,622)
Ohio	1,166,229,708	840,803,111	(325,426,597)
Oklahoma	503,342,513	342,367,319	(160,975,194)
Oregon	377,426,038	255,186,729	(122,239,309)
Pennsylvania	1,505,915,429	992,854,989	(513,060,440)
Rhode Island	169,131,952	109,296,597	(59,835,355)
South Carolina	533,174,501	362,727,197	(170,447,304)

U.S. DEPARTMENT OF TRANSPORTATION—FEDERAL HIGHWAY ADMINISTRATION—COMPARISION OF DISTRIBUTION OF OBLIGATION LIMITATION—Continued

[Scenario 1: Obligation Limitation Distribution for FY 2008 Based on Consolidated Appropriations Act, 2008. Scenario 2: Obligation Limitation Distribution for FY 2009 Based on Obligation Limitation of $27.2 Billion]

State	Total obligation limitation		
	Scenario 1	Scenario 2	Difference
South Dakota	212,627,616	151,170,837	(61,456,779)
Tennessee	705,609,706	488,908,923	(216,700,783)
Texas	2,676,992,892	1,855,034,583	(821,958,309)
Utah	234,081,641	160,420,055	(73,661,586)
Vermont	136,260,491	96,554,996	(39,705,495)
Virginia	856,744,956	600,370,965	(256,373,991)
Washington	572,683,600	380,729,769	(191,953,831)
West Virginia	352,622,384	244,799,450	(107,822,934)
Wisconsin	625,583,865	444,299,449	(181,284,416)
Wyoming	210,639,995	153,148,013	(57,491,982)
Subtotal	32,573,345,494	22,485,071,374	(10,088,274,120)
Allocated Programs	4,127,089,170	1,909,255,590	(2,217,833,580)
High Priority Projects	2,740,953,600	1,922,227,200	(818,726,400)
Projects of National & Regional Significance	410,949,000	230,558,400	(180,390,600)
National Corridor Infrastructure Improvement Program	449,988,000	252,460,800	(197,527,200)
Transportation Projects	590,259,516	331,158,586	(259,100,930)
Bridge (Sec. 144(g))	92,400,000	64,800,000	(27,600,000)
Transfer to Sections 154 & 164	231,066,579	4,468,050	(226,598,529)
Total	41,216,051,359	27,200,000,000	(14,016,051,359)

Mrs. MURRAY. The agency's table shows all of us the amount of money each and every State will see cut next year if the highway trust fund were not fixed and if we are required to fix it through the appropriations process for 2009. No State will be spared. Look up your own State. Texas will lose $822 million. Kentucky will lose $175 million. Minnesota will lose $125 million. Maine would lose $44 million. The list goes on. Look up your State and learn what is at risk if we don't vote to move this bill forward and solve this problem.

I remind my colleagues that the provisions in this bill do not fix the trust fund on the long-term basis. The fix that is in this bill will only be sufficient to keep the highway trust fund in the black through 2009. But cutting this provision would not just mean States would lose the ability to make urgent road improvements, it would also mean a loss of a half million jobs across our Nation.

Many of my colleagues have talked about the terrible impact felt in the construction sector by the recent economic slowdown. Some have called for economic stimulus proposals to get the sector back on its feet.

I have to say, stripping the highway trust provision out of this bill will have the exact opposite effect. It will mean layoffs at a time when our economy badly needs help. So I hope our colleagues take that into consideration when we vote this afternoon on whether to move forward on this bill.

In addition, I hope my colleagues remember that earlier this year we learned some disturbing news about the FAA's handling of safety inspections at Southwest Airlines. We learned that the FAA had not reviewed Southwest's system for complying with certain agency safety directives since 1999. That revelation caused a great deal of concern about the FAA's safety inspections across the country, with very good reason. Those inspections are important because they help our airlines and the FAA discover potential problems and address them before there is a tragedy.

But when Congress began looking into the problem, we found it was much more extensive. Last month, at a hearing with the Acting FAA Administrator, Robert Sturgell, and the Department of Transportation inspector general, I learned for well over 5 years the FAA had not examined whether Southwest was using the right safety systems for certain maintenance requirements.

Now, you can imagine I was concerned to hear about that. So I asked him how many other airlines had missed safety inspections. Mr. Sturgell could not answer me. Well, I asked him to get it back to me. I finally received an answer. The FAA now tells us it has failed to perform dozens of mandatory inspections at seven other major air carriers.

In fact, the FAA now says it has missed more than 100 of these required safety inspections at major airlines. Mr. Sturgell said that part of the reason might be ''inadequate resources.'' Well, I am not sure how that could be. I have been working, along with my colleagues, to increase funding for FAA inspections for the last 7 years—in fact and this is true of my appropriations subcommittee, whether I have been chairman or my Republican colleagues have been chairman, for the last 4 years. We have provided more funding for more safety inspectors than the FAA has ever requested of us. So this is a funding issue? The FAA hasn't been honest about the true needs of its agency.

Now, I know Congress has been doing its part to build the inspection workforce without the benefit of a request from the FAA, and as a result, we have hundreds more inspectors across the country than the FAA has ever requested. Either way, I have serious concerns because the agency has insisted that the airlines must be the ones to guarantee the safety of their operations, and it is said that FAA inspectors are best used to ensure that the airlines have assistance to do the job. Now we are being told that the FAA is years behind in inspecting those very systems.

The lesson from the Southwest debacle is that these safety inspections matter. They are one of the best indicators of whether an airline has its act together when it comes to maintenance and safety compliance. Clearly, the FAA needs to bring more focus and leadership to meeting its own self-imposed deadlines, and we will be looking for quarterly reports and answers on this as we move forward.

So with all of these safety concerns as a backdrop, this afternoon we are now facing a filibuster from our Republican colleagues who want to bring down the FAA safety authorization bill. We have a bill before us that clearly offers us a chance to make a difference for safety, for our airlines, for our passengers, for our highways, and for our economy. We are talking about a bill that ensures the safety of our air travel. This is a critically important bill and, by the way, until recently a bipartisan one. But now we are hearing that the Republicans want to wage their 68th filibuster on a bill that is important to all of us.

We have the ability to move forward. I urge our Republican colleagues to work with us and to not obstruct this bill this afternoon because anyone who has stood in an endless line at an airport or had their flight canceled or wanted to have important highway improvements done is counting on us to do the job. So I urge my colleagues to negotiate instead of blocking progress, and I hope they will work with us to do this quickly as we move to the bill today.

Mr. President, I thank you, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, first I wish to thank Senator MURRAY for her comments. I couldn't agree with her more. I know the people of Maryland are very much concerned about the FAA reauthorization bill and getting it done. Passenger safety is critically important to the people of Maryland and this Nation. Modernizing our air system is very important. I thank Senator MURRAY for the comments she made.

JUDICIAL APPOINTMENTS

Mr. CARDIN. Mr. Presidentt, I wish to first respond, if I might, to the comments Senator KYL made in regard to consideration of judicial appointments.

Of course, one of the most important responsibilities each one of us in the Senate has is to deal with confirmation of judges who have lifetime appointments to the Federal bench. It seems to me the Republicans are criticizing the Democratic leadership because sometimes they think we move too slowly, and now they are criticizing us for moving too fast on nominations. I don't quite understand it.

I hope the public will look at the record. When President Clinton was President of the United States, when he left office, there were 32 vacancies on the circuit courts of this Nation. Today, that number stands at 12. We have moved the confirmation process forward. I think we have done it in the appropriate manner.

I would also point out that there have been three circuit court judges who have had some controversy surrounding their confirmations in which there was opposition by Democrats, but at no time did Democrats delay the consideration of those nominations on the floor. They came up, they were voted on, there was never a filibuster, and there was never an effort made to slow it down. In fact, on one judicial appointment that was voted for on this floor, it was the Republicans who asked for the delay so they could get the necessary votes to get the nomination out of committee. So I think the record speaks for itself as to the consideration of judicial appointments.

FAA REAUTHORIZATION

Mr. CARDIN. Mr. President, I think it is ironic that the Republican whip used this opportunity to talk about delaying judicial appointments when the Republicans are in their 68th filibuster in this Congress. Sixty-eight filibusters. The most recent, of course, is the Federal Aviation Administration Reauthorization Act, the bill that is on the floor right now that we will have a chance to vote on later today. We have been on this bill for over a week without a vote because the Republicans are filibustering it. This is a bill which is critically important to the people of this Nation—first and foremost because of safety. I think Senator MURRAY pointed this out very clearly.

We need to implement the next generation of an air transportation system that was recommended in 2004. We still haven't implemented that. This legislation provides $290 million annually to modernize our satellite-based system. I am told there are some automobiles that have more sophisticated guidance systems or satellite identification systems than our planes. We need to do a better job.

We have a bill that was crafted in a bipartisan way in our committee that has come forward. Let's consider it on the floor for the sake of the people of this Nation—for their safety. We know that every year millions and millions more people are flying. Air traffic is up. We need to modernize our system for the safety of the people of this country.

We need more safety inspectors; we certainly know that from what has happened this year with the number of aircraft that were not properly inspected. This bill will provide the wherewithal in order to make sure we carry out the inspections in the best interests of the people of this Nation.

I am sure people are very aware of their fellow citizens being stranded on runways for up to 11 hours without being tended to. This legislation provides for a passengers bill of rights so that we have some basic protection for those who travel by air in this country.

It is important for our entire country, but let me just point out what it means in Maryland.

We have 20 million passengers who go through the Baltimore/Washington International Thurgood Marshall Airport, adding $5.1 billion to the economy of my State of Maryland. I could talk about the essential air service which affects one community in my State, the Hagerstown Regional Airport. That is in this bill.

My point is that this bill is a comprehensive bill that affects every part of our country, and it deserves a vote on this floor.

Hagerstown Regional Airport is critically important to the economic development of the people of that region, and the central air service which is extended in this legislation allows it to become the economic stimulus for additional growth in the Hagerstown area. So there is a lot depending upon this bill moving forward.

Yes, later today we are going to have a vote. It is a very simple vote. It is a vote on whether we are going to move forward on the legislation or we are going to allow the filibuster to continue—the 68th filibuster the Republicans have initiated in this Congress.

Majority Leader REID has made it clear that if the Republicans or any Member of the Senate doesn't like a provision in the bill, they can offer an amendment to take it out. We will have a vote on that amendment. There is no effort being made here to stop debate. What we are trying to do is take up a bill, not spend a full week in doing no work on the floor because we are in a filibuster. Let's end this filibuster, let's take up the amendments, let's vote on the amendments, and let the majority rule on this very important subject. That is what we are asking for today.

This is a bipartisan bill. It has enjoyed bipartisan support. The public wants us—Democrats and Republicans—to work together on issues that are critically important to the future of our country. Air traffic and passenger safety is critically important to the future of America. So I urge my colleagues to put aside partisan differences and allow us to let democracy work. Allow us to vote on the issues. Allow us to bring forward this critically important bill to the people of this country. We will have a chance to do that later today, and I hope that the necessary Members of this body will vote to put aside their partisan differences and allow us to have a vote for the sake of the safety of the people of this Nation.

With that, Mr. President, 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. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

FAA REAUTHORIZATION ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2881, which the clerk will report.

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 to 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

Pending:

Rockefeller amendment No.4627, in the nature of a substitute.

Reid amendment No. 4628 (to amendment No. 4627), to change the enactment date.

Reid amendment No. 4629 (to amendment No. 4628), of a perfecting nature.

Reid amendment No. 4630 (to the language proposed to be stricken by amendment No. 4627), to change the enactment date.

Reid amendment No. 4631 (to amendment No. 4630), of a perfecting nature.

Motion to commit the bill to the Committee on Finance, with instructions to report back forthwith, with Reid amendment No. 4636, to change the enactment date.

Reid amendment No. 4637 (to amendment No. 4636), of a perfecting nature.

Rockefeller amendment No. 4642 (to amendment No. 4637), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, it is an interesting situation in which we find ourselves today.

I guess I have to say last week was the most frustrating week I have spent in the Senate in my 24 years here. We are discussing an aviation bill which has highway provisions. We are discussing, for example, in the Presiding Officer's State, the need for essential

air service, shown by its loss of Frontier Airlines, and my State there is a similar situation and other States are in similar situations.

We are also talking about the fact that airlines are not being run in a safe enough manner. We are talking about the fact that we are just behind Mongolia in terms of our air traffic control system, in terms of its relevance to the modern age. It is a very scary situation.

Last week, we did not hold a single vote. We were on the aviation bill all week, but we did not have a single vote on aviation. I find that interesting, and I find it profoundly depressing, and, to a certain extent, it defines what the American people find so inadequate about Congress or, in this case, the Senate.

We have ideas, people work very hard, they work long hours, staff works particularly long hours, we negotiate, Members negotiate, we come to what we think is an agreement, and then days go by and nothing happens.

I repeat, I have never been through a situation where we have been on a bill which is this important and where 1 billion passengers are going to be using this air traffic system in 2015 and they are going to be using it on basically a ''Polaroid camera'' technology system. We have not had crashes. We did have one in Kentucky, but it is a little bit similar to post-9/11: Unless you have crashes that attract lots of cameras, people begin to lose interest. If there is anything not to lose interest in, it is not only the war on terror, but it is also aviation safety.

I repeat, we had all last week devoted to the aviation bill. We had one vote over the course of 5 days. That vote was a procedural vote—not the kind of thing that raises you out of your seat with excitement. Other than that, we did not vote on one aviation issue for the entire week.

When Senator Lott and I began this process a long time ago, we operated in a completely bipartisan manner. Senator HUTCHISON and myself were doing the same thing. We wanted to work together. We had worked together before on the aviation subcommittee. We had operated in a bipartisan manner. Senator REID wanted to bring the FAA reauthorization bill to the floor. It was timely. It was important. I worked very hard, from my point of view, to compromise.

I have a very large problem with the fact that high-end corporate jets and personal jets that may have one or two people on them, plus stacks of sandwiches and goodies, take the same amount of time for the air traffic controllers to navigate through the skies as some airplane that have 300 people aboard. A plane which is headed somewhere in America with people who have all kinds of work they have to do. Some are on vacation, because we are at that time of year, but most people are traveling because they have to travel—they have to go to a meeting, they have to be somewhere, they have to visit somebody sick in their family.

What is interesting is the general aviation community is paying for about 3 percent of the entire cost of the air traffic control system—3 percent, which means the commercial airlines are paying 97 percent. Yet the general aviation community dominates the skies at any given moment. There are an average of 36,000 planes in the skies during the day, and two-thirds of them are likely to be general aviation.

Of course, as soon as I said that, every Senator got 1,500 telephone calls from high-end jet users. I was on the Commerce Committee. We had to work this out with the Finance Committee. I worked with the Finance Committee, and we came up with a system that didn't put that kind of burden on the general aviation system.

My provision, which they said was really quite a horrendous thing to consider, was when a 737 or GV or GVIII takes off, they have to pay a $25 fee. If they flew to Bonn, which has this system already, obviously—all of Europe does—if they returned, they would have to pay another $25 fee. That would be a total of $50.

They began to talk about the end of general aviation as we know it. I stood back, aghast, at the sense of perspective in all of this. What they very well know is in general aviation we excluded 90 percent of all general aviation aircraft from this provision—crop dusters in Montana up to King Airs, everything was excluded; everything. Single-engine planes that doctors and lawyers fly to calm their nerves and get their heads in order—all those are excluded. Only the high-end jets—rich people, big corporations, big planes getting the full attention of the air traffic control system would have had to pay the fee in my provision.

I negotiated this provision with Senator BAUCUS, the chairman of the Finance Committee. He had a different perspective on this issue. Because he has superb staff and he himself is very good, I understood I was not going to get anywhere with my approach—which is a very small, little item in all of this. So I backed off from my approach and I eliminated this horrendous, Draconian, Attila the Hun-type $25 fee that it would actually take should the Presiding Officer own a G–8, that he wouldn't have to pay that. He simply would not have to pay that. He could just go right off and fly to Bonn and not pay that $25. So I backed off on that.

Then everything began to come together, and I was really encouraged that the full Senate could reach an agreement once the Commerce and Finance Committee bills were reconciled, and this appeared to be happening. But, on the other hand, there were other issues, so I got together with Senator HUTCHISON, and our staffs got together.

Actually, it was Leader REID who came up with a very smart idea. The idea, Senator HUTCHISON told me, was of interest to her. She said that sounds pretty good. It was the following: All aviation taxes, keep them but raise nothing on commercial airlines. Why? Because you have to hold them harmless because they are broke—some are in chapter 11, some in chapter 7—whatever it is they are in a mess. Keep the highway funding provisions. There are those who believe it is pretty important. It creates a lot of jobs. But strike the tax increases to pay for the highway funding, to use general funds—revenues to pay for highway spending. Keep the bonds for New York. Keep railroad bonds. Strike tax increases to pay for bonds.

We take sort of the extraneous financial parts of the aviation bill, which do not deal directly with aviation—and therefore you could say: What are we doing this for? You know you want money in the highway trust fund. I do. We do in West Virginia. The Presiding Officer's people do in Montana. We agreed to say, as we did with the alternative minimum tax—the Republicans voting along with that—that we would do these things, but we would not pay for them. That warmed my heart because it struck me that we were approaching a deal.

Then we agreed—that is, between Senator HUTCHISON and myself—to strike the pension provision, which affected American Airlines and a couple of others, on the basis that it was already settled law. It had been settled last year. It was the law of the land, and you don't just remove it.

Then there was kind of a return offer. It started out with no New York bonds. The New York bonds are in the President's budget. They are part of the commitment the U.S. Government and the President of the United States made to the State of New York after the 9/11 attacks. So that seemed to be something that could be done. But a lot of people, evidently, don't like New York—it would appear to be that way—so they said we have to get rid of those New York things. They also wanted to change the railroad bonds from tax credit bonds to tax-exempt bonds. That is cheaper. Maybe we can live with that. Working with Finance, we could likely work out a deal on railroad bonds, though railroads are not aviation, but they are a serious matter. That would probably be worked out. However, New York bonds we were told are simply off the table. That will affect rather deeply one New York Senator I can think of, who has a way of expressing himself quite strongly on this issue. But other than that, it seemed to me that everything could get pretty well worked out.

The problem was I had not heard from Senator HUTCHISON, and none of my staff had. We didn't really know, therefore, what she was thinking. She had said: That seems like a pretty good idea. Then we get back this other proposal, which complicates things.

Now I understand that Senator HUTCHISON, the Republican leader, Senator MCCONNELL, are in conversation. I

pray—I earnestly pray that they are in conversation right now about what to do about this because I really don't want to spend the next week not voting, and I really don't want to come to a cloture vote this afternoon which cannot possibly pass because, in more or less uniform fashion, the other party votes against it.

That is my sense of where we are at the moment. A number of people have come down and spoken about the bill. They have spoken usefully. But the important thing was that we chose not to act. We simply chose not to act. I reiterated that our aviation system is on the brink of collapse. Our air traffic system cannot handle the burdens of today, much less tomorrow.

I repeat my oft-used example of landing at Washington National Airport the other day and it was just wall-to-wall people, from one end of the airport to the other. I really couldn't figure that out what it would look like in about 5 more years and when we were soon going to have 300 or 400 million more people using this airport. What would it look like? How could it expand? What do air traffic control people do? In the meantime, the commercial airline industry is losing billions of dollars, and the increasing cost of fuel could force additional bankruptcies, and that means even more widespread job losses. If we do not pass this bill, essential air service disappears. Airport improvement development programs, which all rural States depend on with every fiber in their body, will disappear. And our constituents whom, the last I heard, we represent, we would be saying to them: You go ahead and wait for 9 hours or 2 days, a lot of cancellations, and that is really OK because we can't agree as between the two sides.

I am boggled by the concept of us ignoring a problem so huge for so long—just in the past week, much less in the last 10 to 15 years. Compromise is the essence of the Senate. I had hoped and I truly believed that we could make the necessary compromises to move this bill. I still hope that. I am always optimistic.

I compromised, as I said, on what are to me a number of really basic core issues in order to move this important legislation forward. Senator BAUCUS and I had a number of serious policy differences over how to fund the modernization of our air traffic control system, but because of the urgency of the legislation and our good working relationship, we reached agreement. Why? Because we had to. I only wish our colleagues shared this sense of urgency.

People sometimes have their particular parts of a bill which they raise to sort of a sainted status.

They are called amendments. And if you are a floor manager of a bill, you are trying to pass a bill. On the other hand, if you are an individual Member of the Senate and you have a particular issue that you care about and you put it up as an amendment, and it becomes your bill. Actually, it is an amendment, but if that amendment passes and it is not agreeable to others, then the whole bill fails. That is not the way democracy is meant to work.

Now, I have very high regard for Senator HUTCHISON, and I really do believe we can work out all of the aviation-related amendments to this bill in a bipartisan fashion. I will not give up on that. I never give up on anything.

We cannot work out the disagreements over nonaviation issues but, then again, maybe we can. As I have indicated, I will come back to this bill at a moment's notice. It should not take a crisis or a major accident, a bankruptcy that strands tens of thousands of passengers, or a long hot summer for this bill to be considered.

I will say also that Senator INOUYE and Senator STEVENS want to continue this as soon as we can. So I do urge my colleagues to take the long view. At the appropriate time I will urge them to vote for cloture. In the mean time, I stand here as manager of the bill without much going on. And I have gotten accustomed to that, but I have not gotten to like it any more.

There are no amusing aspects to it nor, most importantly, for the airlines and the people who travel on them. So since I am here alone, and not challenged by any others, I will continue to make some other remarks, and I will talk about aviation safety because I haven't sufficiently had an opportunity to discuss this. It is a speech that I would either give this afternoon or this morning. So why not give it this morning when I am sure I can give it all.

Aviation safety provisions are obviously at the core of our legislation to reauthorize the FAA and are fundamental to the public's faith in our aviation system. The FAA is responsible for overseeing the largest and most complex aviation system in the entire world.

I am proud to say our country is a global leader in aviation safety. But as I have cautioned before over the last months, that reputation has come under serious doubt and there are always numbers to be looked at underneath—you know, a number of accidents, and the FAA's lax oversight of Southwest Airlines has cast a serious pall over the agency's ability to execute its core mission.

Around that is the safety of the Nation's aviation system. Unfortunately, the agency's casual oversight of Southwest does not appear to be an isolated incident, despite the agency's claims to the contrary. Just the other day the front pages of our Nation's newspapers described another potential FAA cover-up, this time on runway safety violations. And nobody has thought about that very much. That simply is airplanes taxiing on runways either to get to the terminal, or to get away from the terminal, and to get into the air. So air traffic controllers do not just look up in the sky, they have to look down on the runways. I know the FAA states it is working to address each new problem that becomes public. But with each new story, we have more questions than answers about the agency's commitment to the ability to address pressing safety issues.

At an aviation subcommittee hearing several weeks ago on this issue, I called for the Secretary of Transportation and the White House to engage on this issue. And I would actually make a point here. I am not aware of any White House involvement on any of these issues about aviation at any point.

I have not talked to anybody from the White House nor has any staff. They are just watching it happen. There is a pattern to this, but the pattern in this case is a cruel one because it is sort of deliberately condemning. I think it is fairly well understood that much of what happens on the Senate floor emanates from directions from the White House.

So I call for the Secretary of Transportation and the White House to engage on the issue. The administration issued a number of statements and committed to undertaking serious review of the FAA's safety oversight.

I am still not convinced it appreciates the severity of the challenges facing the FAA. I get the distinct impression the changes the FAA implemented are in response to our actions in the Congress. I still need reassurances that the senior leadership at the FAA, the DOT, and the White House itself recognize the extent of the FAA's problems and are committed to rectifying them. I do not think that is unreasonable. This is a massive national problem which people take for granted, but they cannot anymore because the system is collapsing.

I know many in the FAA and the industry cite the fact that there has not been a fatal airline accident in almost 2 years, and that statistically this is the safest time in the history of aviation to fly. That is the kind of statement, as soon as I hear it, I automatically start having darker thoughts because it is much too simplistic and optimistic a statement to make under any situation.

They happen to be correct, statistically. I still want to believe and be certain that the United States has the safest and best air transportation system in the world. Although the United States has not experienced a tragic accident since August 2006, the fatal crash of a commuter carrier in Lexington, KY, our aviation nevertheless has experienced a disturbing number of significant safety lapses. Any safety lapse is either inches or feet or seconds away from becoming a tragedy.

Although the FAA's oversight of airline maintenance has dominated the newspapers and the question of whether their maintenance should be done offshore, without particularly rigorous oversight, the number of serious runway incursions remains unacceptably

high and, as the General Accountability Office has stated, they are trending in a troubling direction.

I love that phrase, ''trending in a troubling direction,'' which, out of a Government agency, means that you are approaching catastrophe.

As I have said, having the safest system in the world does not mean it is safe enough. I am deeply concerned that the risk of a catastrophic accident is increasing rather than decreasing. We have all read the stories of near misses at our Nation's airports. Let's be honest. Had it not been for the quick thinking and actions of a few controllers and pilots, our Nation would have had at least one if not several major accidents claiming the lives of hundreds of people.

I do not mean to be overly dramatic or to scare the public, but I am growing increasingly concerned that our aviation system is operating on borrowed time. A National Transportation Safety Board member testified before our aviation subcommittee of the Commerce Committee earlier this month, and he stated he believed the next major aviation accident would not likely be in the sky, or some plane crashing into a mountain, it would take place on a runway. That would be the next major accident.

Many, including myself, have criticized the agency for being too close to the industry it regulates. Now, that is an easy statement on my part to make, and not fair in its entirety because we have some very good inspectors. We have some very good people in the industry that are trying, and then there are probably weaknesses on both sides. There certainly are weaknesses on both sides.

In 1996, to stave off efforts to privatize the FAA Congress accepted at that time a provision from both Democratic and Republican administrations so they could operate the FAA more like a business. We gave the agency special authority so it could run more like a private entity. The theory was that by running it like a business, it would cost less to operate. We must recognize that the FAA is not a business; it is a Government agency paid for by the people who it may or may not be protecting.

The FAA does not provide commercial services, it provides public goods, and they are called air traffic control, aircraft certification, and safety oversight.

We, that is the taxpayers of the United States, pay taxes for these services. This is not a private enterprise matter. We need to start thinking about this agency very differently. That is not meant to diminish the people who work for the FAA or run the agency. This is simply a challenge for policymakers.

I believe it is a challenge that this bill begins to address. The Aviation Investment Modernization Act provides the FAA with additional needed resources to do a lot of things. First and foremost, we authorize 200 more safety inspectors. I do not know if that is enough; it probably is not, but the FAA has always been overlooked. It is like the Veterans' Administration which was overlooked until somebody wrote a story in the Washington Post that took this Congress and just shook it from head to toe.

We will never be the same again with respect to veterans, at least I pray that we will not. I do not believe we will. So the Appropriations Committee has already substantially increased FAA funding for inspectors for this fiscal year. And this bill will give the ability to do more in subsequent years because it is a multiyear bill.

I want to take a few minutes and outline the safety provisions in the bill that I believe will strengthen the FAA's oversight of airlines. It makes sure the FAA's voluntary disclosure reporting process requires that inspectors verify that the airlines actually took the corrective actions they stated they would. That is like a teacher correcting a math test. It is one thing to take a math test; it is another thing to have it looked at and graded. You find out whether you passed.

It is very sensitive. It would evaluate if the air carrier had offered a comprehensive solution before accepting the disclosure and confirms that the corrective action is completed and adequately addresses the problem disclosed. That is sensible. That is in the bill. That is in the bill on which we did not have a single vote all last week, except for one procedural one.

It implements a process or second-level supervisory review of self-disclosures before they are accepted and closed. Acceptance would not rest solely with one inspector. This is an important statement. So you do not get coziness; inspectors change.

It revises the FAA's postemployment guidance to require a cooling off period of 2 years before an FAA inspector is hired at an air carrier he or she had previously inspected. While we do that increasingly, I cannot think of a more important place to do it than in the FAA safety inspections. It implements a process to track field office inspectors and alert the local, regional, and headquarters offices to overdue inspections. One of the problems is people get way behind on inspections, the airlines do. The FAA does a lot of paperwork. All of the problems with an underfunded agency, which we in the Congress and administrations, both Republican and Democrat, have tended to put in a secondary category.

The process must incorporate something called ATOS, the Air Transportation Oversight System, reviews to determine full compliance with air worthiness directives at a carrier over a 5-year period that incorporates physical inspection of the sample of their aircrafts.

It establishes an independent review through the Government Accountability Office to review and investigate air safety issues identified by its employees. This develops a new review team under the supervision of the Department of Transportation inspector general; that is, the DOT IG who conducts periodic reviews of FAA oversight of air carriers.

It requires a comprehensive review of the FAA Academy and facility training efforts to clarify responsibility and oversight of the program at the national level and establishes standards to identify the acceptable number of developmental controllers at each facility. That is not a Shakespearean paragraph, but I hope the Presiding Officer and the ranking member of the Finance Committee understand what I am saying.

As a recent New York Times article said:

> One of the most critical challenges in aviation safety is improving safety conditions on our nation's runways.

I am back at them. Over the past year, we have seen a marked increase in the number of serious misses on our Nation's increasingly crowded runways. Again, this legislation includes provisions to reduce the number of runway incursions. It does so in the following manner:

First, the bill requires that the FAA develop a plan for reduction of runway incursions through a review of all commercial airports and establishes a process for tracking and investigating both runway incursions and operational errors that includes random auditing of the oversight process. That is not Shakespearean either, but it is precisely accurate, and it is what needs to be done. It directs the FAA to create a plan for the deployment of an alert system designed to reduce near misses.

This alert system must notify both air traffic controllers and flight crews about potential runway incursions. The establishment of this system is one of the NTSB's highest aviation safety priorities.

In addition, the bill requires a number of other safety provisions, including a provision to reduce the flammability of airplane fuel tanks. This was identified as the direct cause of the TWA 800 crash which occurred over a decade ago. I know the issue is a priority for Senator SCHUMER.

Improving the safety of our Nation's aviation system is one of the most paramount objectives of this bill. I believe we have made substantial progress with respect to this objective. I look forward to further debate on the safety provisions, as Senators come to the floor. I welcome any input that might improve these sections of the bill, but even more importantly, that might actually get us to a point where we can vote on a bill.

I thank the Chair, yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the next Republican speaker be Senator VITTER.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, we are in a situation where a couple hours from now we will have a vote. I am sure people across the country watching this debate might be wondering what is going on, on this Federal Aviation Administration reauthorization bill. I would like to shed some light on where we are. As I shed some light, I wish to respond to some of the fiction that has taken the guise of debate.

On Wednesday of last week, two Senators, one Republican and one Democrat—Senator HUTCHISON and Senator DURBIN, respectively—offered an amendment to strike a provision in the substitute amendment then before the Senate. The substitute then pending was the product of extensive staff negotiations and Member discussions between two committees with jurisdiction over the Federal Aviation Administration program. The two committees were the Finance Committee, on which I serve, and the Commerce Committee, on which I do not serve.

People who may not understand how the Senate works or does not may wonder what the situation is. I would like to explain there are certain elementary things about the Senate that are fundamental. First, nothing gets done in the Senate that is not somewhat bipartisan because of the benefit of debate for minorities to hold up legislation until things are accommodated—meaning compromise. It is often difficult to get one committee's Republicans and Democrats together to get agreement to bring something to the floor that can get passed. It is difficult to get Republicans and Democrats on one committee together, but then we have the added benefit of the Commerce Committee getting together for a compromise, and then working out compromises between the Finance Committee and the Commerce Committee makes it doubly or, in a triple manner, difficult to get things done on the Senate floor. So we have two committees that reach accommodation bringing a bill to the floor. After it gets here, then it runs into trouble.

The Finance Committee's involvement in this is determining the aviation excise taxes, and it controls the airport and airway trust fund. We have to raise revenue. Without that money, there would not be much the Federal aviation program could ever accomplish. On the other hand, the Commerce Committee develops all the policy and all the programs that involve airports and aviation. So that is how you get two committees working together to get a bill to the floor. The Finance Committee works out its differences between Republicans and Democrats on financing. The Commerce Committee works out its differences between Democrats and Republicans on the policy of airports and aviation. Then you have to get these two committees together to move things to the floor of the Senate.

Last year, the Commerce Committee acted first. The Finance Committee acted a few weeks later. The Finance Committee, as part of its compromises, addressed airline pensions. We have heard many arguments pro and con about the merits of the Finance Committee provision. I addressed the merits myself at length last week so I will not repeat them now. But in a few moments I wish to respond to some of the points made by opponents of the Finance Committee provision.

As I said earlier, the substitute that was before the Senate until last Thursday was a product of a compromise between the Finance Committee and the Commerce Committee. Under that compromise, the Federal Aviation Subcommittee chairman and ranking Republican were managing the bill. They were, however, at a minimum, under the obligation to consult with the Finance Committee chairman who is Senator BAUCUS of Montana and the ranking member who happens to be this Senator with respect to Finance Committee matters in that substitute. That compromise and understanding was violated when the Democratic floor manager unilaterally modified the substitute. Under the rules of the Senate, he had that right. The modification was directly adverse to the interests of the Finance Committee members' compromise among themselves. So the managers breached that compromise, plain and simple. That compromise was breached.

What matters worse is the Democratic leader backstopped the Democratic floor manager's violation of the Commerce-Finance Committee compromise by filling the amendment tree. Basically, for those watching, that means nothing is going to be brought to the Senate floor as an amendment without the unanimous consent of somebody who has that responsibility on the other side of the aisle. So with tremendous power in one person, what we call the amendment tree is filled.

Now, we all know the proponent of the amendment, the Democratic whip, has a lot of power. That power was displayed when the offending narrow pension provision I have already referred to—the pension provision the Finance Committee was trying to correct—was airdropped into a conference report on Iraq spending last year. There were no hearings. There was no markup. There was no committee process. There was no transparency, just airdropped in a war supplemental conference committee report, something that everybody knew was going to pass and be signed by the President. So airdropped, wam, bam, here it is, take it or leave it, special interest provisions cooked up in the offices of leaders of the Democratic caucus. It is not the way we ought to legislate.

We have been told that by people on the other side of the aisle many times. I wish to make reference to at least one of those times. I seem to recall a lot of outrage when these kinds of narrow provisions were airdropped into a conference report when we Republicans were in the majority. No one was louder than the proponent of the amendment that was last week on the Senate floor than the Democratic whip. If we had a C–SPAN checker, you could roll the tape back a few years. But I will have to settle because I am not going to roll C–SPAN back to demonstrate the inconsistency of what is going on here, for a New York Times article I wish to refer to.

I ask unanimous consent that this letter be printed in the record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 11, 1997]

SENATE REPEALS TAX BREAK FOR THE TOBACCO INDUSTRY

(By Lizette Alvarez)

In another resounding setback for the tobacco industry, the Senate voted overwhelmingly today to repeal a $50 billion tax break for the industry that was slipped into the tax cut legislation just before it was passed in July.

The repeal amendment, sponsored by Senators Susan Collins, Republican of Maine, and Richard J. Durbin, Democrat of Illinois, passed by a vote of 95 to 3. It would delete a one-sentence provision in the tax package that permitted tobacco producers to subtract $50 billion from the amount they would pay under a proposed legal settlement with a group of state attorneys general.

Senator Durbin hailed the vote as a sign that the tobacco industry's sway was waning on Capitol Hill.

''The overwhelming vote sends a clear message, first to the tobacco companies: Don't try this type of backroom deal and deception in the future,'' Mr. Durbin said. ''It is really an example of the old school of politics, the old style of politics.''

As the Senate was dealing a blow to cigarette makers, top White House officials were engaged in a debate over how to approach the proposed nationwide tobacco accord. Some of President Clinton's closest advisers were pushing him to issue a strong endorsement of the $368.5 billion tobacco proposal, while others—including Vice President Al Gore and top officials of the Department of Health and Human Services—were urging a more moderate approach in which the President would spell out his goals without embracing a specific legislative plan for achieving them.

Tension within the Administration over the agreement is not likely to be resolved until next week, when Mr. Clinton is expected to decide whether to back the proposed tobacco agreement, which has powerful critics among public health experts and Democrats in Congress.

Today's vote on the $50 billion tax provision indicates that whichever course the President adopts, a sweeping settlement with the tobacco industry will not be enacted until it faces months of scrutiny in Congress.

Public health advocates began a last-ditch round of lobbying to persuade Mr. Clinton to reject the settlement, which was negotiated by state attorneys general, plaintiffs' lawyers and tobacco industry representatives.

Dr. David A. Kessler, former Commissioner of Food and Drugs, met with top White House aides and members of Congress today to urge them to reject the proposed settlement in favor of a $1.50-a-pack tax on cigarettes.

Dr. Kessler maintained that substantial price increases were the only proven means of reducing smoking by teen-agers. He was preparing to testify before a Senate committee on Thursday that the proposed settlement amounted to a bailout of the tobacco industry and would not significantly reduce minors' use of tobacco.

The tax provision repealed today in the Senate would have effectively allowed tobacco companies to save $50 billion on the proposed settlement by claiming a dollar-for-dollar credit on a 15-cent cigarette tax increase. The tax was approved in July by Congress to underwrite health care for children.

Although the Collins-Durbin amendment won near unanimous support in the Senate today, its survival depends on two things: passage of the massive appropriations bill, to which the amendment is attached, and the House's agreement to go along with the provision.

But the support that the amendment received today, even among senators from many tobacco-growing states, is likely to force the issue in the House, Senator Durbin said.

Representative Nita M. Lowey, Democrat of Westchester, has offered a companion bill in the House. ''We're going to make sure we prevail in one form or another form,'' she said.

Today's vote is also a sign of the escalating frustration and impatience with the tobacco industry's tactics at a time when the industry is working to rehabilitate its image, lawmakers said today. The provision was inserted in the tax bill at the last minute, members said, to stave off discussion and debate.

The three Senators who voted against the amendment were Mitch McConnell of Kentucky and Lauch Faircloth and Jesse Helms of North Carolina, all Republicans. Both Kentucky and North Carolina are large tobacco-producing states.

No one has yet stepped forward to claim authorship of the tax provision that was repealed today.

Senator Durbin, who characterized the tax provision as an ''orphan,'' added that ''people said it appeared mysteriously.'' and was still expressing astonishment over how it materialized at the last minute.

The Senate majority leader, Trent Lott of Mississippi; Speaker Newt Gingrich of Georgia; the White House chief of staff, Erskine B. Bowles, and the chief White House lobbyist, John Hilley, all approved its insertion in the tax cut bill. They were the last ones at the table in the final negotiations over the balanced budget and tax-cutting agreement.

Today, Senator Lott voted to repeal the credit.

Mr. Lott's press secretary, Susan Irby, said there was never a secret conspiracy to keep the $50 billion credit under wraps, noting that it was present in the tax cut bill the weekend before it was voted on. ''This garbage about something being slipped in and it being a one-sided agreement is poppycock,'' Ms. Irby said.

For the tobacco industry, today's vote was one of several recent setbacks. Last week the Senate reversed an earlier decision and agreed to earmark $34 million to pay for a crackdown on illegal sales of cigarettes to underage youths.

The pressure was also stepped up on Tuesday by Senators Tom Harkin, Democrat of Iowa, and Connie Mack, Republican of Florida. The two announced that they planned to introduce legislation to prevent tobacco companies from writing off one-third of the billions they would have to pay under the settlement.

The bill would funnel the money to the National Institutes of Health to help pay for research on cancer, emphysema and other diseases linked to smoking.

Mr. GRASSLEY. It is dated September 11, 1997. That article deals with a very successful effort on the part of the present Senate Democratic whip to remove any extraneous matter that had been airdropped into a conference report on a popular tax relief bill by the then-Republican majority of the Senate. The offensive measure was a tax credit for payments made by tobacco companies in the tobacco court settlement. The Democratic whip successfully repealed that airdropped provision. I happened to think he did the right thing then because I supported his efforts. The Democratic whip noted his victory by saying, quoting from the New York Times article of September 11, 1997:

> Don't try this type of backroom deal and deception in the future. It is really an example of the old school of politics, the old style of politics.

That is a quote from the very same person who is involved in this effort we are speaking about now and that we will be voting on this afternoon.

The distrust of the public for the old school of politics, the old style of politics, is something the junior Senator—not the senior Senator but the junior Senator from Illinois has eloquently raised on the Presidential campaign trail.

To be bipartisan, I might say, the senior Senator from Arizona, also a candidate for the Presidency, has also touched a nerve about the old school of politics and the old style of politics as well.

The Democratic whip was right 12 years ago. I agreed with him 12 years ago. I voted with him 12 years ago. Unfortunately, with respect to this airdrop pension provision, the old school of politics, the old style of politics was applied.

Now, what do I mean? In this case, old school, old style power politics was at play. A powerful member of the Democratic leadership, a key member of the Appropriations Committee, did an end run around the Finance Committee and also the Health, Education, Labor, and Pensions Committee.

Forget about the nearly yearlong conference negotiations that went on to get a pension bill passed in 2006 as well. It was bipartisan and involved the work of two committees, which I have spoken to—that it is often difficult to get one committee together without getting two committees going in the same direction. Forget about the nearly yearlong conference negotiations on that pension bill. Forget about all the hearings the House and Senate tax-writing and labor committees held on pension reform in the year 2006. Forget about the delicate compromise worked out on the way the funding rules affected airlines.

All of a sudden none of that mattered. The Democratic whip noted his victory. None of that mattered. So, consequently, here we are: a person who 11 years ago found fault with the majority party airdropping something—in other words, stuffing something—in conference without debate, without hearings, without committee markup, doing the same thing 10 years later.

What he was able to successfully correct in 1997, we are trying to correct now. We have obstacles put in the way: things such as having a very unusual compromise worked out, junked by the managers of the bill, and backed up by an amendment tree being filled so nobody can get a vote on issues that ought to be voted upon. Compromises that were worked out in 2006 ought to be maintained and backed up, as they overwhelmingly passed at that particular time.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise today to talk about the FAA reauthorization bill and a crucial issue that affects not only the entire airline industry—and is, therefore, at the center of this effort—but also it dramatically affects every Louisiana family, every American family struggling to pay its bills; that is, sky-high energy prices, including dramatically increasing prices at the pump.

I was very much looking forward to bringing up this issue with others and bringing up Vitter amendment No. 4648 to the FAA reauthorization bill to try to move forward in solving this issue. It is really a shame, in my opinion—and I think I am joined by many others in that conclusion—that the majority leader has filled up the amendment tree and shut down all amendments to this important bill.

This is an important matter: FAA reauthorization, the health of the airline industry and aviation. This is an important issue: sky-high energy prices. Of course it affects the aviation industry, but it affects all of Americans' pocketbooks as well.

In that context, I think it is particularly a shame the majority leader would shut down all amendments and shut down this important and healthy debate. But even though my amendment, and so many others germane to this topic, will not be able to be heard and voted upon, I did want to take the floor to outline those amendment ideas and to try to further the important discussion and debate.

When we think about energy prices, how to stabilize them, how to lower

them, I start with economics 101. I start with the very first rule of economics I ever learned, the very basic rule that all of us think of in economics; that is, the law of supply and demand. So as with the price of any other commodity, if you are talking about energy, a good way to try to stabilize prices and bring them down over time is to work on two things: decreasing demand and increasing supply.

Again, economics 101 would tell you if you can do that—if you can shift both of those curves, shifting the demand curve by decreasing demand, shifting the supply curve in the opposite direction by increasing supply—you not only stabilize but you bring down prices.

It seems to me we should all be coming together in a bipartisan spirit to do both. I am eager to do both. I support proposals to do both.

There are at least three fundamental ways to help decrease demand on oil and gas specifically; that is, to conserve, to increase efficiency, and to move toward alternative fuels. Our energy picture is so dire, so challenging, we cannot pick one of the three. We need to do all three aggressively, just as we also need to work aggressively on the supply side.

So I support and will continue to aggressively support measures that make sense in terms of conservation, in terms of increasing efficiency, and in terms of promoting, moving toward alternative fuels. Those all lessen the demand on oil and gas.

But too often we get in this stale debate in the Congress, this stale deadlock, where one side of the political fence only wants to attack one side of the problem, and the other side of the political fence only wants to attack the other side of the problem, when our energy picture is so dire we clearly need to do both. So as we attack that demand side, let's not ignore the supply side either. As we move to a new alternative energy future, let's not ignore the fact that we will be dealing with oil and gas and depending on it significantly for many years to come. So let's turn to the supply side too, to increase our supply as we try to decrease demand to stabilize and bring down prices.

My amendment, Vitter amendment No. 4648, would do just that. I will outline that in a minute.

Before I do, though, let me express regret that so many of the suggestions, so much of the push, at least rhetorically in political debate and campaigning on the Democratic side, seems to ignore all these lessons, seems to not think or care about demand, not think or care about supply, not think or care about the issue and doing something about it. It just seems to be designed to go after the easiest and biggest political target in sight, which is the big oil companies, specifically by proposing dramatic tax increases on big oil.

Now, if some dramatic tax increase on big oil would move us down the path of solving our energy challenge, I would look at it very seriously. The fundamental problem I have with it is that it does not solve anything and, in fact, it almost certainly makes the problem worse.

There are two versions of this same political push to just attack the easiest and the biggest political target in sight. First of all, there is a proposal that we have actually voted on several times, and we have blocked several times, that would do away with certain incentives for oil companies to go into deep water, explore, and produce more energy. It would also do away with certain royalty relief designed to do the same thing.

Now, make no mistake about it, these tax incentives are in place to push companies—small, medium, and large—to go into deeper water, more difficult terrain, and extract more energy from the ocean bed to supply us with more energy. It seems beyond debate, in my opinion, that doing away with those incentives and that royalty relief will heighten the bar, will make it more difficult for any company—small, medium, or large—to do just that. So as we are trying to increase supply, this would do just the opposite and decrease supply.

Maybe it makes some people feel good because we are whipping up on some oil companies. Maybe it earns votes and earns favor with voters, particularly in an important primary election season. But I think around here we should perhaps ask the question: Does it do anything to solve our energy picture? And the answer is no. The answer is also no because there is nothing to prevent companies from passing on that tax increase to consumers. So just while we are trying to give consumers some relief at the pump, we would almost certainly be passing a tax increase that would be passed on to them in part or in whole and up the prices at the pump.

Now, the other popular version of this same political attack is a very old idea, dusted off, and apparently given new life this election season; that is, the windfall profits tax. Oil companies make way too much money. They have exorbitant, outrageous profits, so the argument goes, so we are going to attack, we are going to tax that windfall profits.

Just as an example, the leading Democratic candidate for President, our colleague, Senator BARACK OBAMA, has such a proposal to tax the profits made based on a price of oil over $80 a barrel. So we figure what that is on the part of any oil producer. That affects a lot of companies, not just big oil but medium and smaller producers, and for any profit associated with the price of oil over $80 a barrel, we are going to stick a big tax on that and bring that into the Federal Treasury.

Well, again, the fundamental problem with that, in my mind, is it does nothing to solve our energy problem and almost certainly makes that energy problem worse. It does nothing to increase supply. It almost certainly does something to decrease supply by making it less productive, less profitable for energy companies to go after more supply.

There are other problems as well. The first problem is the misnomer, windfall profits tax. The reported profits of the major oil companies are enormous for a very simple and basic reason: the size of the companies and the size of their activity is enormous. But, of course, as any economist would tell you, if you want to analyze a level of profit, you need to define it as a percentage of sales, as a percentage of assets—some percentage number like that—not a gross number which, of course, is going to be very large if you are dealing with an entity or a set of activities that is very large.

The fact is, when you look at that issue, when you look at oil and gas companies' profits as a percentage, it is very much in line with American business. The last figures we have are for the full calendar year 2007. In that calendar year 2007, oil and gas companies' profits were 8.3 percent.

Now, how does that compare? Well, for all of the U.S. manufacturing sector—a sector we always decry as in decline and being outsourced and in decline historically—that profit was 7.3 percent for 2007. If you take out U.S. auto companies—which are hurting, which have a much lower figure—then U.S. manufacturing was 8.9 percent. So, in fact, oil and gas companies are almost exactly in between all U.S. manufacturing, and all U.S. manufacturing except auto. It is reasonable to take out auto because they are in such dire circumstances. So they are not windfall profits at all.

Another important question to ask is, where these profits—whether they are normal or anything else—go because if we are going to stick a big tax on them, perhaps we should ask whom we are really taxing.

There is some notion out there, fueled by these political attacks and this pandering in an election year, that, well, of course, the only folks we are affecting are the executives at the big oil companies. But, of course, the facts are fundamentally different.

As this chart shows, profits of energy companies, oil and gas, go to a wide array of Americans, which today, thanks to the growth and vibrancy of our stock market and our investment opportunities, affects almost every single American. Yes, of course, corporate management owns some of their companies—about 2 percent. Most of the rest is owned by a wide array of Americans through IRAs, through other institutional investors, through mutual funds, and, perhaps most significantly, through pension funds—27 percent. That means about 129 million pension fund participants own these companies and would be taxed and attacked by these proposals. Those accounts are worth an average of $63,000. Twenty-

eight million of those pension fund accounts are for public employees—that includes teachers and police and fire personnel, soldiers, government workers—and each of those accounts represents a public servant who owns part of that energy industry. A good example is the New York State Teachers' Retirement System. They report that 6.6 percent of their domestic equity holdings were in energy companies in 2004, the last year for which we could get figures. That includes $1.5 billion in Exxon and $500 million in Chevron. That is in large part 27 percent who own these big, bad companies that some would attack and try to tax into oblivion—average Americans all across America through pension funds, through mutual funds, through IRAs, through other institutionalized investment.

Now, again, let me return to the basic point. If we want to try to really solve our energy picture, stabilize and bring down the price, including the price at the pump, maybe we should focus on that economics 101 lesson. Maybe we should decrease demand with a more sensible policy to conserve, to increase efficiency, to move to alternative fuels, and at the same time maybe we should increase supply. That is what my amendment, the Vitter amendment No. 4648, is all about—to attack that very important supply side. We need to do both. We need to do all of these things at the same time, but we cannot exclude one side of the equation or the other.

The Vitter amendment to this FAA bill would pose a very simple solution to attack the supply side and increase supply domestically in a far more aggressive fashion. The amendment would establish a trigger in the law pegged at a certain level of the price of oil per barrel. That level would represent a 190-percent increase in the price per barrel since 2006. That comes out to just short of $126 per barrel. Now, unfortunately, of course, the price has been rising dramatically for many months, and we are not too shy of that right now. We are roughly at $120 per barrel. But at this trigger, under the Vitter amendment, if we reach and pass the trigger—about $126—then certain aspects of our Federal law would change.

Specifically, we would allow exploration and production in Federal waters, the Outer Continental Shelf off any State that wants to get into that activity. I want to emphasize that last phrase because it is very important. We would allow that activity in the Outer Continental Shelf but only if the host State—the State off whose shores the activity would happen—wants that activity to happen. Then and only then, if the Governor, with the concurrence of the State legislature, says, yes, we want to allow this activity, we would allow energy production in those waters.

We would also demand something else that is very important in terms of fairness and equity and good Federal policy. We would expand upon the revenue-sharing precedent we set about a year and a half ago when we opened new waters in the eastern gulf. That was a very important precedent, a very good energy policy, in my opinion, upon which we should build and expand.

So under this Vitter amendment, if the trigger is pulled, if States say, yes, we want to allow this oil and gas activity, we would allow that to happen. But the host State would recoup a very significant percentage of the revenue to stay in that State's coffers; specifically, 37.5 percent. That is precisely the figure we passed into law for new areas of the gulf that are being developed now because of the action we took about a year and a half ago.

In addition to that 37.5 percent, we would also have revenue sharing for the Federal fund for conservation—12.5 percent. That is an important part of the revenue-sharing precedent we set a year and a half ago as well.

Finally, the Vitter amendment would allow host States to distinguish, if they would like, between exploration production activity for natural gas and exploration production activity for oil. Some States, particularly on the eastern seaboard, would probably act immediately to allow that activity for natural gas. But there is still concern about environmental issues with regard to oil. While I might disagree with them, while I might disagree with those concerns because I believe we have the technology in place to do all of that in a very careful, sensitive, and responsible way, we should leave that up to the States so those host States can, in fact, make the choice and they can choose natural gas or they can choose oil or they can choose both under the Vitter amendment.

Now, unlike these other proposals—mostly tax proposals that have nothing but political motivation behind them and that do nothing at all to change the supply picture for the better, to change the demand picture, and to actually stabilize and bring down energy prices—this proposal would do something to improve that situation.

Resource estimates in those areas of the Outer Continental Shelf that are now off limits, that the Vitter amendment could open up if the host State wants that activity to happen, those resource estimates are staggering: the Atlantic OCS, 3.82 billion barrels of oil and 36.99 trillion cubic feet of natural gas; the central and eastern Gulf of Mexico which is now off limits, 3.65 billion barrels of oil and 21.46 trillion cubic feet of natural gas. That is not counting what we have recently put on the table. The Pacific Outer Continental Shelf, 10.37 billion barrels of oil and 18.02 trillion cubic feet of natural gas. That is enormous total resources of almost 18 billion barrels of oil and 76.5 trillion cubic feet of natural gas. That is enough oil to power 40 million cars and to heat 2 million households for 15 years. It is enough natural gas to heat 16 million households for almost 20 years. Now, that would actually do something about our energy picture. That would actually expand supply and therefore help stabilize and bring down price.

Is it the only thing we need to do? Absolutely not. As I said at the very beginning, our energy challenge is so great that we need to break out of this stale debate where one side of the political fence wants to do one set of things only—basically, to decrease demand—and the other side of the political fence wants to focus on one set of policies only—to increase supply. The simple fact is we need to do all of the above. We need to start immediately. We need to do it aggressively because it is only doing all of these things at once that will adequately address our energy challenges, that has a chance to stabilize and bring down prices, including the prices that rocked the airline industry and are a huge factor in aviation—we are talking about the FAA bill here on the floor now—and, of course, including the prices all Louisianans and all Americans pay at the pump.

For once, let's come together as a Senate and do all of those things. Let's really think about what can actually have an impact on price. Let's move beyond the politics of the moment, which is always to beat up on an easy and big political target such as the oil companies, and let's ask the question: Does that have any impact for the consumer? Does that have any impact in terms of our energy future? Let's do the sorts of things, such as the Vitter amendment, that can actually help the consumer and increase our energy independence.

Again, it is with great regret that I realize I am not able to actually call up this amendment to the FAA reauthorization bill right now. This is a vitally important topic. Whatever you think about it, whatever proposal you put out, certainly we can all agree that energy prices are enormously important for all Americans, for the country, and certainly we can all agree that it is an enormously important issue that goes to aviation as well as other sectors of our economy.

In that light, I think it is particularly regrettable that Senator REID, the majority leader, has filled the amendment tree and therefore shut down the entire amendment process before it even began on a major bill on the Senate floor. The Senate floor is supposed to be renowned for an open amendment process. Yet we have amendments about the key issue facing Americans today—energy prices—and we can't offer a single one. There is something wrong here. There is something out of kilter. That is not the Senate I was told about with an open amendment process, open debate, with great, virtually unlimited opportunity. That is not what the American people expect of Congress—to actually debate

and act on real issues that they care about, and certainly that includes energy prices. So it is regrettable that we don't have a fair opportunity on the FAA bill to do just that. I hope we will have those opportunities very soon.

I understand there may be an energy bill that is moved to the floor soon on the Senate side, perhaps as early as next week. I hope that will yield an open, fair opportunity for the sort of open debate and open amendment process that is supposed to be the hallmark of the Senate. If we are given that open, fair opportunity then, as it is being denied now, I will certainly bring this proposal forward again because, unlike a lot of the rhetoric flying around, unlike the tax increase proposals which I believe will increase the price at the pump and decrease supply, I believe these proposals I have presented could do just the opposite. They could be an important step forward in addressing our energy future and the more immediate need to stabilize and bring down energy prices for all Americans.

With that, Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. 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. BROWN. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELIMINATING BARRIERS TO CANCER RESEARCH

Mr. BROWN. Mr. President, yesterday, at the James Cancer Hospital at Ohio State University in Columbus, OH, our State capital, I announced legislation to eliminate needless barriers to cancer research.

I was joined by Dr. William Carson, by Dr. James Thomas, by patients, and by nurses, who do the research and the clinical care for patients during these clinical trials. Many have worked on this issue with Congresswoman DEBORAH PRYCE, a Congressional Republican.

Merle Farnsworth, a lymphoma patient from Beverly, OH, shared an emotional story about cancer clinical trials meaning hope—and possibly a lifesaving cure—for him and millions of patients like him.

The goal of both the House and Senate versions of this legislation is simple: to finally identify cures for this merciless killer.

So many of us have been touched by cancer. We all know—all of us, I guess, in this room right now—someone with cancer and have lost someone to cancer or we know someone living with cancer.

Focusing on cancer yesterday at James Cancer Hospital reminded me of what is at stake when we are fighting for broader access to health care. We are fighting to promote and enable early detection of childhood cancers, such as Hodgkin's Disease, leukemia, and bone cancer, and to ensure that every woman can receive mammograms and pap tests.

We are fighting to diagnose cancers as soon as possible, which is the key to saving lives. We recognize everyone should be able to get these preventive measures, regardless of where they live or how much they earn.

We recognize a woman with breast cancer without insurance is 40 percent more likely to die than a woman with breast cancer with insurance.

We need a health care system that is affordable and inclusive, where insurance companies follow through on providing coverage to those who need it.

No American should be driven into bankruptcy by a catastrophic illness such as cancer. And no one should be denied access to clinical trials because insurance companies all too often try to drop them from coverage.

Last year, Sheryl Freeman, a retired schoolteacher, and her husband Craig from Dayton visited my office in Washington. Sheryl had multiple myeloma. Sheryl and Craig brought to my attention the problems they were having with their insurance company.

Sheryl was a retired schoolteacher and was covered under Craig's insurance plan. Craig has been a Federal employee for 20 years. When Sheryl enrolled in a clinical trial to save her life, her insurance company would not cover the routine costs of her care. If she had not enrolled in the clinical trial, they would have covered the costs of her care.

She enrolled in the clinical trial. The insurance company, for all intents and purposes, dropped her from providing routine care for her.

In addition to her clinical trial in Columbus, Sheryl needed to visit her oncologist in Dayton, about 1 hour 45 minutes away, at least once a week for standard cancer monitoring, which included blood tests and scans. But her insurance company would not cover these services if she enrolled in a clinical trial.

Sheryl wanted to take part in a clinical trial because she hoped it would help her, that it might save her life, give her more time, and further cancer research. But rather than devoting her energy toward combating cancer and participating in a clinical trial, Sheryl spent the last months of her life haggling with her insurance company. The delays and the denials from her insurance company probably affected her treatment and her survival. Sheryl died on December 9, 2007.

The story could have ended differently. Sheryl and Craig should not have had to sacrifice their precious time together trying to get the care she deserved, the care she paid for when she signed up for health insurance. People invest in insurance when they are healthy so they have financial protection when they are sick. It is meant to cover the costs of unanticipated health care needs.

Whether a coverage exclusion such as this one, which denies payment for unanticipated health care needs, is written into an insurance contract, it is still a scam.

Unfortunately, Sheryl and Craig are not alone. This is happening across Ohio. It is happening in the Presiding Officer's State of New Jersey, and it is happening in all 50 States. Some 20 percent of cancer patients who attempt to enroll in a clinical trial face the same problem with their insurance companies.

It is because of stories such as these I am introducing the Access to Cancer Clinical Trials Act this week. Similar legislation is on its way to getting passed in the Ohio State Legislature. The Governor plans to sign that bill immediately.

My bill and Congresswoman PRYCE'S bill in the House ensures this protection nationally. The bill simply obligates health plans to pay for routine care costs when a cancer patient enrolls in a clinical trial, something, frankly, we should not have to tell the insurance companies to do. But when they drop coverage for people who signed up for a clinical trial, it is what we have to do.

These are costs, as I said, that would normally be covered if a cancer patient were not participating in a clinical trial.

The legislation is specific in its definition of routine care costs and follows the Medicare definition.

The bill will ensure that cancer patients and their caregivers can use their valuable time together to fight the disease instead of the redtape of insurance companies.

In order to fight cancer and make progress, we need to further scientific advancement, not create barriers for patients who want to participate in lifesaving research.

I am grateful to Merle Farnsworth for yesterday so courageously and passionately sharing his story with us and the public. I am grateful to the nurses who do their clinical care and practice their research for these patients in these clinical trials. I am grateful to Sheryl and Craig for their courage in sharing their story. Their two children joined us yesterday in bringing this issue to my attention.

Sheryl was already very sick when she visited Washington, DC, and I imagine it was not easy for her to be traveling, but she did. She saw how important this issue was. I will keep the Freemans in mind as I advocate to get this bill passed. I will work hard on this legislation so no one has to go through the kind of experience the Freemans had and the kind of experience Mr. Farnsworth had.

Instead of fighting their cancer, too many Americans are forced to fight their insurance company in the late

stages of their disease. That has to stop. That is why this legislation is so very important.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL FUNDING

Mr. COCHRAN. Mr. President, 2 weeks ago, I came to the Senate floor to express my concern that Congress had yet to act on the President's fiscal year 2008 request for supplemental funding to support our troops and our efforts in Iraq and Afghanistan. At that time, I also expressed my displeasure with the majority's intention to bypass the Appropriations Committee in writing the supplemental appropriations bill.

Two weeks later, little appears to have changed. Little has changed, except that we are 2 weeks deeper into the fiscal year, and we are 2 weeks closer to the date when accounts that support our Armed Forces and our diplomatic corps begin to run dry.

The majority leader is apparently sanguine about the status of the supplemental because last Thursday, he said:

> I think we'll do our best to finish this before the Memorial Day break, but if we don't, it's no big deal. There's money there.

The leader then went on to say:

> I don't know why there is a rush to judgment. This is moving along quite rapidly. We're not behind schedule. Everything's fine.

Exactly what is ''moving along quite rapidly''? No markup of the supplemental has been officially scheduled in either the House or the Senate. There are continued reports of imminent action in the other body, but no bill has been introduced. No bill or report has been circulated to Senate committee members in anticipation of a markup. There is nothing for Members to look at, nothing for Members to consider or to draft amendments to.

A week ago, Republican members of the Appropriations Committee in the Senate wrote to Chairman BYRD to express our concern about the committee being bypassed entirely. I am pleased that the chairman concurred in the sentiments expressed in that letter and has stated his intention to hold a committee markup this week. I am certain that has been his preference all along.

In my memory, I cannot think of any instance where the committee did not mark up a supplemental such as this. I think the chairman has been fighting valiantly to maintain some semblance of regular order, but it is apparent he is meeting resistance from the joint leadership.

That is a shame. We should take advantage of the collective expertise and experience of the members of the Appropriations Committee and bring that knowledge to bear on the supplemental.

I am sorry to say it remains uncertain whether a markup will take place, and if a markup does occur, it remains uncertain whether the committee's work product will be considered by the full Senate.

In the House, it appears the committee will be bypassed altogether. Yet even with that step being skipped, there is still no definite schedule for House floor action. There apparently have been discussions by House and Senate staff in an effort to sort of ''precook'' agreements on the various chapters of the bill, but there has been little substantive involvement by the minority in those discussions. Very few Members have been involved at all, to my knowledge.

The fact is the Appropriations Committee could have marked up the supplemental several weeks ago, and the Senate likely could have passed the bill by now. We should be in conference with the House already and be well on our way to negotiating a conference report to be sent to the President. But instead, we wait. We wait for more closed-door meetings between and among the Democratic leaders. We wait for more rumors about what extraneous legislative matter is or is not part of the draft being compiled by the majority. And all but a handful of Members wait for an opportunity to shape the bill.

I am a member of the Committee on Agriculture and was appointed as a conferee on the farm bill. That conference has met at least seven times in recent weeks. There have been countless additional meetings among committee principals. It has been a grueling effort, it has been messy, and it remains uncertain whether the President will ultimately sign the conference report once it is presented to him. But we can be fairly confident that the conference report will at least reflect the collective will of Congress and it will be the process of a reasonably transparent process.

At this point, I cannot say that about the supplemental. Eventually, we will approve and the President will sign a supplemental bill. I am confident that ultimately we will not allow our Armed Forces and our diplomatic corps to go wanting for resources. My concern is that the majority's approach to the supplemental places political tactics and strategy ahead of the need for inclusive, timely, and transparent action.

Contrary to the majority leader's assertion, it is a big deal if we do not get this bill done by Memorial Day. It is a big deal, not because the U.S. Army will run out of ammunition on June 1 but because our inaction will represent an unnecessary and completely avoidable process failure on the part of the Congress. It will say to our Armed Forces that we are willing to draw out this process as long as possible, even though we know the likely outcome. We are willing to force the Department of Defense to issue advance furlough notices, delay contract awards, and make inefficient funding transfers in order to keep the money flowing—all because congressional leaders spent these last several weeks devising artful parliamentary schemes rather than simply advancing the bill through the committees, onto the House floor, onto the Senate floor, and into conference.

The April 28 edition of Roll Call included an article by Don Wolfensberger titled ''Have House-Senate Conferences Gone the Way of the Dodo?'' I commend that article to my colleagues and ask unanimous consent to have a copy printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. COCHRAN. Mr. Wolfensberger reminds us of the promises made by the Senate leadership in 2006 as part of their ''honest leadership and open Government'' reform plank. Conference meetings were to be open to the public, and members of the conference committee were to have a public opportunity to vote on all amendments. Copies of conference reports were to be available to Members and posted publicly on the Internet 24 hours before consideration. Bills were to be developed following full hearings and open subcommittee and committee markups and were to come to the floor under procedures that allow open, full, and fair debate.

These practices have been followed in some cases. I mentioned the farm bill already as an example of a conference committee in action. But procedures governing the conference process and the markup process are only relevant if there actually is a conference committee or there actually is a committee markup.

As noted in Mr. Wolfensberger's article, the number of instances in which major legislation has been dealt with outside the conference process has increased markedly in this Congress. The supplemental appears destined to become another example. I gather that we are to receive the bill from the House in the form of three amendments to a dormant version of the fiscal year 2008 Military Construction appropriations bill. As I have already noted, it is not certain whether the Senate Appropriations Committee will act on some, all, or none of these amendments or whether the leader intends for there to be an opportunity for Senators to offer amendments on the floor. A conference committee appears out of the question.

It is not easy to be the Speaker of the House or the majority leader of the Senate. Individuals elected to those positions are subjected to enormous pressures. They are besieged constantly by colleagues, constituents, and outside interests with an array of often conflicting demands. In an effort to resolve those competing demands, it is

tempting to centralize decisionmaking, construct processes that minimize uncertainty, and generally try to eliminate the untidiness of the legislative process.

A handful of Members and staff are empowered at the expense of the rank and file in both bodies and, by extension, the people whom the rank and file represent. On occasion, such tactics are successful. But over time, these practices tend to become abusive and often result in a messier, more protracted process than would have been the case if more traditional procedures had been followed.

For the sake of our men and women in Iraq and Afghanistan, I hope the process the majority has chosen for the supplemental does not put us any further behind than we already are. But in the 2 weeks since I last came to the floor to speak about the supplemental, little has occurred to inspire such hope.

Our men and women in the field are waiting. We do need to finish this bill by the Memorial Day recess. It is a big deal.

EXHIBIT 1

[From Roll Call, Apr. 28, 2008]

HAVE HOUSE-SENATE CONFERENCES GONE THE WAY OF THE DODO?

(By Don Wolfensberger)

In June 2006, House and Senate Democratic leaders rolled out their ''New Direction for America,'' a campaign platform to take back control of Congress. The ''Honest Leadership and Open Government'' reform plank, at Page 22, included the promise to require that ''all [House-Senate] conference committee meetings be open to the public and that members of the conference committee have a public opportunity to vote on all amendments [in disagreement between the two houses].'' Moreover, copies of conference reports would be posted ''on the Internet 24 hours before consideration (unless waived by a supermajority vote).''

The minority Democrats' justifiable complaint was that majority Republicans often shut them out of conference committee deliberations after a single, perfunctory public meeting was held to minimally satisfy House rules (aka ''the photo op''). After that meeting, all that is necessary to file a conference report is the signatures of a majority of conferees from each house. No formal meeting or votes on final approval are required; nor does the majority even need to consult the minority before finalizing an agreement.

Once they took over Congress in January 2007, House Democrats abandoned their promises of public votes in conference meetings on amendments in disagreement and of 24-hour advance Internet availability of conference reports. Nevertheless, they did adopt some palliative House rules changes on the opening day of the 110th Congress that at least appear to move conference committees in the direction of a more deliberative and participatory public process.

The new rules require: (a) that all conferees be given notice of any conference meeting for the resolution of differences between the houses ''and a reasonable opportunity to attend''; (b) that all provisions in disagreement be ''considered as open to discussion at any meeting''; (c) that all conferees be provided ''a unitary time and place with access to at least one complete copy of the final conference agreement for the purpose of recording their approval (or not)'' by affixing their signatures; and (d) that no substantive change in the agreement be made after conferees have signed it.

The Parliamentarian's footnotes to the rules for conference reports indicate that the rules are not enforceable if all points of order are waived against the reports, as is routinely done by a special rule from the Rules Committee. Nevertheless, conference committee chairmen (or vice chairmen) could still be punished by the House adopting a question of privilege resolution for willful disregard of these modest requirements. This is because a blanket waiver of the rules only protects the conference report. It is not a retroactive pardon for malfeasance in the management of the conference.

Unfortunately, these well-intentioned new rules have no relevance when the bicameral majority leadership decides to bypass going to conference altogether, and instead negotiates final agreements behind closed doors. And this is happening with increasing frequency, sometimes even over the public protests of committee chairmen who have been excluded from leadership negotiations.

To determine just how serious the practice of bypassing conferences has become, I compared action on major bills through March of the second session in both this Democratic 110th Congress and the preceding Republican-controlled 109th. (A major bill is defined here as one originally considered under a special rule in the House.)

Of major bills approved by the House and Senate that required some action to resolve differences between the two versions, 11 out of 19 (58 percent) were settled by conferences in the current Congress compared with 18 out of 19 (95 percent) in the previous Congress.

Put another way, the current 110th Congress has been negotiating eight times as many bills as the 109th Congress outside the conference process. This is done by using the ''pingpong'' approach of bouncing amendments between the houses until a final agreement is achieved.

Among the major bills in this Congress that have bypassed conference consideration are the energy independence bill, State Children's Health Insurance Program, Iraq-Katrina supplemental appropriations, terrorism insurance, the consolidated appropriations act and the tax rebate/stimulus legislation.

While the conference bypass approach is just as legitimate under the rules as going to conference (and sometimes advisable when there are only minor differences to iron out), the procedure is more suspect when used on major bills on which numerous substantive disagreements exist between the houses. That is when House and Senate leaders are more likely to directly intervene, rendering committee chairmen less relevant to the process.

Senate minority Republicans are not entirely blameless in this development. At times they have brought pressures to avoid conferences, under threat of filibuster, in order to better ensure the retention of provisions in which they have a vested interest. However, House and Senate Democratic leaders have been just as culpable in wanting to skip conferences to produce outcomes most beneficial to their party.

While it is too early to declare House-Senate conferences as extinct as the dodo, it is not too early to move them onto the parliamentary endangered-species list. It is one more sign of the decline of the committee system and its attributes of deliberation and expertise. It is especially troubling because the lack of conference deliberations shuts out majority and minority Members alike from having a final say on important policy decisions. Party governance must be better balanced against participatory lawmaking. Both parties need to recognize this.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I come to the floor today in my capacity as the ranking member of the Senate aviation subcommittee. I would like to take a few minutes to discuss the Senate FAA reauthorization bill and the substitute on which we will be voting later this afternoon and respond to some of the recent remarks that have been made on this process.

The lack of progress last week and the parliamentary action of filling the amendment tree are very disappointing to me. Today, for the 19th time this session, we will be asked to vote on cloture on a bill we have not even had open to amendment. In the present situation, we are being asked to vote on cloture before we have cast a single vote on an amendment. What the leader is doing is blocking amendments, preventing debate, forcing a cloture vote, and hoping the Republicans vote against it. Then press releases will be sent out blaming Republicans for obstructionism. But I have to say, what is obstruction? I don't think most Americans would define obstruction as insisting that an FAA bill; that is, the Federal Aviation Administration, not include unnecessary and imprudent tax increases, even worse retroactive tax increases, unrelated to aviation.

I have suggested several options in an attempt to produce an FAA reauthorization package upon which most Members could agree. But those suggestions have been turned down by the other side. Unfortunately, this bill is being bogged down by trying to make it an omnibus tax and special projects package.

It is so important that we pass an aviation bill. That is why I have introduced S. 2972, which is currently at the desk.

I ask unanimous consent that Senator TED STEVENS be added as a cosponsor of S. 2972.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, the text of S. 2972 is identical to the substitute we worked on last week. It is the bill that came out of the Commerce Committee with complete bipartisanship, but it does not include the unrelated and extraneous tax provisions. It does have aviation taxes that came out of the Finance Committee to which all of us agreed. It does not have all of the other tax provisions that have nothing to do with aviation—some of which are retroactive—and have nothing to do with FAA.

I have also conveyed to my friends and colleagues on the Finance Committee that I am supportive of moving forward on a bill that would replenish the highway trust fund. I think we could all agree on that. But this is a workable FAA reauthorization bill, and it is very important to me because of

the important role of aviation in our country and in my home State.

In Texas alone, aviation accounts for nearly 60,000 jobs and over $8 billion in total economic output. In addition, we are also home to 2 of the top 10 busiest airports in the Nation. We have 23 commercial service airports and over 300 general aviation airports. Beyond infrastructure, we are also the proud home of two legacy airlines, American and Continental, and the home State of the predominant low-cost carrier Southwest. My State has a dynamic aviation footprint and a substantial interest in the future of this challenged industry.

Since the year 2000, the U.S. airline industry has gone through its most fundamental restructuring since Congress deregulated the industry in the late 1970s. We all know so well the horrific impact of 9/11 and what happened to the industry after that, and that is still affecting it today. Put on top of that the high fuel prices which are affecting aviation even more than regular gasoline at the pump and you have a situation in which we have an industry that is really teetering on the brink of disaster.

Since taking over as leader of the aviation subcommittee earlier this year, I have worked closely with my friend and colleague Senator JAY ROCKEFELLER. We have developed a bill upon which all of us agreed, with the complete support of Senator INOUYE, the chairman of the subcommittee, and Senator STEVENS, the vice chairman. We have worked hard to develop a package that would foster air traffic modernization, doing it without doing damage to the commercial airline industry and with the complete support of the general aviation community. We produced a bill that was bipartisan with the support of our committee.

Here are some of the important provisions in the bill we produced:

It has important safety and passenger protections. The U.S. commercial aviation industry is experiencing the safest year in our history. However, recent high-profile aviation safety incidents have given the public some concern. In response, the committee has crafted several new safety initiatives in the substitute, based on the recommendation of the Department of Transportation inspector general.

The new package ensures the FAA's voluntary disclosure reporting process requires inspectors to verify that the airlines actually took the corrective actions they stated they would, evaluate if an air carrier has offered a comprehensive solution before accepting the disclosure, and confirm that the corrective action is completed and adequately addresses the problem disclosed.

The bill implements a process for second-level supervisory review of self-disclosures before they are accepted and closed. Acceptance would not rest solely with one inspector.

It revises post-employment guidance to require a ''cooling off'' period of 2 years before an FAA inspector is hired at an air carrier he or she previously inspected. I personally would like to see that extended beyond 2 years to 3 or 4 years. If we had an amendment process, that would have been one of my amendments.

The bill implements a process to track field office inspectors and alert the local, regional, and headquarters offices to overdue inspections.

It establishes an independent review through the Government Accountability Office, the GAO, to review and investigate air safety issues identified by its employees.

It develops a national review team under the supervision of the Department of Transportation inspector general to conduct periodic reviews of FAA's oversight of air carriers.

It develops a plan for the reduction of runway incursions through a review of all commercial airports and establishes a process for tracking and investigating both runway incursions and operational errors that includes random auditing of the oversight process.

I am a former Vice Chairman of the National Transportation Safety Board. I understand the crucial mission of the FAA in overseeing the Nation's airlines and aviation system.

Aviation safety and the public trust that goes along with it is the bedrock of our national aviation policy. We cannot allow the degradation of service to the flying public.

I believe the bill we crafted in the Commerce Committee that is part of the substitute that I would agree with today, and all that is in the bill I have introduced but without the extraneous provisions that have nothing to do with aviation.

The other part of the bill that is in what the Commerce Committee produced and is in my substitute as well is the timely issue of consumer protections or a passenger bill of rights. The substitute includes several crucial reforms directed at making the airlines more accountable and responsive to passengers.

The managers' amendment would incorporate several additional protections to strengthen airline service requirements. The DOT would review and approve the contingency service plans of every air carrier. The Secretary could disapprove an airline's plan and return it to the carrier with the option for modification and resubmittal, and the DOT then would be authorized to establish minimum standards for such contingency plans. It would require a mandate that such contingency plans are to apply to aircraft that are delayed, whether on departure or arrival.

Now, we have all heard stories about people who have been stranded on airplanes for 5 hours without any food service, without the opportunity to use the facilities.

That is cruel and unusual punishment. I myself have been on airplanes that have been delayed 2 hours and more, and I know it is very uncomfortable for passengers. That is why we included in this bill requirements that airlines either have a plan that is approved by the Department of Transportation or there would be a 3-hour maximum or the passengers could get off; the establishment of an Advisory Committee for Aviation Consumer Protection would also be put in this bill.

It would advise the Department of Transportation on carrying out air service improvements and what would be necessary to make them better. The committee would be comprised of four members to be appointed by the Secretary with a requirement to report to Congress annually over a 2-year period on its recommendations to the Department of Transportation to improve this service and an explanation of the Department's action on each of the recommendations.

So these are some of the important provisions in the Commerce Committee bill. They are in the bill that would be before us, and they would be in the bill I would like to see us pass that I have introduced and is being held at the desk.

The substitute also addresses rural air service funding challenges by including additional funding for the Essential Air Service Program for our smaller underserved communities at $175 million annually. These funds would go a long way toward improving access for our most rural communities, communities that had air service, commercial air service, in the past but lost that after deregulation.

As I stated last week, I hope my colleagues will appreciate the months of stalled negotiations that took place in trying to move this legislation forward. There is a very good balance in the Senate bill regarding FAA financing and labor-related provisions. If the Senate wants a final bill, we need to preserve that balance without including highly controversial unrelated provisions that many people would agree do not belong in an FAA bill dealing with aviation.

We have an opportunity to pass FAA legislation this week. The bill I have introduced with Senator STEVENS would be everything the Commerce Committee passed on a bipartisan basis and the provisions of the Finance Committee report on aviation taxes that would go toward modernization.

It does not include the controversial pension provision that changes the previous law this Congress has passed and affects some of our airlines in a way that could be so destructive as to possibly bring that air carrier down. It does not include all the taxes that were put in, all the projects, all the earmarks that have nothing to do with aviation.

It is simply the Senate bipartisan bill on aviation and the Finance Committee package that deals with aviation. We could pass this bill and send it to the President and the President would sign this bill. He would sign the bill Senator STEVENS and I have put

forward. He will not sign the bill that would be put forward by my distinguished colleague, Senator ROCKEFELLER.

There are provisions of that bill that would not allow this bill to go forward at all, period, because there are policy matters unrelated to aviation that more than 41 people in this Senate will object to putting on an aviation bill.

So I think we have a way forward. I have introduced a bill that I believe could get the majority of the votes in the Senate. It would be signed by the President, and it would do all that I have mentioned relating to aviation safety improvements, passenger bill of rights, it would modernize our air traffic control system, it would keep the balance in the system we all agree we should have between air carriers and commercial airports, general aviation and general aviation airports.

It is a good bill. We have a way forward. We have made agreements we can all agree would push the bill forward. But the substitute we are going to vote cloture on without the process of amendments being open is not that bill. There is no reason for the Commerce Committee bill on aviation to take on all these taxes and special interest projects that have nothing to do with aviation.

If those projects can stand on their own, let's vote on those projects alone. The Finance Committee has many vehicles on which they can put their legislation. But to try to put nonaviation taxes on an aviation bill is going to bring this bill down.

I hope we will not allow that to happen. We will vote no on cloture. Cloture probably will not be given because it is not an aviation bill we are going to be voting on. But we have an aviation bill. Let's vote on that one. Let's vote on the bipartisan bill from the Commerce Committee and the taxes from the Finance Committee that relate to aviation and let's move forward. I think we can do it.

This is the Senate. We can work on a bipartisan basis. My colleagues, Senator ROCKEFELLER and I and Senator INOUYE and Senator STEVENS and the members of our committee have done an incredibly good job of bringing that balance together. So I hope we will not waste that effort and that we will be able to put up as one of the accomplishments of this session of Congress an FAA reauthorization bill that modernized our system, that created a passenger bill of rights, that created a safety program that further enhanced a good program, that included war risk insurance, a bill that balances all the aviation interests of our country, which are so important to our economic viability.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. What is the situation parliamentarywise?

The PRESIDING OFFICER. H.R. 2881 is pending, with amendments.

Mr. STEVENS. Is there any time agreement at the present time?

The PRESIDING OFFICER. There is a vote scheduled at 2:30.

Mr. STEVENS. Are we still in morning business?

The PRESIDING OFFICER. We are on the bill, not in morning business.

Mr. STEVENS. I thank the Chair.

TRIBUTE TO LEW WILLIAMS, JR.

Our young State, Alaska, this past weekend lost one of our greatest 20th century pioneers when Lew Williams, Jr., the publisher emeritus of the Ketchikan Daily News, died while vacationing in Scottsdale, AZ.

Through his six decades in Alaska journalism, Lew brought news to much of southeast Alaska through a series of newspapers which he edited and owned. Five southeast Alaska towns were home to Lew Williams. Juneau was the first, when, as an 11-year-old boy, he delivered the Empire, the paper on which his dad was a reporter. Wrangell was next. His dad was the new editor-owner of the Wrangell Sentinel, and Lew became his 15-year-old apprentice. Later, after Navy service in World War II, Lew bought the paper from his father. Next the beautiful town of Petersburg, AK, claimed Lew when he and his bride Dorothy bought the Petersburg Press. From that time on, Dorothy remained his partner in newspapering, along with helping Lew to set the path that has been followed by his own three children.

In 1966, Lew took over the editorship of the Ketchikan Daily News and, a decade later, he and Dorothy bought that paper, settling in for the long run and spending the rest of his life in Ketchikan.

When the Daily Sitka Sentinel fell on hard times after major mechanical problems and a fire in 1969, Lew offered assistance to the beleaguered owners. That assistance turned into ownership of that paper also. But in 1975, he sold the Sentinel to the Poulsons, a young couple who had been hired to be editors. Thad Poulson was a former reporter in Juneau and an AP representative in Juneau. He remains with the Sitka paper today.

Despite his close ties to these five towns in our State's beautiful southeastern panhandle, Lew was truly a man for all of Alaska.

He was one of my close friends, and I mourn his passing.

Early in the 1950s, when the larger southeast daily newspapers were against Alaska statehood, Lew Williams joined the small weeklies in our fight to become the 49th State. The concerns that faced Alaska as a territory, and later as a State, Lew adopted as his concerns. No matter where the problem was in our 586,000 square miles, Lew Williams became acquainted with it and tried to do something about the problem. Whether the issue was minerals or timber, fisheries or lands, hundreds of other matters, Lew wrote clearly and forcefully in his paper, as editor, to help his readers understand the solutions he believed were best for all Alaska and Alaskans.

Critics who may have disagreed with his stand on any issue were unanimous in their praise for his writings. His columns were carried in papers throughout our State and many throughout the Nation, and they have continued to run, until a few weeks ago, in what we call Anchorage's Voice of the Times which is printed as an op-ed in the Anchorage Daily News.

Although Lew's paper, the Ketchikan Daily News, is the smallest daily in Alaska, with a weekend edition also, Lew was in the forefront when it came to technology. He beat out what we call ''the big boys'' in the larger towns when he was the first to offer offset printing and color and among the first with newsroom computers. Along the way, Lew collected dozens of honors for his papers throughout the Nation and for his community service. He served on boards ranging from the chambers of commerce to fish and game advisory boards, school boards, and the Rotary. He was appointed to the board of regents of our University of Alaska. He was a member of the blue ribbon task force for the Alaska National Interest Public Lands Act—we call it ANILCA—which was passed in 1908, and he served on the Alaska Judicial Council and the board of governors of the Alaska Bar Association, although he was not a lawyer.

And ''there's more,'' as the television commercial says. Lew founded the Alaska Newspaper Association. He was named businessman of the year for Alaska a few years ago. He founded the Southeast Alaska Conference and for 29 years was an adult leader of Boy Scouts.

These honors pale beside Lew's greatest gift to our State, and that is his three children who grew up in newspaper offices. What a tribute to their dad that they adopted his profession and are carrying it on. Lew III, Tena, and Kathy, his children, accepted the reins from their dad in 1990. But he still remained in that office and he gave his time to finish writing and editing a 700-page book called ''Bent Pins and Chains,'' a history of Alaska through its newspapers. He had begun this with the late historian wife of the publisher of the Anchorage Times, Evangeline Atwood, for anyone who is interested in Alaska. Alaskans are fortunate that the vibrant Williams younger generation carries on Lew Williams' commitment to good reporting, fine writing, dedication to community service, and making Alaska the greatest place in the United States to live.

Those of us who knew Lew Williams, who shared opinions and laughs and

disappointments and triumphs and many wonderful days, are among the luckiest of Alaskans. I always looked up Lew Williams when I was in Ketchikan, and he always had some news and advice for me. I usually followed it.

We do have the knowledge we could not have had delivered to us through a better, more loyal friend. I have to say, it is tough to lose a friend like Lew. The joy he brought to my life and to my family's life and to so many others cannot be measured in a statement of this kind. I tell the Senate that everyone makes a statement like this. Not often do we make a statement pertaining to someone who had so much to do with our lives and what we have done. When I first decided to run for the Senate, I went to Ketchikan to talk to Lew Williams to see if he agreed. That was back in 1962. I have known Lew Williams and Dorothy and the children for a long time. Catherine and I send our love and deepest sympathy. We know our friend and their loved one is gone, but he will not be forgotten by any of us.

I ask unanimous consent that recent editorials and comments about my friend Lew Williams be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEWSMAN LEW WILLIAMS JR. DIES AT 83

KETCHIKAN.—Ketchikan Daily News publisher emeritus Llewellyn ''Lew'' M. Williams, Jr., 83, died Saturday in Scottsdale, Ariz.

Williams was a pioneer Alaska journalist, active in newspaper, state and local affairs for more than 60 years. He died while vacationing in Arizona, four days after he had been due to return home to Ketchikan.

He and his wife, Dorothy, published newspapers in Wrangell, Petersburg, Sitka and Ketchikan.

They were the first to switch an Alaska newspaper from the hot-type method of printing to photo offset, which later became used universally in the industry.

They were the first to switch an Alaska afternoon daily newspaper to morning publication. They created a successful weekend edition for the Ketchikan Daily News while other small dailies in Alaska remained five-day publications. The Williamses were Alaska pioneers in adapting electronics to newspaper production.

In 1965, Lew Williams was a founder of the Alaska Newspaper Publishers' Association, forerunner to today's Alaska Newspaper Association. He served terms as president of each organization and served a term as director of the regional Allied Daily Newspaper Association.

The Williamses purchased the Ketchikan Daily News from the Paul S. Charles family in 1976, after managing the newspaper for 10 years. They sold their interest to their children, Lew III, Kathy and Tena Williams, after Williams retired as publisher in 1990.

Williams was born in Spokane, Wash., Nov. 26, 1924, to Lew M. Williams Sr. and Winifred (Dow) Williams, who met while both were reporters for Tacoma newspapers. The Williams family moved to Juneau in 1935, where the elder Williams worked for the Juneau Empire. In 1939, the senior Williamses purchased the Wrangell Sentinel.

After serving as a sergeant in the paratroops in World War II, Lew Jr. ran the Sentinel for the family. He married Dorothy M. Baum in Mitchell, Neb., on July 2, 1954.

The couple purchased the Petersburg Press and acquired the Wrangell Sentinel from the senior Williamses when they retired.

They sold both newspapers to Alaska Airlines President Charles Willis, and bought the Daily Sitka Sentinel and an interest in the Ketchikan Daily News. They sold the Sitka paper to Thad and Sandy Paulson to concentrate on publishing the Ketchikan paper when they bought out the Charleses. Although the Petersburg Press was suspended after he sold it, Lew Williams helped the Petersburg Pilot get started. All newspapers he and his wife ran were successful businesses and community leaders.

Williams was a lifetime member of Petersburg Elks Lodge No. 1615, the American Legion and Pioneers of Alaska.

Williams served on the Wrangell School Board, as mayor of Petersburg and on numerous state boards, among them the Alaska Judicial Council, the Board of Governors of the Alaska Bar Association and the Board of Regents of the University of Alaska. He served on boards under every state governor through 1999. He served three years as the first secretary of the Petersburg Fish and Game Advisory Board when Alaska took control of fish and game with statehood.

He was a past president of Rotary, served 29 years as an adult leader in the Boy Scout program, and was active in Democratic Party politics when Bill Egan was governor. For his public service, he was awarded an honorary doctorate of humanities by the University of Alaska Southeast.

As a writer, Williams was noted for his strong editorials and weekly columns. He continued writing his column, ''End of the Week,'' up until his death, and occasionally contributed editorials. He continued to provide background material to Daily News editorial writers, because of his lengthy service in and extensive knowledge of public affairs. His advice was sought not only by reporters and editors at the newspaper, but also by municipal and state leaders.

In 2006, he published ''Bent Pins to Chains: Alaska and its newspapers,'' a book he wrote with the late Evangeline Atwood that is described on its dust jacket as ''a journalism course, including a history of Alaska under the American flag.''

He believed the editorial was the heart and strength of any newspaper. He editorialized for Alaska statehood, for creation of the state ferry system, for the trans-Alaska pipeline, for power development, in support of the timber and fishing industries, and for airports, harbors and roads.

As a community booster, he was active in chambers of commerce and was a founder and first secretary of the regional Southeast Conference. He was named Citizen of the Year by both the state chamber and the Greater Ketchikan Chamber of Commerce in the early 1980s, and named Alaskan of the Year in 1991 by the nonprofit Alaskan of the Year organization, based in Anchorage.

Williams was a dedicated family man, who in his early days enjoyed hunting and fishing on the Stikine River. After retirement, he liked to vacation with family in Arizona.

He is survived by his wife, Dorothy; daughters, Christena and Kathryn; son, Lew III and daughter-in-law, Vicki; granddaughters, Kristie, Jodi and Melissa Williams; and great-grandson, Milan Browne, all of Ketchikan; sisters, Susan Pagenkopf of Juneau and Jane Ferguson of California; and by cousins in Alaska and Washington.

At his request, no service is scheduled. Messinger Mortuaries of Scottsdale is in charge of cremation.

The family suggests memorials to the First City Council on Cancer.

AN ALASKAN ORIGINAL DIES IN SCOTTSDALE

The Voice of The Times lost a great friend and favorite columnist on Saturday when Ketchikan newsman Lew M. Williams Jr., died at 83 in Scottsdale, Ariz., his vacation home.

Lew was the retired publisher of the Ketchikan Daily News and active in journalism and Alaska's civic life for more than 60 years. He worked on various newspaper jobs as a youth and began his journalism career on a full-time basis after service as a paratrooper sergeant in World War II.

He first ran the Wrangell Sentinel for his family, worked at the Sitka Sentinel and the old Petersburg Press, and managed the Ketchikan Daily News for 10 years before buying it in 1976. His daughter, Tena, is now the Ketchikan publisher, taking over when he retired.

He was a principal author of ''Bent Pins to Chains,'' a comprehensive history of the newspaper business in Alaska. He researched and wrote the book after taking over the original research done by the late Evangeline Atwood, who was an Alaska historian and widow of Robert B. Atwood, publisher of The Anchorage Times and another giant of Alaska journalism.

Most long-time Alaska journalists knew him and many can recount personal experiences with him. Most will testify to the friendly and helpful attitude he had toward others in the profession.

Lew's death was unexpected and came after sending an e-mail in late April saying he wouldn't be writing columns for a while because he had the flu. His wife, Dorothy, insisted he see a doctor and they learned just a week before his death that it was cancer.

His family gathered in Scottsdale and he was apparently comfortable until the end. By one account he was still tracking the stock market during his last week. With his inquiring and untiring mind, that would be no surprise.

Lew's list of good friends includes Sen. Ted Stevens, who is preparing a tribute to him for delivery on the floor of the U.S. Senate on Tuesday.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. It is my understanding that the Federal Aviation Administration reauthorization is the pending business before the Senate.

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. I thank the Chair.

Mr. President, this is a bipartisan bill that Senator ROCKEFELLER of West Virginia, Senator HUTCHISON of Texas, and many others worked on very long and hard. We voted unanimously to go forward with this bill last week. This is long overdue. It is to modernize the air traffic control system, to establish a basic set of rights for airline passengers, and so many other things that are included in this bill, to move the technology of air traffic control forward so America can be on the same page as many other developed nations that have found more efficient, safer ways to guide aircraft. You would think that sort of thing would be nonpartisan when it came to the floor of the Senate. I am sorry to say we haven't had much luck.

If Senators were paid by the vote, last week we would have been on short rations. We had one vote last week. We all came out and ceremoniously showed

up one time on the floor of the Senate to vote and leave.

I kind of thought when I ran for the Senate there was something involved such as debate, deliberation, that Senators would come forward and offer amendments, and other Senators who disagreed might debate those amendments and maybe even offer an amendment of their own. It is like the Senate was once portrayed in the movies. That is the Senate of ''Mr. Smith Goes to Washington'' and so many other great depictions of Senate activity. But not this Senate; we are in a different mode. We are in the filibuster mode, imposed on us by the Republican minority.

In the history of the Senate, looking back over 200 years, the maximum number of filibusters in any 2-year period is 57. That is an easy number to remember. Now, unfortunately, in this Senate session, as we go into the second year, the Republican minority has broken that record. We have now had 69 filibusters, and we are not even halfway through this year. Some speculate there will be over 100 filibusters before this session comes to an end.

That is unfortunate because a filibuster basically means the Senate stops. Any Member can stand up, object, and stop the Senate. Then it takes a motion to be filed and some 30 hours to pass before you vote on that motion and start up again, if you are lucky enough to get 60 votes. The Republican minority knows this. So time and time and time again they have started filibusters and caused us to file motions for cloture to try to get to an issue.

Now, for an outsider watching the Senate, they might say: What difference does it make? Why don't you all get over it and try to get something done? Well, unfortunately, we are not having any luck at that. The Republican minority has now reached new heights—or new depths—depending on your point of view when it comes to applying the filibuster.

We have a technical corrections bill that comes around once in a while when we have drafting errors in bills, and we have to change the spelling and grammar. We had a big highway bill. It was a huge bill. Then, over time, people looked at it and said: Wait a minute, that shouldn't have said ''road,'' it should have said ''avenue.'' The spelling is wrong or the punctuation. Let's put these technical corrections in. The Republicans filibustered the bill—a bill such as that they filibustered.

One of the Republican Senators got up on the floor and said: Well, there were some things in there we objected to. Well, the way it works—at least by most tradition in the Senate—is if you object to something, you file a motion to strike that section. You debate it. There is a vote. The Senate moves to the next consideration. That is the orderly process but not the approach being used by the Republican minority. Their approach: Initiate a filibuster. Tie up the Senate. Make us burn 30 hours doing nothing, with as few votes, as few amendments, as few bills as possible. Why? Well, several reasons.

First, they like the world as it currently exists. They do not believe improving aviation safety is worth the effort on the floor to try to work together. Time and again, they have stopped efforts in progress because they do not want us to have, I guess, a record to point to that shows we have achieved something.

Finally, they are afraid of controversial votes. I had the good fortune, many years ago, to serve with a Congressman from Oklahoma named Mike Synar. Mike Synar was a real character. He was a throwback. He invited controversy. He welcomed it, and it eventually did him in. He lost a Democratic primary. He managed to anger enough people that it did not work. But he was a character. He used to say: If you don't want to fight fire, don't be a firefighter. If you don't want to vote on controversial issues, don't run for the House or, I might add, the Senate.

Unfortunately, on the Republican side, they do not want to vote on anything, and they do not want to face anything that might be controversial. So they file filibuster after filibuster.

So we had hoped last week this bill, the Federal Aviation Administration bill, would be different—modernizing air traffic control, making our skies safer, making sure our planes are well inspected. That seems to me to be an issue that is not a Republican or Democratic issue.

So last week, the majority leader, HARRY REID of Nevada, came to the floor and said to the Republican side: If you have amendments, let's see them and let's get going. Let's start dealing with those amendments. If they relate to the Federal Aviation Administration, let's bring them up, let's debate them, let's vote on them.

We had hoped, since we had this ''exhausting'' week last week, where we voted one time, that maybe the Republicans would have time to come up with a list of amendments they wanted to come forward with. But I am afraid the majority leader's invitation to offer amendments was declined by the other side, and here we are stuck in the middle of another filibuster.

They tell us what is haunting them is a project in this bill that relates to the city of New York. My colleague and friend, Senator CHUCK SCHUMER, and Senator CLINTON, are pushing for something in New York which they feel the President has promised. In fact, the President included it in his budget.

Some Republican Senators do not like it. They do not want it in there. Well, they certainly have the right to offer to strike it. We give them that opportunity. But because this lingering resistance to the bill is there, they will not let us move forward.

I was optimistic that maybe after a long weekend we could finally make some progress, that the Republican Members would come forward, offer some amendments, and start to debate the bill. Well, the weekend is over and we are in Tuesday of this week and nothing is happening. That is regrettable.

There is a portion of this bill that was in the original substitute which has now been removed, which I thought we put behind us last week. It was a measure related to airline pensions. I assumed at some point we would revisit it. I was surprised when my good friend, the ranking member of the Senate Finance Committee, Senator GRASSLEY of Iowa, took to the floor earlier today to reopen the debate.

Senator GRASSLEY said a provision in the original substitute amendment last week would have in some way corrected a provision I had supposedly, in his words, ''airdropped'' into a conference report last year, as a result of smoky, backroom dealing and that the Finance Committee was trying to right a wrong.

I would like to set the record straight. I do like CHUCK GRASSLEY. I respect him. We have worked on things together. We come from adjoining States. We have been traveling on airplanes together for 20 years-plus. There are times when we do see eye to eye and work very closely. His leadership on a bipartisan basis on the Children's Health Insurance Program was one of the better moments in this Congress. But on this particular one, I have to say I think Senator GRASSLEY is wrong.

Why would we be debating airline pensions or why should people care? If you work for an airline, of course you care. But when you take a look at, overall, what is going on here in America, I think everybody can understand what we are up against.

On this chart is a list of airlines which declared bankruptcy recently: Frontier, 6,000 employees out of work; ATA, 2,230 employees out of work; Skybus, 450 employees; Aloha, 1,900 employees; EOS, 450 employees.

This is an alarming trend, as more airlines declare bankruptcy and people lose their jobs.

Also, many of these people have lost at least some measure of security when it comes to their retirement. So when we talk about airline pensions in today's climate, where our economy has slowed to a crawl, we can understand why this is an issue which we should handle very carefully.

In considering the Pension Protection Act of 2005, the original Senate bill provided near parity for airlines. What we were trying to do in this country was to say to companies all across the board: You promised your employees when they came to work for you, if they worked long enough, they could retire and have a pension. Keep your word. Make sure there are enough funds set aside so you can fund their pensions when they retire.

So we got into this debate and realized for most companies in America certain standards would work, but in one industry—the airline industry—it

was a little more difficult because they were struggling. After 9/11, many airlines went into bankruptcy, many were on the edge of bankruptcy, and most were barely getting by. So we created a provision in the bill in how we dealt with airlines when we talked about this Pension Protection Act.

The original bill provided near parity for all airlines, giving all carriers 14 years to catch up in underfunding in their defined benefit pensions. The Senate passed an amendment by voice vote—Senator ISAKSON offered it—that would have provided even more benefits to the airline industry in the way they funded their pensions—again maintaining something close to parity among airlines. We knew we had an industry that was in a delicate situation. We wanted to protect their employees. We did not want to go too far, too fast. The Isakson amendment gave us a way most of us felt was reasonable.

When the conference report for the bill was finalized, the near equality for the airlines was destroyed. In its place, there was a huge disparity in the funding rules for some airlines compared to the rules that even the airlines they competed against had to follow. The conference committee had changed the will and decision of the Senate and decided to pick winners and losers among airlines.

It was interesting, as soon as that came back, there was a lot of floor activity and floor debate and colloquy among Senators about that provision. For example, Senator KENNEDY came to the floor and said:

> Quite frankly, I was disappointed that we didn't treat American and Continental Airlines more fairly in the final recommendations. Without moving ahead at this time on the pension legislation, we have the prospects of one of the major airlines dropping their pension program, with more than 150,000 workers losing their pensions.

You see, that is what the issue came down to. As airlines were facing tough times, some went into bankruptcy, and the first casualty in the bankruptcy was their pension plan. Historically, many companies in America offered a defined benefit pension plan, which meant if you worked a certain number of years and contributed, when you retired, you knew what you would receive in a pension. It was defined: how much each month, whether a cost of living adjustment would apply.

As airlines went into bankruptcy, that was one of the first casualties. They said: We can no longer accept that responsibility for future retirees. We are going to go into a defined contribution plan, known as 401(k)s and similar tax models in order to fund their future pensions. That limited the contribution of the company and left some uncertainty for the employee in retirement. But that was what happened. As airlines went into bankruptcy, the defined benefit pension plans fell by the wayside and the defined contribution plans took their place.

When all the smoke had cleared, there were five airlines that maintained their original basic defined benefit pension plans: American Airlines; Continental; Hawaiian; Alaskan; and Piedmont, which was assumed by US Airways. So these were companies that avoided bankruptcy and said: We are going to try to keep our airlines competitive. We are not going to dump the pension plans of our employees, and we are going to try to hang on. I think those companies did a brave thing and the right thing and the best thing for their employees.

Unfortunately, when it came to the law being passed by Congress, we gave better treatment to those airlines that went into bankruptcy and basically froze their pension plans and would not allow others to come into them. So it was a decision in that conference report which favored some airlines over others.

Senator ENZI spoke to this provision when he said on the floor:

> I am a little disappointed in the language from the House bill because it fails to treat all the legacy airlines equally. . . . The Senate bill gave amortization extensions to all four legacy airlines . . . but under the House bill, frozen plans receive 17 years to amortize their plan debt and an interest rate of 8.85 percent. . . . I prefer the language of the Senate passed bill. . . . I am very sorry that the House did not see fit to accept the Senate language, as it was the result of many and long negotiations.

I had made a statement on the floor as well.

Senator HUTCHISON of Texas addressed the then-majority leader, Bill Frist, a Republican of Tennessee, and said: I hope you know we are going to basically return to this. We can't leave it where some airlines are treated more favorably than others. It creates a competitive advantage in a very competitive marketplace. Senator HUTCHISON spoke for many of us when she said that.

Before the majority leader could even respond to her, other Senators, such as Senators VOINOVICH, CORNYN, and INHOFE, joined in, in support of Senator HUTCHISON.

Senator Frist, the then-Republican majority leader, said:

> . . . I can promise the Senators that I will continue to work with them on this issue after we return from the August recess.

Now fast forward to the middle of 2007 and nothing had been done. So Senator HUTCHISON and I took a small step to improve the situation by adding language to a supplemental appropriations bill that gave the airlines left behind in the original bill a bit more fairness in the rules.

I am troubled when my friend, Senator GRASSLEY, characterizes this as ''dark of the night activity.'' There was fair warning that the original pension bill did not solve the problem and created some real fundamental unfairness, fair warning that many Senators on both sides of the aisle wanted to revisit this issue. So it does not strike me as some underhanded or backroom deal. We let Senator GRASSLEY and all other Senators know this was an unresolved issue. Well, they came back this year and wanted to change the rules again, penalizing even more airlines, such as American Airlines that had avoided bankruptcy, was paying into their defined benefit plans, and had funded their pension plans well beyond 100 percent. American Airlines, for example, has funded their pension plan to the level of 115 percent. So even in a tough economy they are able to do this.

Now, we have warned Senator GRASSLEY and others if they are not careful, we could find other airlines facing bankruptcy. It is pretty common knowledge what is going on. This chart shows what has happened to airline losses in the first quarter of this year. Delta has lost $274 million; American Airlines, $328 million; and United, $537 million. United, my hometown airline in Chicago, announced they may have to lay off 1,000 people because of its losses.

Where do these losses come from? Well, it comes from the cost of jet fuel, as this chart shows. Airlines struggling with fierce competition now have jet fuel costs spiking, as we can see, at a time when they are struggling to survive, and these jet fuel costs are coming right off the bottom line. So as motorists are angry about gasoline prices and truckers are angry about diesel costs, airlines facing jet fuel costs are showing record losses as we go into this.

I make this part of the RECORD because it is fair warning to all of us to be very careful when we are changing the law as related to airlines. It might not take much to push some over the edge into bankruptcy. I don't think America and its economy will be stronger if we have fewer airlines. I think it is far better for us to move toward equitable treatment of all airlines and some sensitivity to the economic realities they face.

As of last week, we removed this contentious provision from the bill. As I said, I was a little surprised that Senator GRASSLEY wanted to revisit this issue again today, but I feel just as strongly this week as I did last week. I think what the committee had proposed would have been fundamentally unfair and would have created a hardship on many of these airlines that are struggling to survive.

In just a short time now the Senate will vote on a cloture vote as a result of the 69th Republican Senate filibuster of this session, a recordbreaking number of efforts to slow down and stop legislation—even this bill, a bill to reauthorize the Federal Aviation Administration. One would think this bill would rise above the partisan divisions in this Chamber. But last week, or the week before, we even had a filibuster—a Republican filibuster—of a veterans health benefits program. So it appears they are going to filibuster everything that is moving or everything that tries to move on the floor of the Senate.

I see Senator ROCKEFELLER has returned. As chairman of the aviation subcommittee, he has done a great job on this bill. I am certainly going to support his efforts. I think they will move us forward in the world of airline safety.

If there is no one else seeking recognition at this point, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARPER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. 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. MCCONNELL. Mr. President, as I think everyone on this side of the aisle has made perfectly clear, we do not oppose moving forward with an FAA modernization bill. In fact, we would be more than happy to move forward on the aviation provisions of the Commerce Committee and Finance Committee titles of the bill that are on the Senate floor.

The ranking member of the Aviation Subcommittee, Senator HUTCHISON, has been on the Senate floor for a week flagging the extraneous, nonaviation-related provisions in the Finance Committee package as a problem. She has called repeatedly on the majority bill manager to join her in seeking to remove these extraneous controversial provisions and move forward with a clean FAA bill. Unfortunately, the majority has not accepted her offer to date, and so we find ourselves in a stalemate. I think this is unfortunate and unnecessary. But there is a way to pass this bill in a bipartisan way if our colleagues will only take yes for an answer.

So bearing that in mind, I have indicated to the other side that I would propose a unanimous consent agreement.

I now ask unanimous consent that the Senate proceed to the immediate consideration of S. 2972, a bill to reauthorize and modernize the Federal Aviation Administration. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. ROCKEFELLER. Mr. President, reserving the right to object, I would ask the Senator to modify his request and include an amendment which includes all of the provisions of my pending amendment.

Mr. MCCONNELL. Reserving the right to object, I assume that would put us right back in the same place we are now. I will not restate what I said earlier. But it was my hope, following the advice of the senior Senator from Texas, and our expert on this issue, that we would simply take up and pass those portions of the bill that seemed to be noncontroversial.

The proposal of the Senator from West Virginia puts the controversial measure back before us, upon which we will have the cloture vote shortly. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Will the minority leader yield for a question?

Mr. MCCONNELL. I yield the floor.

Mr. DURBIN. Mr. President, at the risk of asking someone on the Republican side, isn't there such a thing as a motion to strike? Could we not bring this bill up and you could move to strike the provisions you don't like, and we could have a debate on the floor and actually have a vote and actually get this bill moving forward? Isn't that where we were last week when this ground to a halt and nothing has changed? What is wrong with, if you don't like a provision of the bill, moving to strike it? I ask that question through the Chair if any Republican is willing to respond.

The PRESIDING OFFICER. The Senate is to proceed to a vote at 2:30.

Mrs. HUTCHISON. Mr. President, I am happy to go to the vote. But the problem is we don't have the opportunity to amend and strike. That has been taken away from us by the majority. The bottom line is we should go to a vote, reject this bill, and we should go back to the drawing board with the Commerce Committee, to a bipartisan bill for FAA reauthorization.

Thank you.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 4627 to H.R. 2881, the FAA reauthorization.

Harry Reid, Jay Rockefeller, Barbara Boxer, Kent Conrad, Patrick J. Leahy, Robert P. Casey, Jr., Mark Pryor, Sherrod Brown, Patty Murray, Ken Salazar, Max Baucus, Tom Carper, Amy Klobuchar, Sheldon Whitehouse, E. Benjamin Nelson, Dick Durbin, Blanche L. Lincoln, Daniel K. Inouye.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 4627 to H.R. 2881, the FAA reauthorization bill, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from New York (Mrs. CLINTON), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Idaho (Mr. CRAIG), the Senator from Nebraska (Mr. HAGEL), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 42, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—49

Akaka	Feinstein	Nelson (FL)
Baucus	Harkin	Nelson (NE)
Biden	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kennedy	Roberts
Brown	Kerry	Rockefeller
Brownback	Klobuchar	Salazar
Byrd	Kohl	Sanders
Cantwell	Lautenberg	Schumer
Cardin	Leahy	Snowe
Carper	Levin	Stabenow
Casey	Lieberman	Tester
Conrad	Lincoln	Webb
Dodd	McCaskill	Whitehouse
Dorgan	Menendez	Wyden
Durbin	Mikulski	
Feingold	Murray	

NAYS—42

Alexander	DeMint	McConnell
Allard	Dole	Murkowski
Barrasso	Domenici	Reid
Bennett	Ensign	Sessions
Bond	Enzi	Shelby
Bunning	Graham	Smith
Chambliss	Grassley	Specter
Coburn	Gregg	Stevens
Cochran	Hatch	Sununu
Coleman	Hutchison	Thune
Collins	Isakson	Vitter
Corker	Kyl	Voinovich
Cornyn	Lugar	Warner
Crapo	Martinez	Wicker

NOT VOTING—9

Bayh	Craig	Landrieu
Burr	Hagel	McCain
Clinton	Inhofe	Obama

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the Rockefeller substitute amendment No. 4627.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. Mr. President, I ask unanimous that the cloture motion on H.R. 2881 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I wish today to urge my colleagues to support the Rockefeller substitute to H.R. 2881, the Aviation Investment and Modernization Act. Aviation is a central element of our globalized economy. The United States is the world's leader in aviation, and if we are to maintain this position, we must invest the proper resources.

I wish to congratulate Senator ROCKEFELLER for bringing together diverse interests and crafting a measure that will bolster oversight of the Federal Aviation Administration's, FAA, safety system, provide guaranteed funding to modernize the air traffic

control system, strengthen passenger protections, and fund air service to small communities throughout the Nation.

I am very proud of the efforts of Senator ROCKEFELLER and the members of the Senate Commerce Committee. The Commerce Committee provisions in the substitute before us represent a well-crafted effort that enjoys bipartisan support.

The substitute before us represents a rare opportunity to significantly shape the future of the national air transportation system, and therefore, ensure our standing will remain at the forefront of the aviation industry.

The actions we take to reauthorize the FAA will affect the public for decades to come. Legislation to reauthorize the FAA is long overdue, and it is vital that we pass this bill that addresses the challenges facing our Nation's aviation system. We must ensure that the national airspace system continues to serve the public effectively, and at the same time, we must move forward aggressively with modernization to make certain we do not inhibit our economic growth.

The Nation's existing air transportation system is already stretched to its limits. Current passenger traffic has exceeded all previous records and is expected to exceed 1 billion passengers per year within the next decade.

To accommodate this growth in a safe and cost-effective manner, we must increase capacity by expanding our airports, modernizing our air traffic control, ATC, system, and most importantly, ensuring the FAA has the resources and staffing required to provide effective oversight of the most complicated airspace system in the world.

Recent events highlight the cracks developing in our air transportation system. Domestic air carriers are being crippled by the high price of fuel. Seven airlines have declared bankruptcy since the beginning of the year, and early reports indicate the industry has lost billions of dollars in the first quarter of this year alone.

Most disturbing, however, are the lapses in the FAA's safety oversight system that have been recently highlighted. Over the past few months, air carriers cancelled thousands of flights, leaving passengers stranded after the FAA belatedly discovered air carriers had not performed required safety inspections. Congress must take the necessary steps to ensure that the safety of the U.S. aviation system is never compromised.

With our Nation's aviation system at a critical juncture, I urge my fellow Members to close debate on the Rockefeller substitute and adopt this important legislation.

Mr. INHOFE. Mr. President, as one of the Senate's commercially licensed pilots, I wish to talk about an issue near to my heart—flying. As many in this Chamber know, I have flown thousands of hours, I attend the well-known AirVenture aviation event in Oshkosh, WI, every year, and I have even recreated Wiley Post's trip around the world.

Today, I am here to acknowledge a group of people who share my love of flying—volunteer pilots and nonprofit, charitable associations called Volunteer Pilot Organizations, VPOs, that provide resources to help these self-sacrificing pilots serve people in need. I have introduced an amendment, S.A. 4606, to provide much needed liability protection to these pilots and nonprofit organizations. My legislation is supported by the American Red Cross, the General Aviation Manufacturers Association, and many volunteer pilot organizations throughout the Nation.

Unfortunately, the majority has used a procedural tactic to restrict my ability to offer this amendment to the bill we are currently debating, the FAA Reauthorization Act. However, I would like to take this opportunity to discuss my amendment and to encourage my colleagues to join me in seeking to pass basic liability protection for volunteer pilots into law at the first opportunity.

There are approximately 40 to 50 VPOs in the United States—ranging from small, local groups to large, national associations. Air Charity Network, ACN, is the Nation's largest VPO and has seven member organizations that collectively serve the entire country and perform about 90 percent of all charitable aviation missions in the United States. ACN's volunteer pilots provide free air transportation for people in need of specialized medical treatment at distant locations. They also step in when commercial air service is not available with middle-of-the-night organ transplant patient flights, disaster response missions evacuating special needs patients, and transport of blood or blood products in emergencies.

ACN and its more than 8,000 volunteer pilots use their own planes, pay for their own fuel, and even take time from their ''day'' jobs to serve people in need. These Good Samaritans provided charitable flights for an estimated 24,000 patients in 2007 and their safety record is phenomenal. In more than 30 years of service, the pilots of ACN have flown over 250,000 missions covering over 80 million miles and have never had a fatal accident.

Following the September 11 terrorist attacks, ACN aircraft were the first to be approved to fly in disaster-response teams and supplies. Similarly, in 2005, ACN pilots flew over 2,600 missions after Hurricanes Katrina and Rita, reuniting families torn apart by the disaster and relocating them to safe housing. Their service was invaluable to thousands of people.

My own State of Oklahoma is served well by a number of volunteer pilot organizations, including Angel Flight South Central and Angel Flight Oklahoma. On a daily basis, they selflessly serve my constituents by flying individuals to get surgeries and treatments.

I would like to share comments from two of my constituents with you. Angela Looney, from Norman, OK, says that, ''I could not have received the care I've gotten without Angel Flight. No one in Norman or anywhere in Oklahoma could perform my surgery. I had to get to M.D. Anderson.'' Tonya Dawson, from Broken Arrow, OK, travels with Angel Flight to treatment at the Mayo Clinic in Rochester, MN. She reports, ''The pilots are great. I can't say enough good things.''

Despite this goodwill, there is a loophole in the law that subjects these heroes and charitable organizations to frivolous, costly lawsuits. Currently, although volunteer pilots are required to carry liability insurance, if they have an accident, the injured party can sue for any amount of money. It would be up to a jury to decide on an amount. If that amount is higher than the liability limit on a pilot's insurance, then the pilot risks being held personally responsible, potentially bringing him or her financial ruin.

Additionally, the cost of insurance and lack of available nonowned aircraft liability insurance for organizations since the terrorist attacks of September 11 prevents VPOs from acquiring liability protection for their organizations, boards, and staff. Without this insurance, if a volunteer pilot were to have an accident using his or her own aircraft, everyone connected to the organization could be subject to a costly lawsuit, despite the fact that none of those people were directly involved with the dispatch of the flight, the pilot's decisions, or the aircraft itself.

Exposure to this type of risk makes it difficult for these organizations to recruit and retain volunteer pilots and professional staff. It also makes referring medical professionals and disaster agencies like the American Red Cross less likely to tell patients or evacuees that charitable medical air transportation is available for fear of a liability suit against them. Instead of focusing on serving people with medical needs, these organizations are spending time and resources averting a lawsuit and recruiting volunteers.

In order to close this costly loophole, I have introduced Senate amendment 4606. My amendment expands the Volunteer Protection Act of 1997, which was passed into law to increase volunteerism in the United States, to protect from liability volunteer pilot organizations, their boards, paid staff, nonflying volunteers, and referring agencies, should there be an accident. It also provides liability protection for individual volunteer pilots over and above the liability insurance that they are currently required to carry.

My amendment will go a long way to help eliminate unnecessary liability risk and allow volunteer pilots and the charitable organizations for which they fly to concentrate on what they do best—save lives.

I ask unanimous consent to have Senate amendment No. 4606 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

At the appropriate place, insert the following:

SEC. ___. LIABILITY PROTECTION FOR VOLUNTEER PILOT NONPROFIT ORGANIZATIONS THAT FLY FOR PUBLIC BENEFIT AND TO PILOTS AND STAFF OF SUCH NONPROFIT ORGANIZATIONS.

Section 4 of the Volunteer Protection Act of 1997 (42 U.S.C. 14503) is amended—

(1) in subsection (a)(4)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by striking ''the harm'' and inserting ''(A) except in the case of subparagraph (B), the harm'';

(C) in subparagraph (A)(ii), as redesignated by this paragraph, by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following:

''(B) the volunteer—

''(i) was operating an aircraft in furtherance of the purpose of a volunteer pilot nonprofit organization that flies for public benefit; and

''(ii) was properly licensed and insured for the operation of such aircraft.''; and

(2) in subsection (c)—

(A) by striking ''Nothing in this section'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this section''; and

(B) by adding at the end the following:

''(2) EXCEPTION.—A volunteer pilot nonprofit organization that flies for public benefit, the staff, mission coordinators, officers, and directors (whether volunteer or otherwise) of such nonprofit organization, and a referring agency of such nonprofit organization shall not be liable for harm caused to any person by a volunteer of such nonprofit organization while such volunteer—

''(A) is operating an aircraft in furtherance of the purpose of such nonprofit organization;

''(B) is properly licensed for the operation of such aircraft; and

''(C) has certified to such nonprofit organization that such volunteer has insurance covering the volunteer's operation of such aircraft.''.

Mr. SPECTER. Mr. President, I seek recognition to explain my vote against the motion to invoke cloture on the Rockefeller substitute amendment No. 4627 to H.R. 2881, the Federal Aviation Administration Reauthorization Act.

There are many aviation-related provisions in the substitute amendment which are of critical importance to both the Nation and my State, including: $290 million per year to modernize the air traffic control system; a $15.8 billion authorization of funds for the Airport Improvement Program; a requirement that airlines post the on-time performance of chronically delayed flights on their Web sites; a $175 million authorization of funds for Essential Air Service, EAS, to rural areas; and an extension of EAS eligibility for Lancaster, PA; and safety improvements related to the FAA's oversight of aircraft inspections. The legislation also includes nonaviation provisions to restore the solvency of the highway trust fund, which is a matter of critical importance, and to provide tax credit bonds for high-speed rail service, a measure that I helped put together. For these and other reasons, I believe it is imperative that the Senate act on this bill.

However, I do not believe it would be appropriate to act on it without necessary and proper debate, and that is precisely what a vote for cloture on the substitute amendment would have represented. The Senate was precluded from having any meaningful or traditional debate on this legislation due to a decision to fill the so-called ''amendment tree'' so that no other amendments could be freely debated and considered. I filed two amendments to this bill, one attempting to address overscheduling of airline flights and one prohibiting unnecessary flights over residential areas, which I was precluded from offering. I believe my amendments address critically important issues that deserve the attention and consideration of the Senate, and I am told that other Senators hold similar sentiments with respect to amendments they intended to pursue.

On February 15, 2007, I introduced a resolution which would prohibit this abhorrent practice of filling the ''amendment tree'' so that the Senate can conduct its business. In the absence of this much-needed reform, I voted against cloture on the substitute amendment, not because I fail to recognize the importance of the provisions contained therein, but because the Senate was effectively blocked from offering and debating any amendments to improve it.

It is my hope that the chairman and ranking members of the relevant committees can work out an agreement that will allow this bill to come back before the Senate, and with it a process for its consideration that will allow for the kind of meaningful and traditional debate fitting of the Senate.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2007—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 460, S. 2284, the National Flood Insurance Act Amendments.

Harry Reid, Barbara Boxer, Patty Murray, Byron L. Dorgan, Edward M. Kennedy, Christopher J. Dodd, Daniel K. Akaka, Benjamin L. Cardin, Patrick J. Leahy, Bernard Sanders, Sherrod Brown, Amy Klobuchar, Ken Salazar, Sheldon Whitehouse, Max Baucus, Daniel K. Inouye.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 2284, the National Flood Insurance Act Amendments, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from New York (Mrs. CLINTON), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Idaho (Mr. CRAIG), the Senator from Nebraska (Mr. HAGEL), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 90, nays 1, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—90

Akaka	Dorgan	Mikulski
Alexander	Durbin	Murkowski
Allard	Ensign	Murray
Barrasso	Enzi	Nelson (FL)
Baucus	Feingold	Nelson (NE)
Bennett	Feinstein	Pryor
Biden	Graham	Reed
Bingaman	Grassley	Reid
Bond	Gregg	Roberts
Boxer	Harkin	Rockefeller
Brown	Hatch	Salazar
Brownback	Hutchison	Sanders
Bunning	Inouye	Schumer
Byrd	Isakson	Sessions
Cantwell	Johnson	Shelby
Cardin	Kennedy	Smith
Carper	Kerry	Snowe
Casey	Klobuchar	Specter
Chambliss	Kohl	Stabenow
Cochran	Kyl	Stevens
Coleman	Lautenberg	Sununu
Collins	Leahy	Tester
Conrad	Levin	Thune
Corker	Lieberman	Vitter
Cornyn	Lincoln	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	Webb
Dodd	McCaskill	Whitehouse
Dole	McConnell	Wicker
Domenici	Menendez	Wyden

NAYS—1

Coburn

NOT VOTING—9

Bayh	Craig	Landrieu
Burr	Hagel	McCain
Clinton	Inhofe	Obama

The PRESIDING OFFICER. On this vote the yeas are 90, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. SHELBY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, I understand now there will be a period of 30 hours of debate on the motion to proceed. My understanding is—and my friend and colleague from Alabama will

correct me if I misspeak at all—over this evening people are going to be discussing the various amendments that can be offered.

We have actually had meetings with a number of our colleagues who have amendments they want to offer on this bill. Our sincere hope is all of these amendments will be considered. I have been informed, Senator SHELBY has by the authors of these amendments, their intention is to take whatever limited amount of time they need to make their case.

So my hope tomorrow is we will be able to vitiate the 30 hours, get right to the bill in the morning, and then move forward on these various ideas that are going to be offered by our colleagues, with the goal in mind of completing the work on this legislation hopefully by tomorrow.

There are a number of amendments out there, but I think as the authors of these amendments have indicated, they will not necessarily take a lot of time for debate.

Let me also take advantage, if I can, in offering to our colleagues on this side of the aisle—we have heard from several members. Senator LANDRIEU has some strong interest in this legislation but others may as well. I have asked them to come forward if they would, either this afternoon or early this evening, and let our staffs know what these amendments are so we can go over them with them and try to set up some orderly process by which we can consider the amendments over the course of business tomorrow as well.

I make this request of our colleagues who have amendments to the Flood Insurance Reform and Modernization Act: Would you please let us know as soon as possible what those amendments are so we can consider them, or at least set up a timeframe for you to offer them on the floor.

With that in mind, let me offer some initial thoughts, if I can. First, let me thank the majority leader. We are here today because the majority leader has created some time for us to do this. This is an interest in which all of us should have a deep concern and deep interest; I note with obvious importance my colleague from Alabama and others in the Gulf State areas.

Flood insurance is a critical issue for the coastal region of the country as well as other areas. This is a vitally important piece of legislation we are considering, S. 2284. It is the Flood Insurance Reform and Modernization Act of 2007. As I have indicated, it is a strong bipartisan bill that enhances the long-term viability of the National Flood Insurance Program, helping to provide critical insurance coverage for millions of homes and business owners throughout the country.

The substitute amendment, which I will offer later, will be offered by myself and Senator SHELBY, and contains two parts, both of which passed the Committee on Banking, Housing and Urban Affairs with the support of every member of the committee, Republican and Democrat. The substitute amendment contains the flood insurance reform package exactly as was passed by the committee as well as a bill to establish a Commission on Natural Catastrophe Risk Management and Insurance.

This is a very important issue, I might point out to Members. The unanimous votes on these bills clearly show the importance of flood insurance and the strength of the bill we are considering.

Senator SHELBY and I have joined to urge our colleagues to support our efforts to strengthen flood insurance for three key reasons. The first reason is this bill provides much needed relief to hard-working Americans who have paid flood insurance premiums for years and through no fault of their own will face new stiff premium increases to reduce the massive debt owed by FEMA as a result of Hurricanes Katrina, Rita, and Wilma.

This bill is fiscally responsible, No. 2, and greatly reduces the exposure of the Federal taxpayer under the flood program. No. 3, this bill creates environmentally sound flood policy which is needed to preserve our Nation's most precious natural resources.

I want to touch on each of these three points because I think too often we get so into the details we miss the larger picture that is involved with a piece of legislation such as this. This bill is complicated and it makes a number of significant reforms, but taken all together, it contains key policies that truly help millions of our fellow citizens.

As I said, this bill is needed to provide relief for those who suffered flood losses as a result of the 2005 hurricanes. These home and business owners did exactly what they were supposed to do. They purchased flood insurance and paid premiums—some had done so for decades—to cover their losses in the event of a flood. If we lay the entire $17 billion debt now owed by FEMA at their feet, we will force many of them out of the program. To pay the interest on the debt alone, rates would have to nearly double, and they would have to increase many times over to make a dent in that debt.

Skyrocketing premiums will create massive disincentives to purchasing flood insurance at exactly the time we need to encourage participation. At this time of increased hurricane activity, our efforts should be focused on getting as many people to purchase flood insurance as possible, so they will be able to rebuild after a storm and not have those larger costs be spread out to people across the country.

Discouraging the purchase of flood insurance would also increase the future liability of the American taxpayer. Those who flood will be underinsured or have no insurance at all, and they will turn to the Federal Government for disaster assistance.

Prior to the inception of the National Flood Insurance Program, that is exactly what happened year after year after year. After severe flooding in the 1950s, Congress established the National Flood Insurance Program because there was no private flood insurance and the lack of coverage resulted in significant Federal disaster aid payments.

The flood program was designed to provide insurance while requiring safer development so people were better protected from nature's wrath. And while we are now looking at a significant debt, I want to underscore the fact that the flood program has historically been self-sustaining, paying claims, for the most part, through premiums.

Hurricane Katrina, and the storms that followed, devastated the entire gulf region and produced flooding unlike any other storm in our lifetime. Millions of people were driven from their homes and over 1,800 people were killed.

There was no mechanism in the Federal flood program to pay for the losses of the magnitude experienced in the 2005 storms, so it borrowed funds from the U.S. Treasury to meet those obligations and ensure that families in Louisiana, Mississippi, Texas, Florida, and Alabama could rebuild.

We are now faced with a choice, to forgive the debt so that flood insurance continues to be available to home and business owners throughout the country or substantially raise premiums on all policyholders, an action which would hurt the very people who are trying desperately to rebuild their lives after these hurricanes. The bill before us makes what I believe is the right choice.

The second reason this bill is necessary is that it establishes fiscally responsible policies to ensure that flood insurance will continue to be available, while reducing the likelihood that taxpayers would be on the hook for those flood losses. This bill strengthens flood insurance so the next time a hurricane hits, whether it be in Mississippi, Florida, Texas, Alabama, Connecticut, or any other State that borders on our coasts, flood claims can be paid without relying on taxpayer funds across the country.

It does this by requiring flood insurance in additional at-risk areas, moving the program toward actuarial soundness and requires the program to build up reserves to pay for losses. These changes will help guarantee additional premium income while maintaining affordability for most homeowners.

As I also indicated, this bill contains environmentally sound flood policies. These reforms, especially to the flood mapping program, will allow communities, homes, and business owners throughout the country to accurately assess their flood risk and will encourage responsible and environmentally friendly development decisions.

Communities cannot make decisions to protect fragile areas along our coasts and riverbeds if maps are not accurate and risks are unknown. The

mapping provisions contained in this bill ensure that flood maps will be accurate, up to date, and readily available. No longer should communities and homes and business owners have to rely on outdated and inaccurate information.

Senator REED of Rhode Island is to be commended for his work on the mapping provisions of this bill that are critical to the flood insurance program.

This is a strong and needed bill which will extend the flood insurance program for 5 additional years, put it in a financial position to be able to continue to make flood insurance available to the millions of families at risk throughout our Nation, while at the same time reducing the risk of taxpayer assistance.

I want to take a moment to let my colleagues know of the range of support for this bill. This is a very diverse and somewhat unique coalition of organizations that has come out in support of this piece of legislation. These organizations, I believe, are worth mentioning because of their diversity.

We have the support of the following: The Consumer Federation of America, the American Insurance Association, the Council for Citizens Against Government Waste, the Competitive Enterprise Institute, the Defenders of Wildlife, the Environmental Defense Fund, the Financial Services Roundtable, Freedom Works, Friends of the Earth, the National Association of Mutual Insurance Companies, the National Wildlife Federation, the Property Casualty Insurers of America, the Reinsurance Association of America, and Taxpayers for Common Sense.

That is not normally a coalition you put together around a piece of legislation, covering the financial services industry as well as environmental groups and consumer groups as well.

I commend all of them for working with us, going through the long process of developing this bill in the way we figure comprehensively deals with this issue. I realize these groups are not normally united in the support of a single piece of legislation, but they have all come out in favor of a reasonable, balanced approach that we have taken to the flood insurance program.

As I said earlier, the substitute amendment we will be offering also establishes a Commission on Natural Catastrophe Risk Management and Insurance. There has been a good deal of discussion about adding wind and other risks to the flood insurance program. These are arguments hard to answer because there is a very strong and legitimate claim to be made.

However, it was the judgment of the Banking Committee that while these ideas have merit—and I strongly indicate and support that—they deserve further study so we can understand the implications of what a major shift would be in this program and how the natural catastrophes are insured.

To that end, the committee unanimously passed legislation to establish a blue ribbon commission that would in very short order examine the availability and affordability of natural catastrophe insurance and make recommendations posthaste to the Congress and to the administration on whether, how, and to what extent additional Federal action in this area would be appropriate. Until we have that information, I honestly could not stand before my colleagues and give them any idea of the magnitude of the cost of this program. We would literally be in the dark entirely if we tried to expand it. That is not to suggest there is not legitimacy to the request. But we ought to deal with it in as thoughtful a manner as we can so we are not here again next year or the year after, once again forgiving debt, trying to come up with another program to deal with the result of a massive infusion of taxpayers' dollars to deal with disasters with which people are coping. To that end the committee unanimously passed the legislation to establish this commission.

What is clear is that millions of Americans, some of whom were devastated by hurricanes, have seen increased premiums and constrained availability of insurance. We are all committed to doing everything we can to ensure that people at risk are able to insure their homes and businesses. We believe this commission will provide the information we need to undertake that effort in a sensible and effective way.

I thank Senator SHELBY and his staff who worked so closely with us on this bill. Senator SHELBY has been a very strong advocate of flood insurance. Under his leadership and chairmanship of the committee, the Banking Committee passed a similar bill in the last Congress. I also thank Senators REED of Rhode Island, BUNNING, and CARPER for their work on the legislation, particularly on the flood insurance portion. The status quo on flood insurance is not an option. Families in every State rely on flood insurance to rebuild when they are flooded out. The national flood insurance program must be reformed and strengthened. I urge my colleagues to support this legislation so that our constituents can continue to rely on a strong and stable national flood insurance program.

I urge colleagues who have amendments and ideas to offer to this legislation to please let us know of these ideas immediately so we can consider them and put them in a proper order for consideration when we resume consideration of the legislation tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise in support of the managers' amendment. It is a bill that combines the Flood Insurance Reform Act of 2008 with the Catastrophic Commission Act of 2008 that Senator DODD has just outlined. Senator DODD and I worked very closely to develop this important legislation in the Banking Committee, which the Senate Banking Committee, by the way, unanimously passed last year.

The legislation places the national flood insurance program on a stronger financial footing because it requires those living and working in areas vulnerable to flooding to assume more of the financial risk, as it should be. The bill also addresses many other structural and fiscal weaknesses in the program itself.

In addition, the managers' amendment creates a commission to study the current market for catastrophic insurance. The results of this commission should provide Congress with a factual basis for future legislative action, if we deem it necessary.

To fully appreciate the need for significant reform of the national flood insurance program, we must first consider the program's history. The flood insurance program was established in the Congress in 1968 to provide policyholders with some insurance for flood-related damage. The intent of the program was to generate enough revenue through premium dollars to prevent taxpayers from paying for flood-related losses during an average flood loss year. At the inception of this program, Congress included explicit subsidies for business properties and homes known as preflood insurance rate map or pre-FIRM structures. It was determined that it was not fair for the owners of such structures immediately to pay actuarial prices because they received no notice regarding the new mandatory purchase rules.

That said, it was also believed that many, if not all, of the pre-FIRM structures would quickly become ineligible for the subsidies. For this reason, Congress never included a subsidy elimination mechanism. This oversight has had significant financial consequences for the current flood insurance program.

More than 40 years later, a large number of these properties still receive explicit subsidies. Many of these properties have made the greatest claims on the program after suffering repetitive losses. In fact, the Congressional Budget Office has valued the explicit subsidy for grandfathered homes at $1.3 billion per year. There are other key factors beyond the poorly designed financial structure of the program that need to be addressed. For example, the size of the program has expanded exponentially since its inception. In 1978, 10 years after the program started, the program had 1.4 million policyholders and $50 billion in risk exposure. Today there are more than 5 million policyholders and over $1 trillion in risk exposure.

Finally, the maps used to determine the rates for the program are largely out of date just about everywhere. Antiquated maps do not represent accurately the risk that covered structures face.

Without up-to-date maps and, hence, an accurate risk assessment, price is

simply reduced to guesswork. Often these guesses have been too low, and the taxpayers have been forced to make up the difference, oftentimes to very wealthy people. This program currently generates $3 billion in premiums, spends roughly $1 billion on administration, and has a liability exposure of more than $1 trillion. Let me repeat that. The program has a liability exposure of more than $1 trillion. In fact, the financial deficiencies of the program are so great that the Government Accountability Office placed it on a list of high-risk programs because it does not generate enough money to cover its liabilities.

Furthermore, Robert Hunter, who is recognized as one of the key individuals in getting the program started, has stated:

> The integrity of the program [must be] restored . . . [or] consideration must be given to ending this . . . hopelessly administered program.

Mr. Hunter was with the Consumer Federation of America for many years. Mr. Hunter's prescription for restoring the program's integrity is requiring greater mitigation efforts and moving toward actuarial soundness. This is what we have attempted to do today.

I recognize that reforming the flood insurance program presents the Congress with difficult choices. We could end the program, we could dramatically increase fees on program beneficiaries, or we could do nothing. Each of those choices would be unacceptable. That is why Senator DODD and I have crafted a bill that addresses what we believe are the most significant financial weaknesses of the program without dismantling its core features. We struck a realistic balance between the needs of the program's beneficiaries and the taxpayers on the hook for the program's shortfalls.

The legislation before us strengthens the program by immediately eliminating subsidies on vacation homes, businesses, and severe repetitive-loss properties. It then paves the way for eliminating all subsidies in the future. It proceeds in such a way, however, that recognizes immediate elimination of all subsidies is not prudent because flood maps will not be updated for some time.

To address the mapping deficiencies, the bill creates stringent standards that the program must use to complete the map modernization process. Once we have the most accurate and up-to-date flood mapping possible, homeowners will better understand and mitigate their risks.

The program will also transition to more accurate pricing. In addition to eliminating subsidies, the bill requires State-chartered lending institutions to maintain flood insurance coverage for all mortgages located within the 100-year flood plain. It increases enforcement tools available to bank regulators at both the Federal and State levels by requiring escrow of flood insurance premiums throughout the life of the mortgage. The civil monetary penalties that regulators may levy against lenders for failure to comply are also increased. The bill creates a mandatory reserve fund to cover the cost of unusual events. This provision is intended to limit future reliance on the American taxpayer. The bill requires a rulemaking to ensure that the ''write your own'' carriers are being reimbursed solely for their expenses.

Finally, the legislation creates a commission that Senator DODD outlined earlier to study the effects of natural disasters on our insurance system. The commission must report its findings within 9 months.

Some have suggested that we should add wind insurance coverage to the already bankrupt Federal flood insurance program. I remind my colleagues of certain facts: The Insurance Information Institute estimates that by adding wind as a covered peril, the program will take on an additional $14 to $19 trillion worth of risk exposure. In addition, a Towers-Perrin report indicates that adding wind coverage to the flood program could lead to an additional annual program deficit as high as $1 billion.

Both of these studies point out exactly why we should have a complete understanding of all of the facts before we even contemplate expanding the Federal Government's role as an insurance provider.

Before I conclude, I will take a moment to recognize Senator BUNNING for all of his efforts to reform this program for the past several years. As Senator DODD did, I also recognize Senator JACK REED of Rhode Island and his staff for their efforts to create accurate and up-to-date flood maps which are essential for this program in the future. Lastly, I thank my colleague, Senator DODD, chairman of the committee, and his staff for their efforts in crafting this bipartisan legislation.

I repeat something I said earlier: Reform of the program involves tough choices. We must make these tough choices, however, if this program is going to survive. For the good of the program beneficiaries and the taxpayer, I urge my colleagues to support this legislation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WICKER. 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. WICKER. Madam President, this week the Senate will consider the reauthorization of the National Flood Insurance Program. Today, I have filed an amendment to this reauthorization legislation which is of critical need, not only to the gulf coast but to the entire country. My amendment would add a multiple peril insurance provision to create a new option in the National Flood Insurance Program of offering coverage of both wind and flood risk in one policy.

The proposal would require premiums for this new coverage to be risk-based and actuarially sound, so that the program would be required to pay for itself. Indeed, the Congressional Budget Office has estimated that the multiple peril program:

> . . . would increase premium receipts and additional claims payments by about the same amount—resulting in no significant net budgetary impact.

By covering wind and flood risk in one policy, the multiple peril option would allow coastal homeowners to buy insurance and know that hurricane damage would be covered regardless of whether that damage is caused by wind or water.

It has been just over 2½ years since Hurricane Katrina hit the gulf coast with its 30-foot storm surge and winds over 125 miles an hour. Katrina was the most devastating natural disaster ever to hit North America.

The people of Mississippi and Louisiana have made great progress in rebuilding the communities along the gulf coast. Everyone knows the Federal Government's response was not perfect, but the Government and this Congress have done a lot to help to rebuild communities, homes, businesses, and lives along the gulf coast.

As much as the Government and this Congress have done, there is still more work to be done. There are still too many destroyed homes left uninhabited, too many slabs of concrete that represent all that is left of what used to be homes and businesses. A major contributing factor to this problem is the cost and availability of insurance. Since the day I became a Member of this body, the cost of insurance has become an issue I continually hear about. As I stated in my maiden speech, if you can't insure it, you can't build it or finance it. It is that simple. The problem is harming the efforts of small businesses to rebuild and grow and succeed, and it is driving rental rates beyond affordability. It is increasing the cost of home ownership and, in many cases, making it impossible for people who lost their homes to Katrina to rebuild.

Congress needs to act to find a workable solution to this problem, and the National Flood Insurance Program reauthorization gives us an opportunity to do so. I say this not only for the good of the people of Mississippi and Louisiana but also for every single American taxpayer and for every person who lives along the American coastline.

This is not just an issue for the gulf coast. From Bar Harbor, ME, to Brownsville, TX, millions of Americans live on a coastline in the path of future hurricanes. As the Biloxi Sun Herald noted this week in an editorial in support of my amendment:

More than half of the Nation's population lives within 50 miles of a coastline, and 50 miles is well within harm's way when a major storm makes landfall.

We have not always had a national flood insurance program. In 1968, Congress was forced to act to address the problems associated with flooding from hurricanes. Now the same problem that led to the National Flood Insurance Program is happening with wind. As it did in the past, Congress needs to act to address the problem. The National Flood Insurance Program was created because insurance companies quit offering coverage for flood damage caused by hurricanes. With competing wind and flood policies, the same has happened to wind insurance in these same areas.

Wind versus water—that is the debate which still occurs today in courtrooms on the Mississippi gulf coast between insurance companies and storm victims. It is a debate that necessitated the multibillion-dollar supplemental appropriations package this body approved after Katrina. Unless Congress changes the law, the wind versus water debate will result in a multibillion-dollar supplemental appropriations package after the next big hurricane wherever in the United States it may land. This is driving more and more homeowners and business owners into a State-sponsored wind pool, which is required to provide coverage. But this is not a reasonable long-term solution because too much risk is being placed in too small of a pool. What was initially conceived to be the last resort has now become the only resort for many Mississippians living along the gulf coast. The reality is that State wind pools, especially in my home State of Mississippi, are unable to spread the risk to balance the claims.

As the Government Accountability Office has pointed out, these competing wind and flood policies provide a conflict of interest in determining who is responsible to pay these claims. The flood insurance companies say it was wind. The wind insurance companies say just the opposite. Because of this, my constituents on the gulf coast are paying thousands of dollars to the State wind pool. That doesn't count flood insurance or homeowners insurance on top of that.

The picture I am painting here is quite clear: The unaffordability of insurance is driving people from their homes.

Some of my colleagues may point out that every homeowner can purchase wind insurance. I would argue that, as a practical matter, they cannot. As I mentioned before, this is not just a Mississippi problem, nor is it just a gulf coast problem. For instance, in Massachusetts, since 2003, 10 insurance companies have dropped homeowner coverage in the Cape Cod coastal area. This affects approximately 44,000 homeowners in Massachusetts. The Massachusetts State insurance backstop is now insuring 44 percent of the market.

I hope my colleagues from the following States, in addition to Mississippi and Louisiana and Massachusetts, will pay attention to this debate. States such as New York, Maryland, Virginia, South Carolina, Florida, Alabama, and Texas have all experienced the same problem. In North Carolina, for example, the State insurance plan known as the ''BEACH Plan'' saw its liability increase over 260 percent in just 4 years. I assure you, I would prefer that the private market write these policies, but this simply is not happening. Every day, more and more liability is being thrust upon the shoulders of the States.

To help address this problem, the best solution available is to allow homeowners to purchase wind and flood insurance coverage in the same policy. This would spread the risk outside of defined State borders and would ensure available, affordable, and total insurance for coastal homeowners. That is exactly what my multiple peril insurance amendment does.

Multiple peril insurance will allow property owners to buy both wind and flood coverage from the National Flood Insurance Program. Residential coverage would be $500,000 for structures and $150,000 for contents and the loss of use. For nonresidential, it would be $1 million for structures and $750,000 for contents and business interruption.

Under this amendment, property owners would be able to buy insurance and know in advance that hurricane damage would be covered without disputes over the cause of damage. No longer would home and business owners have to go to court to try to prove it was either wind or it was water that destroyed their property.

The premiums for this new single coverage would be risk-based and actuarially sound, according to the terms of my legislation. The CBO has agreed that the program will, over the long run, pay for itself.

Windstorm insurance would be available under my amendment only where local governments adopt and enforce the international building code or equivalent building standards. This Federal multiple peril program will spread risk geographically to form a stable insurance pool, compared to State pools that cover only a small area.

Again, I state this issue doesn't just impact the gulf coast. It impacts most directly the 55 percent of our country's population that lives within 50 miles of a hurricane-prone coastline.

Beyond that, however, this is a good-government issue that affects every single taxpayer. Multiple peril coverage would also protect the taxpayers by saving them from having to pay for another giant emergency relief package the next time a hurricane hits. It is not a question of if but when it happens and, I might add, where it happens again.

With the legislation before us, the reauthorization of the National Flood Insurance Program, we have been provided an opportunity to take action to begin to correct this inequality. I believe my multiple peril amendment is a good start.

I realize there are several philosophies about solving the coastal insurance crisis, and I am not wedded to any single approach. I would simply point out that this amendment has already been adopted by the House of Representatives in an amendment offered by my friend and former colleague, Representative Gene Taylor of Mississippi. What I am committed to is providing my constituents relief before the next hurricane hits. I do not believe Congress should take over the entire private market of all insurance. I believe in free market principles, and I believe Congress should look seriously at the State-by-State rate regulatory structure that forces insurers to set their rates on the basis of geographical boundaries within individual States in which they are admitted to do business. I believe Congress should consider other thoughtful proposals such as the one being advanced by the St. Paul Travelers Insurance Company, which would allow limited rate regulation relief for the purpose of creation of a coastal band. This is simply one of a number of good ideas that deserve consideration. But the status quo does not work, and that is what we have an opportunity to correct this week.

Some of my colleagues will argue against my amendment for a number of what they see as problems. Very seldom is legislation error-free or exactly correct at the outset, and my amendment is no different. We should not, however, let the perfect be the enemy of the good.

I ask my colleagues to remember all of the places along the coast of North America and perhaps invite them again to visit Hancock County, in my State of Mississippi, ground zero, where Katrina made landfall, and see for themselves why action is needed now and why we should not miss this opportunity on the reauthorization of the National Flood Insurance Program.

This amendment is badly needed. At the appropriate time during consideration of amendments, I will urge my colleagues to adopt the amendment.

Madam President, I yield the floor.

Mr. COCHRAN. Madam President, I am pleased to support the amendment offered by my colleague from Mississippi. The amendment of Senator WICKER will benefit not only constituents in Mississippi but anyone who lives in the path of future hurricanes.

Two-and-a-half years ago, the most devastating natural disaster in the history of our country, Hurricane Katrina, made landfall on the Mississippi, Louisiana, and Alabama coasts. The devastation that was caused was indescribable.

The people of our State have made significant and impressive progress toward recovery since that fateful day, August 29, 2005, but there is still much

work to be done. There are far too many vacant lots and empty slabs that remain around our gulf coast for our recovery to be considered complete.

Mississippians are appreciative of the assistance the Federal Government has provided to aid in their recovery from Hurricane Katrina. However, a significant additional opportunity to assist that recovery will have been lost if the issue of affordable wind insurance is not addressed.

One of the most significant impediments to the recovery of the Mississippi gulf coast is the availability of affordable homeowners insurance. There are many coastal residents who simply cannot afford to insure their homes, and homes cannot be rebuilt until they have secured insurance.

One of the most expensive components of these homeowners insurance premiums is coverage for damage caused by wind.

Most coastal Mississippians are currently being forced to buy their wind coverage from the State-run wind pool. This wind pool is necessary because the private insurance industry has largely discontinued selling wind policies in these coastal communities.

So a program that was designed as an insurer of last resort has become the only available option. Those who are able to buy coverage from this State wind pool have found their premiums increased dramatically over the last 2 years.

Unfortunately, this is a shortsighted solution. There is simply too much risk, in too small of a pool, concentrated into a small geographic area. This is not a problem that is unique to Mississippi. Most State wind pools face the same problem of not being able to spread the risk wide enough to avoid an overwhelming loss in the event of a significant hurricane.

I wish to be clear. This is not only an amendment for those who were impacted by Hurricane Katrina. This amendment would benefit millions of Americans who live on our vast coastlines and face the potential of a future catastrophic hurricane.

This amendment would allow homeowners to buy insurance and know in advance of the storm that they will be covered without a prolonged dispute over whether the damage was caused by wind or water.

This wind coverage will be available only where local governments enforce strict building standards to minimize future loss. The premiums for this coverage would be actuarially sound and would not expose the Federal Government to undue financial risk.

A great deal of thought has gone into my recommendation of this amendment. I urge a vote in support of the amendment. If private insurers or the State-run wind pools could adequately address this problem, then I would not as vigorously advocate the Federal Government expanding its role in the business of insurance.

But Senator WICKER's amendment provides the best available solution for this very serious problem.

As the 2008 hurricane season approaches, I believe we should not miss this opportunity to address this growing problem. The Wicker amendment provides us with the best opportunity to make certain affordable wind insurance is available for those living near our coastlines.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SALAZAR.) The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CASEY pertaining to the introduction of S. 2980 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. CASEY. 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. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

Mr. REID. Mr. President, I have been very patient today. I so wanted to come to the floor, after the FAA bill was destroyed, wiped out by the Republicans not letting us go to that legislation, one of the most important pieces of legislation we could deal with. The reason I had to calm myself down, I listened to a number of Republican Senators say: Well, if we could have offered amendments. I did everything I could to allow people to offer amendments: Agree to a list of amendments; could we see your amendment; we will take down the tree; we will do anything you want; offer amendments.

Finally, I spoke to one of the Republican leaders. I said: It is obvious the only reason you are not supporting this is because of the New York money, the final installment of the $20 billion promised the city of New York, the State of New York, by the President of the United States, George Bush. I said: It is in the President's budget.

One of the Republican leaders said: We still oppose it.

Then, if that were not enough, we now come to an important piece of legislation, flood insurance. This is a result of what happened in Katrina and the other devastating floods we have had in this country in recent years. Insurance companies have gone broke. Individual companies have gone broke. Individual homeowners have suffered significantly. So after months of working on this piece of legislation on a bipartisan basis—Senators DODD and SHELBY are the ones who worked to get the bill here—we bring the bill to the floor. We file cloture on a motion to proceed so we can start offering amendments. It passes 90 to 1. We have been waiting since 3 o'clock today to start legislating. People are waiting to offer amendments. I can't imagine how the Republicans can sleep at night, stopping this country from legislating on most important issues. They act as if it is not important. So in the morning I am going to come here, and we are going to ask consent if we can start legislating on this bill, or do we have to wait until 9 o'clock tomorrow night until the 30 hours runs out before we can start legislating on flood insurance. We are going to finish flood insurance this week. If we have to work Thursday night, Friday, Saturday, and Sunday, we are going to finish this bill.

People will have an opportunity to offer amendments. Maybe they can't start offering amendments until 9 o'clock tomorrow night, but if that is the case, then we are going to start working at 9 o'clock tomorrow night so people can offer their amendments, because tomorrow is Wednesday. We wasted all day today not being able to offer amendments. I am told there are only a couple amendments people want to offer—three or four. It is an issue of whether this legislation should include also wind. That is an issue we can debate and vote on. But we are going to make a decision sometime tomorrow as to when we file cloture, whether we do it Thursday and have a Saturday cloture vote, do it tomorrow and have a Friday cloture vote. We are going to finish this bill this week.

We have so much to do. We have the farm conference coming. We have the consumer product safety conference coming. We have to do the budget. We have the supplemental appropriations bill and a number of other measures we have to do.

I hope we can start moving to allow people to offer amendments. It seems not a very good legislative process dictated by the minority, the Republicans, when you pass something 90 to 1, and they still hold it up.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

FIRST LIEUTENANT MATTHEW R. VANDERGRIFT

Mr. SALAZAR. Mr. President, I rise today to honor the service and sacrifice of Marine 1Lt Matthew Vandergrift, of Littleton, CO. Lieutenant Vandergrift was assigned to 2nd Battalion, 10th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force, out of Camp Lajeune, NC. He was recently killed in Basra, Iraq, by a bomb that exploded near his humvee. He was 28 years old.

Those who knew Matthew Vandergrift describe him as a true patriot, committed to his country, his family, his friends, and to helping those around him. He was full of energy and laughter, and was always looking for the next adventure.

Matthew grew up in Austin, TX, and attended Texas A&M University, where he graduated with honors in 2005. He was a member of the Corps of Cadets and Naval ROTC at Texas A&M, majored in international business, and had a 4.0 grade point average.

When he became a marine in 2005, Matthew joined a proud family tradition of military service. His father was a major in the Marine Corps, his younger brother Barrett is an Air Force helicopter pilot, and his great uncle was GEN Alexander Vandergrift, a World War II Medal of Honor recipient and the 18th Commandant of the U.S. Marine Corps.

When he was killed, Lieutenant Vandergrift was in the middle of a year-long deployment that began last August. Tasked with helping train Iraqi security forces, his team of four marines lived and patrolled together with 50 Iraqis. They were performing sweeps in Basra in an attempt to calm violence, root out pockets of insurgents, and stand up an Iraqi unit that could take charge of the security responsibilities in the area. It was a dangerous mission in one of the most dangerous places in Iraq. But it was also a vital mission, and one that demanded the smarts, courage, and character for which Lieutenant Vandegrift was known.

Each of our men and women in uniform is a patriot—they stand up at the call of their country and assume the task of service. But Matthew Vandergrift was also a patriot in a broader sense. Frances Wright, one of America's most famous lecturers, reminds us that patriotism is not simply one's love and dedication to country. Patriotism, she observes, is a virtue that characterizes an individual's commitment to the public good, to the preference of the interests of the many to the interests of the few, and to the love of liberty. ''A patriot,'' she told an Indiana crowd on July 4, 1828, ''is a useful member of society, capable of enlarging all minds and bettering all hearts with which he comes in contact; a useful member of the human family, capable of establishing fundamental principles and of merging his own interests, those of his associates, and those of his nation in the interests of the human race.''

We cannot count the hearts that Lieutenant Vandergrift touched nor the lives he bettered—that knowledge rests in the memories of those who knew him and served with him—but we may hope to emulate his model of patriotism. It is no easy task. It is rare that a man puts himself on the line for his country and for those with whom he served with such courage, with such heart, and with such a smile, as Matthew.

Lieutenant Matthew Vandergrift's stature in life is matched only by the depth of his sacrifice—and the void he leaves behind. To Matthew's family, I know no words that can ease the pain of losing a son or a brother. I hope that in time you will find consolation in the pride you must feel for Matthew's service and for the joy he brought to all who knew him. He was a patriot and a hero. His country will always honor his sacrifice.

CELEBRATING NATIONAL SALVATION ARMY WEEK

Mr. LUGAR. Mr. President, I wish to share my enthusiasm for a celebration that is soon to take place across America, National Salvation Army Week. The Salvation Army has been serving and enriching American communities for over 125 years. Since 1954, when President Eisenhower declared the first National Salvation Army Week, local units and State divisions have used this time to celebrate the charitable work they have accomplished and call attention to forthcoming projects. It is a time of heightened activism for the organization and its members. But this week is also an opportunity, a chance for us to thank the corps' members for the wonderful gifts of servanthood and volunteerism they have shown.

I recognize the many lives the Salvation Army has touched through its important work, and I am deeply thankful for the men and women who offer their time and energy in realization of its cause.

Furthermore, I am especially pleased to note that several Indiana communities will be host to their own festivities in honor of this occasion.

In Chesterton, IN, a public concert will be held on Saturday, May 17, with a performance by the Chicago Brass Band. In Bloomington, interested parties will be able to partake in ''Donut Day'' on May 13 and a family Block Party on May 15. Columbus, IN, will fly the Salvation Army flag over its city hall for the entire week. Indianapolis will witness a ''Ramp to Camp'' fundraiser organized to send at-risk youth to summer camps. Fort Wayne-based Salvation Army volunteers will hold a Thank-a-Thon. New Albany, IN, will be the site of several open house events. The list continues; these are just a few of the many noteworthy events that I am confident will be a time of joy and fellowship for participants.

I hope you will join me in extending best wishes and fine weather upon all those involved in this year's National Salvation Army Week, May 11 to 17.

AGRICULTURAL TEMPORARY WORKERS

Mr. BARRASSO. Mr. President, every spring season brings many demands on the time of farmers and ranchers in my home State of Wyoming.

They are busy tending to their livestock, newly born calves and lambs, and planting their crops. Many of them rely on the H–2A program to find seasonal and temporary skilled workers to assist them in their time-honored work.

This program is vital to Wyoming's agricultural industry. That is why I joined my friend Senator ENZI in asking the Department of Labor to extend the public comment period on its proposed rule changes to the program.

Many Wyoming employers have not had an opportunity to fully review the proposed changes. I recognize that improvement in the program is needed. We must improve its efficiency for both workers and employers.

Recently, there was a very thoughtful editorial which was printed in the Wyoming Livestock Roundup on April 12.

The editorial was written by Bryce Reece. Bryce is the executive vice-president of the Wyoming Woolgrowers Association and I believe he does a terrific job of summing up the feelings of all Wyoming farmers and ranchers.

I recommend it to my colleagues and ask that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMENT QUICKLY ON IMMIGRATION REFORM

(By Bryce Reece)

Apparently frustrated with Congress and its lack of action regarding our immigration laws, the Bush administration has decided to reform some aspects of our system administratively.

On Feb. 13 the Department of Labor (DOL) issued a 47-page proposal to amend regulations regarding nonimmigrant workers employed in temporary or seasonal agricultural jobs. Contractual enforcement of nonimmigrant workers and employer responsibilities are also addressed. These proposed changes would supposedly ''re-engineer'' the process by which employers may obtain temporary labor certification from the DOL for use in petitioning the Department of Homeland Security (DHS) to employ a nonimmigrant worker in H–2A (agricultural temporary worker) status.

Workers from outside the U.S. are not only vital to Wyoming and the nation's sheep industry, but are becoming increasingly important to all of Wyoming's livestock industry. As importantly, they are vital to all of U.S. agriculture. As the DOL noted in its proposal, ''Data from the National Agricultural Worker Survey (NAWS) . . . shows that in 2006, 19 percent of all agricultural workers were first-time U.S. farm workers.'' Among the new workers, 85 percent were foreign-born and 15 percent were U.S. citizens. A new worker is defined as anyone with less than a year's experience.

Legally bringing in workers from outside of the United States is a laborious, tedious, time-consuming and expensive proposition. This statement has become increasingly true since 9/11. Increased and heightened security has made the process a bureaucratic and administrative maze, one that many employers are on the verge of abandoning. Faced with the increased difficulty of compliance, smothering and draining regulations and a seemingly endless parade of federal bureaucrats throwing up roadblocks, it's hard for people in the countryside trying to run a business and do things right.

A lack of U.S. workers interested in or seeking employment in agriculture has compounded the problem. While those in agriculture have seemed to be ''crying in the wilderness'' about this worker shortage, some have been listening. Senator Diane Feinstein (D–Calif.) recently highlighted the unique labor needs of agriculture and the importance of foreign labor in a September 2006 floor statement: ''We have one million people who usually work in agriculture. I must tell you they are dominantly undocumented. Senator Craig pointed out the reason they are undocumented is because American workers will not do the jobs. When I started this I did not believe it, so we called all the welfare departments of the major agriculture counties in California and asked—can you provide agricultural workers? Not one worker came from the people who were on welfare who were willing to do this kind of work.''

The program, which is most commonly used in Wyoming for bringing in foreign workers, is called the ''H–2A Program.'' The H–2A worker visa program provides a means for U.S. agricultural employers to hire foreign workers on a temporary basis. They fill a labor niche that cannot be met in the U.S. The H–2A program is vital to the western sheep industry; and, it is the H–2A program that has become a nightmare for agricultural producers looking to bring foreign workers to the U.S. legally. It is the H–2A program that the DOL is proposing to modify and ''fix.''

Senator Larry Craig (R–Idaho) summarized the problem this way: ''[T]his economic sector, more than any other, has become dependent for its existence on the labor of immigrants who are here without legal documentation. The only program currently in place to respond to a lack of legal domestic agricultural workers, the H–2A guest worker program, is profoundly broken. Outside of H–2A, farm employers have no effective, reliable assurance that their employees are legal. We all want and need a stable, predictable, legal workforce in American agriculture. Willing American workers deserve a system that puts them first in line for available jobs with fair market wages. All workers should receive decent treatment and protection of fundamental legal rights. Consumers deserve a safe, stable, domestic food supply. American citizens and taxpayers deserve secure borders and a government that works. Last year, we saw millions of dollars' worth of produce rot in the fields for lack of workers. We are beginning to hear talk of farms moving out of the country, moving to the foreign workforce. All Americans face the danger of losing more and more of our safe, domestic food supply to imports. Time is running out for American agriculture, farm workers, and consumers. What was a problem years ago is a crisis today and will be a catastrophe if we do not act immediately.''

In the proposal out for comment, DOL claims its purpose in re-engineering the H–2A program and the resulting outcomes will be:

Simplify the process by which employers obtain a labor certification.

Increase employer accountability to further protect against violations of program and worker standards.

Efficiencies in program administration that will significantly encourage increased program participation, resulting in an increased legal farm worker labor.

U.S. workers will be better protected from adverse effects when they are competing with workers who are legally present in the U.S. and who are subject to all of the requirements of the H2–A program.

Institute a new auditing process to verify that employers have, in fact, met their responsibilities under the H2–A program.

Alter the current H2–A housing inspection procedures.

The devil is always in the details, however, and we have identified several areas within the proposed changes where more harm than good could occur. Several agricultural groups have joined forces to analyze and prepare comments on these proposed changes.

The WWGA is asking all agriculture supporters and particularly employers who currently, or may in the future, utilize the H–2A program, to comment. Comments can be submitted electronically, which is the quickest and least expensive method.

For those wishing to secure a copy of the proposed changes, they can be found at http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=ETA-2008-0001 (click on one of the icons in the first row under ''views'').

With comments due on a very short timeline, April 14, we have posted helpful information including sample comments on our website at www.wyowool.org. Diane Carpenter in our office and I would also be glad to answer questions from those submitting comments on this tremendously important effort.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

Mrs. BOXER. Mr. President, please join me as we celebrate Asian Pacific American Heritage Month this May.

Asian Pacific American Heritage Month was originally established as Asian Pacific American Heritage Week in 1977 by a congressional resolution. In 1992, Congress expanded the week into a month to recognize the countless contributions that Asian Pacific Islander Americans have made to our country.

The month of May is significant to the Asian and Pacific Islander American, APIA, community because it coincides with two important milestones in APIA history: the arrival of the first Japanese immigrants to the U.S., in May of 1843, and the contributions of Chinese workers toward building the transcontinental railroad, which was completed in May of 1869.

The APIA community is one of the fastest growing populations in the United States. With nearly 15 million residents and growing, APIAs contribute greatly to every aspect of life in America, just as they have throughout our history.

This year's Asian Pacific American Heritage Month theme is ''Leadership, Diversity, Harmony—Gateway to Success.'' As the Senator from California, which has 5 million APIA residents, I am working hard to address the many issues of importance to the APIA community, such as human rights, immigration reform, education, and health care.

As the chair of the Senate Foreign Relations Subcommittee on East Asian and Pacific Affairs, I have been working on issues such as peace and stability in East Asia and the Pacific, human rights issues, environmental protection, and the economy.

I hope you visit my Asian Pacific American Heritage Month web feature to learn more about how the APIA community has shaped our Nation's history. I hope that you will find this information useful and that you will celebrate the rich diversity that is America's greatest strength.

ADDITIONAL STATEMENTS

CELEBRATING SAN FRANCISCO GIANTS BASEBALL

• Mrs. BOXER. Mr. President, I take this opportunity to recognize the 50th anniversary of the San Francisco Giants in San Francisco, CA.

After relocating from New York to San Francisco, San Francisco Giants pitcher Ruben Gomez threw the historic first pitch from the mound at Seals Stadium in San Francisco on April 15, 1958 and 23,448 enthusiastic fans watched the Giants defeat the Brooklyn Dodgers 8–0 on that special day 50 years ago. San Francisco was now home to a part of our national pastime.

After two seasons at Seals Stadium, the Giants moved to Candlestick Park in 1960. Home to the Giants for 40 seasons, Candlestick Park is located on the San Francisco Bay and carried the reputation for being one of the coldest, windiest, and foggiest ball parks in all the country. Despite these less than favorable playing conditions, Candlestick Park stood strong on one of the most frightening days in San Francisco history: October 17, 1989. Candlestick Park was packed with 62,000 fans before Game 3 of the 1989 Bay Bridge Series between the San Francisco Giants and the Oakland Athletics, when the 7.1 Loma Prieta earthquake struck. Thankfully, Candlestick Park withstood the trembler and no one in attendance was injured.

In 2000, the Giants left Candlestick Park and relocated to the brand new Pacific Bell Park in downtown San Francisco. Now known as AT&T Park, the classically designed ballpark offers picturesque views of the city and bay. Today, the home of the San Francisco Giants is widely regarded as one of America's most beautiful stadiums.

In their first 50 years in San Francisco, the Giants have been a model of excellence on the field. In addition to capturing three National League pennants, several members of the National Baseball Hall of Fame have donned the trademark orange and black colors of the Giants: Willie Mays, Juan Marichal, Orlando Cepeda, Gaylord Perry and Willie McCovey. The San Francisco Giants have been a great source of entertainment and pride to their legion of loyal fans over the past half century.

In addition to their achievements on the field, the San Francisco Giants baseball club is also committed to serving their community through a variety of community service programs. From the Giants Community Fund,

which supports summer baseball leagues for low-income children throughout northern California, to the ''Read to Win'' program which encourages children to keep reading throughout the summer months, the San Francisco Giants baseball club is actively assisting baseball fans and their families throughout northern California.

I congratulate the San Francisco Giants on their many accomplishments over the past 50 years in San Francisco. I send my best wishes for their next 50 years.●

IN HONOR OF DOVER AIR FORCE BASE

● Mr. CARPER. Mr. President, today I congratulate Dover Air Force Base and all the men and women who serve there for winning the Commander In Chief's Installation Excellence Award for 2008.

This prestigious award honors military installations for their outstanding service and dedication, and exemplary support of their missions. In the 23 years that this award has been given, Dover Air Force Base is the first Air Mobility Command to ever win this award.

This is a great honor not only for Dover Air Force Base, but for all of us in Delaware who are enormously proud of the base and all the dedicated men and women who serve there.

This highly coveted award recognizes the excellent working, living and recreational facilities for those men, women and families stationed at the base.

For Dover and for Delaware this means winning it all, like winning the Super Bowl or winning the NCAA championship. It is like a home run with the bases loaded. I could not be more pleased or proud of the men and women serving at Dover.

I am honored that our Delaware facility serves as a national example of how quality installations enable better mission performance and enhance the quality of life for military men and women and their families by providing quality working, housing and recreational conditions.

I would also like to recognize the other winners of this year's award: Fort A.P. Hill, Bowling Green, VA; Marine Corps Base, Camp Pendleton, San Diego, CA; Naval Base Coronado, San Diego, CA; and Defense Supply Center Richmond, Richmond, VA.

Once again, it is my honor to congratulate the men and women of Dover Air Force Base for their service and dedication.●

IN HONOR OF DETECTIVE RONALD GARLAND

● Mr. CARPER. Mr. President, today I commend detective Ronald Garland of the Delaware State Police High Technology Crimes Unit.

Just more than 1 year ago, Detective Garland was assigned to a case involving Internet predators taking advantage of children.

Inspired by his sense of urgency to protect young children, Detective Garland worked late nights and weekends, often without compensation, sifting through voluminous computer data.

Today, we honor him for his exhaustive work to help identify 10 suspects and to coordinate their arrests with local law enforcement agencies. His great efforts ultimately lead to the prosecutions of these culprits in Federal court.

Detective Garland's concern for the children in our community and his willingness to go above and beyond the call of duty has garnered our great respect and admiration.

I salute Detective Garland as a hero for keeping our children safe, and I urge others to follow his brilliant example. His determination and meticulous investigative work are truly commendable.

Detective Garland is truly a hero for the State of Delaware and for our entire Nation and its children.●

RECOGNIZING MICHAEL P. PRICE

● Mr. DODD. Mr. President, it is with great pleasure that today I honor Mr. Michael P. Price on his 40th anniversary as executive director of Goodspeed Musicals in East Haddam, CT.

Since assuming the role of executive director in 1968, Mr. Price has produced more than 200 musicals, including 63 world premiere productions. Sixteen of the musicals Mr. Price premiered at Goodspeed Musicals ultimately made their way to Broadway, including now world-famous productions such as ''Shenandoah'' and ''Annie.''

During his 40 years of service at Goodspeed Musicals, Mr. Price has shared his talent and vision with more than 5,000 actors, directors, musicians, and technicians and has touched the lives of 4 million theatergoers, captivating and inspiring audiences of all ages.

Goodspeed Musicals' commitment to the advancement of musical theater is world renowned, and the theatre is considered by many to be the ''Home of the American Musical.'' Goodspeed is also the only theatre in America to have received two Tony Awards for Excellence in Theatre, once in 1980 and again in 1995. These tremendous distinctions are thanks, in no small part, to the leadership, talent, and dedication of its Executive Director.

Mr. Price's dedication to the arts and the community extends well beyond the walls of Goodspeed Opera House. Mr. Price currently serves as chairman of the Connecticut Commission on Culture and Tourism and was the longest serving Connecticut arts commissioner. Mr. Price is also an active member in the national theatrical community, serving as treasurer of the American Theatre Wing and a member of the Tony Management Committee.

Today, I have the distinct pleasure and honor of joining Mr. Price's wife, Jo-Ann Nevas, his children, Daniel and Rebecca, and the many members of the Goodspeed community in extending my most sincere congratulations to Mr. Price for all of his achievements. I know I speak for many across Connecticut and around the world who have been touched by Mr. Price's work when I say that I look forward to many more years of his continued presence and vision at Goodspeed Musicals.●

COLUMBIA PACIFIC BUILDING AND CONSTRUCTION TRADES COUNCIL

● Mr. SMITH. Mr. President, today I wish to congratulate the Columbia Pacific Building and Construction Trades Council on their 100th anniversary. The Columbia Pacific Building and Construction Trades Council represents 25 different crafts across the entire construction spectrum, including: asbestos workers, boilermakers, brick and stone masons, cement masons, carpenters, electricians, elevator constructors, glaziers, ironworkers, laborers, linoleum and carpet layers, millwrights, operating engineers, painters and tapers, pile bucks, plasterers, plumbers, pipe fitters and steamfitters, roofers, sheet metal workers, sprinkler fitters and teamsters. The men and women who fill these jobs are some of the most impressive workers I have seen, devoted not only to their job, but to the safety of their coworkers.

The Columbia Pacific Building and Construction Trades Council is committed to the highest level of professionalism. These building experts have honed their skills through years of practice, starting with an extensive apprenticeship and journey level program. The Columbia Pacific Building and Construction Trades Council is known for its apprenticeship program, recognized as one of the best in the country. It is this professionalism that the men and women of the building and construction trades learn early on and continue to demonstrate throughout their careers.

This Nation will continue to grow and prosper because of our unrivaled workforce. However, workers of this caliber can only be produced in the proper work environment. The Columbia Pacific Building and Construction Trades Council ensures that workers have a voice. They stress the importance of providing a fair wage to those in the building and construction trades. Further, the council advocates for safe working conditions and ensuring Americans are trained workers to meet our country's 21st century needs.

I am very proud to stand on the Senate floor today and commemorate the men and women of the Columbia Pacific Building and Construction Trades Council. Those of us from frontier states are born with the knowledge that we stand on the edge of wilderness. Since the time of the Oregon Trail, we have known civilization to rest on the shoulders of skilled craftsmen like the Columbia Pacific Building and Construction Trades. And now,

like then, we owe them our debt of gratitude.●

RECOGNIZING UNIT 70 OF THE AMERICAN LEGION AUXILIARY

● Mr. TESTER. Mr. President, today I recognize American Legion Auxiliary Unit 70 out of Judith Gap, MT. Judith Gap is a small town in central Montana with less than 200 residents, but they have a vibrant community where the American Legion plays a key role. The legion supports a whole host of activities, from supporting veterans throughout Montana to throwing local poppy-themed dinners. They provide a great deal for the area, and I ask unanimous consent that the full activities record of American Legion Auxiliary Unit 70 of Judith Gap, MT, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ACTIVITY REPORT OF THE JUDITH GAP AMERICAN LEGION AUXILIARY

I would like you to become acquainted with the American Legion Auxiliary, Unit No. 70 of Judith Cap. It is located between what is called the Gap between the little Belt Mountains, and the Big Snowy Mountains. It is referred to as the ''Gap'' and is close to the center of Montana. The ''Gap'' is well known for the terrific winds and snows that close the road from all directions. The ''wind farm'' on the prairie a few miles south of town attests to the presence of wind.

It is also known for the many activities of the American Legion Auxiliary. I encourage you to visit our town. We have a school, two churches, grocery store, gas station, cafe, post office, American Legion Hall, fire station, and two bars. We are not BIG like New York City, but we too, are on the map.

Our members are proud to be a part of the largest patriotic organization in the world. We are a ''goal'' unit, and have kept this rating for many years. We really believe in encouraging our eligible girls to join as junior members. Without our youth becoming involved, any organization will die. Like so many worthwhile things, it takes time and effort. We are proud that a member's son only four years old can recite the Pledge of Allegiance and can sing America The Beautiful. Our youth present Old Glory at basketball games and sing the Star Spangled Banner.

I will relate to you a ''bird's eye'' view of what we do:

Surely everyone has seen the red crepe-paper poppies that are made by our veterans. The little red poppies are distributed in May. The money contributed goes to help our veterans. School students enter the poppy poster contest to remember and honor our veterans. Awards are given to the winners. School students write Americanism essays. Awards are given to the winners. We contribute to our Mt. V.A. hospitals and V.A. facilities at Ft. Harrison, Glendive, Miles City, Columbia Falls, and to the V.A. Clinics in Montana.

We have parties for the Legion's birthday, the Americanism Program, the Mental Health Center, We gave gifts to our WWII lady veteran, and to our ''adopted veteran''.

We donated to Freedoms Foundation, Spirit of Youth, Children's Miracle Network, Oloha Scholarship, Girls State, Child Welfare, Community Service, emergency fund, Chapel of four Chaplains, and the U.S.O.

We send Christmas cards, easter cards, phone cards, care packages, and neck coolers to our troops. We collect and send coupons to the receiving centers for the use of Veterans families.

We write letters to our Congressmen to ask them to support bills for veterans benefits, and to prevent flag desecration.

The many activities and programs that we accomplish means we have to make money (oh no. we do not counterfeit) we have a ''fund raiser''. Our main fund raiser is the Memorial Day Dinner. While the legionnaires are performing their ceremony at the cemetery (yes, the wind is blowing and they are holding on to the big American Flag with all of their might) we ladies are getting the dinner ready. The poppy posters made by our students, decorate the hall, poppy centerpieces are on the table, and a basketfull of poppies is in place to receive contributions and to wear a poppy. All has gone well.

We are thankful for all the help we get to finance our programs. The local radio station announces the Memorial Day Dinner—free! The local newspapers publish our meetings and the pictures of Girls State delegates and alternates—free! We have much to be thankful for and are thankful for much.

There is no better feeling, than the feeling we have when we have accomplished the task we set out to do. Through our activities, we have shown we honor and respect our veterans. We shall always remember their sacrifices that have enabled us to live in a free nation, where we are able to express our belief in God, and love of our Country, The United States of America. God bless America.

Dated: April 14, 2008. Respectfully submitted to the office of the Honorable Jon Tester, Senator, United States Senate, Washington, D.C. 20510–2602, for publication in the Congressional Record, From: Avis M. Perry, Unit #70, Judith Gap Legislative Chr., American Legion Auxiliary, Department of Montana, 12 Perry Ranch Ln, Judith Gap, Mt. 59453–81130.●

HONORING THE LOUISIANA HONORAIR

● Mr. VITTER. Mr. President, I wish to 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 10, 2008, a group of 103 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:

Robert M. Aitken, Jr.; Carl J. Andrews; Louis Armes; Douglas C. Augustin; Earl J. Balser; Palmer R. Barras; Roland N. Barrios; Maurice H. Behrnes; Charles C. Bishop; Jack Bond; Thomas A. Booker, Jr.; John L. Boudreaux; Robert S. Boudreaux; Wilbert P. Braud; Thomas A. Breaux; Theodore A. Castillo; Clarence B. Champagne; Cassuis H. Clay; John H. Coco; Joseph A. Courville; Edwin F. Curry.

Daniel M. Danahay; Leory Derouen; Charles E. Dodd; Lloyd Dubois; Clarence Duff; Aldon Duhon; Joseph Duplechain; Clavin L. Elliott; Alva E. English; Henry L. Fewell, Sr.; John J. Filisky; Rayford Fantenot Leroy J. Gedward; Albert K. Germany; Ed A. Godwin; Ernest E. Goff; Willie B. Goforth; Bobby A. Gunn; Gerald D. Ham; William F. Harvey, Jr.; Albert J. Hebert; Allen L. Hebert; Patrick R. Hebert.

Aloysius G. Hellmers; Willie Herron; Burnell C. Hobgood; John W. Holeman; Daniel F. Hrachovy; Robert J. Hufft; Glen W. Hunt; George H. Jones; Earl A. Karl; Thomas W. Kent; Gus O. Lamperez; John W. Landry, Jr.; Joseph B. Landry; Carroll F. LeBlanc; Cleveland J. LeBlanc; Clement O. Lejeune, Sr.; Lawrence J. Lejeune; Robert H. Littell; Henry J. Louviere, Jr.; Carrol E. Lyons.

Oliver W. Markland, Jr.; Leo J. Matte; Orvin A. Maxwell; Earl E. Mayfield; Van R. Mayhall; Joseph D. McBride; Robert J. McDonald; Francis R. Meaux; Carl L. Meriwether; Joseph N. Mire; Raymond W. Moore, Jr.; George Mouton; James R. Neef; Marion W. Newman; Jules U. Olivier; Reed J. Perilloux; Eugene J. Peyton; Joseph H. Philippe; Walter Pilcher; Wallace Primeaux, Jr.

Alex Prudhomm; Wilfred Racca; Richard C. Robert; George O. Schmidt; George M. Shamblin, Sr.; Albert J. Simon; Howard L. Snider; Eldridge Sonnier; Eli Sorkow; Frank Spell, Jr.; George H. Taix; Earl E. Turner; Lawrence J. Tylock; Curliss P. Vincent; James P. Welsh; Gloria T. White; Edwin P. Whitson; Clarence B. Wiley; Edward Young.

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, withdrawals and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on May 5, 2008, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. HOYER) has signed the following enrolled bills:

H.R. 493. An act to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

H.R. 1195. An act to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

H.R. 5715. An act to ensure continued availability of access to the Federal student loan program for students and families.

The enrolled bills were subsequently signed during the session of the Senate by the President pro tempore (Mr. BYRD) on May 6, 2008.

MESSAGE FROM THE HOUSE

At 12:53 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that pursuant to 44 U.S.C. 2702, the Minority Leader appoints Mr. Jeffrey W. Thomas of Ohio to the Advisory Committee on the Records of Congress.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2972. A bill to reauthorize and modernize the Federal Aviation Administration.

S. 2973. A bill to promote the energy security of the United States, 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–6058. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Chlorantraniliprole; Pesticide Tolerance'' (FRL No. 8357–3) received on May 1, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6059. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyridalyl; Pesticide Tolerances'' (FRL No. 8361–4) received on May 1, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6060. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Spirodiclofen; Pesticide Tolerances'' (FRL No. 8362–2) received on May 1, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6061. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a quarterly report entitled ''Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account''; to the Committee on Armed Services.

EC–6062. A communication from the Acting General Counsel of the Department of Defense, transmitting legislative proposals relative to the National Defense Authorization Bill for fiscal year 2009; to the Committee on Armed Services.

EC–6063. A communication from the Acting General Counsel of the Department of Defense, transmitting legislative proposals that the Department encourages Congress to adopt as part of the National Defense Authorization Bill for fiscal year 2009; to the Committee on Armed Services.

EC–6064. A communication from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Disclosure of Divestment by Registered Investment Companies in Accordance with the Sudan Accountability and Divestment Act of 2007'' (RIN3235–AK05) received on April 29, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6065. A communication from the General Counsel, Department of the Treasury, transmitting a draft bill intended to eliminate the four-year limitation on contracts for the manufacture of distinctive paper for U.S. currency and securities; to the Committee on Banking, Housing, and Urban Affairs.

EC–6066. A communication from the Chairman, National Transportation Safety Board, transmitting a legislative proposal relative to authorization for the National Transportation Safety Board; to the Committee on Commerce, Science, and Transportation.

EC–6067. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Listing the Potential Sonoran Desert Bald Eagle Distinct Population Segment As Threatened Under the Endangered Species Act'' (RIN1018–AW12) received on May 1, 2008; to the Committee on Environment and Public Works.

EC–6068. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Georgia: Enhanced Inspection and Maintenance Plan'' (FRL No. 8560–3) received on April 29, 2008; to the Committee on Environment and Public Works.

EC–6069. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Alabama: Prevention of Significant Deterioration and Nonattainment New Source Review'' (FRL No. 8560–2) received on April 29, 2008; to the Committee on Environment and Public Works.

EC–6070. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Extension of Deadline for Action on Section 126 Petition From Warrick County, Indiana, and the Town of Newburgh, Indiana'' (FRL No. 8559–9) received on April 29, 2008; to the Committee on Environment and Public Works.

EC–6071. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Land Disposal Restrictions: Site-Specific Treatment Variance for P and U-Listed Hazardous Mixed Wastes Treated by Vacuum Thermal Desorption at the Energy Solutions' Facility in Clive, Utah'' (FRL No. 8560–1) received on April 29, 2008; to the Committee on Environment and Public Works.

EC–6072. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; West Virginia: Transportation Conformity Requirement'' (FRL No. 8561–2) received on May 1, 2008; to the Committee on Environment and Public Works.

EC–6073. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Standards of Performance for Petroleum Refineries'' ((RIN2060–AN72) (FRL No. 8563–2)) received on May 1, 2008; to the Committee on Environment and Public Works.

EC–6074. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Interstate Transport of Pollution'' (FRL No. 8562–9) received on May 1, 2008; to the Committee on Environment and Public Works.

EC–6075. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Revised PM2.5 Motor Vehicle Emissions Budgets; State of New Jersey'' (FRL No. 8562–1) received on May 1, 2008; to the Committee on Environment and Public Works.

EC–6076. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Change of Address for Submission of Certain Reports; Technical Correction'' (FRL No. 8563–1) received on May 1, 2008; to the Committee on Environment and Public Works.

EC–6077. A communication from the Acting Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Import Restrictions Imposed on Archaeological and Ethnological Material of Iraq'' (RIN1505–AB91) received on April 29, 2008; to the Committee on Finance.

EC–6078. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report entitled, ''Country Reports on Terrorism 2007''; to the Committee on Foreign Relations.

EC–6079. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a letter detailing the creation of an Accountability Review Board relative to an attack that occurred in Khartoum, Sudan, on January 1, 2008; to the Committee on Foreign Relations.

EC–6080. A communication from the Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Human Capital Management in Agencies'' (RIN3206–AJ92) received on April 29, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6081. A communication from the Chief Financial Officer, Potomac Electric Power Company, transmitting, pursuant to law, the Company's Balance Sheet as of December 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–6082. A communication from the Director, Office of Personnel Management, transmitting a legislative proposal entitled, ''Grade Retention Modification Act of 2008''; to the Committee on Homeland Security and Governmental Affairs.

EC–6083. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–360, ''Compliance Unit Establishment Act of 2008'' received on May 1, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6084. A communication from the President and Chief Scout Executive, Boy Scouts of America, transmitting, pursuant to law, the organization's 2007 annual report; to the Committee on the Judiciary.

EC–6085. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to

law, the report of a rule entitled ''Certification Requirements for Imported Natural Wine'' (RIN1513–AB00) received on April 30, 2008; to the Committee on the Judiciary.

EC–6086. A communication from the Chair, U.S. Sentencing Commission, transmitting, pursuant to law, the amendments to the federal sentencing guidelines that were proposed by the Commission during the 2007–2008 amendment cycle; to the Committee on the Judiciary.

EC–6087. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report on applications made by the Government for authority to conduct electronic surveillance and physical searches during calendar year 2007; to the Committee on the Judiciary.

EC–6088. A communication from the Secretary of Veterans Affairs, transmitting draft legislation intended to expand and enhance veterans' benefits; to the Committee on Veterans' Affairs.

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. LAUTENBERG (for himself, Mr. DORGAN, Mr. LEVIN, Mr. CASEY, Mr. SANDERS, and Mrs. CLINTON):

S. 2976. A bill to require the United States Trade Representative to pursue a complaint of anticompetitive practices against certain oil exporting countries; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. LIEBERMAN):

S. 2977. A bill to create a Federal cause of action to determine whether defamation exists under United States law in cases in which defamation actions have been brought in foreign courts against United States persons on the basis of publications or speech in the United States; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 2978. A bill to amend the Fair Credit Reporting Act to make technical corrections to the definition of willful noncompliance with respect to violations involving the printing of an expiration date on certain credit and debit card receipts before the date of the enactment of this Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERRY (for himself and Mr. WHITEHOUSE):

S. 2979. A bill to exempt the African National Congress from treatment as a terrorist organization, and for other purposes; to the Committee on the Judiciary.

By Mr. CASEY:

S. 2980. A bill to amend the Child Care and Development Block Grant Act of 1990 to improve access to high quality early learning and child care for low income children and working families, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Mr. ISAKSON):

S. 2981. A bill to amend the Servicemembers Civil Relief Act to provide a one-year period of protection against mortgage foreclosures for certain disabled or severely injured servicemembers, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LEAHY (for himself and Mr. SPECTER):

S. 2982. A bill to amend the Runaway and Homeless Youth Act to authorize appropriations, and for other purposes; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. ISAKSON, and Ms. STABENOW):

S. 2983. A bill to amend the Public Health Service Act to prevent and cure diabetes and to promote and improve the care of individuals with diabetes for the reduction of health disparities within racial and ethnic minority groups, including the African-American, Hispanic American, Asian American and Pacific Islander, and American Indian and Alaskan Native communities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (by request):

S. 2984. A bill to amend title 38, United States Code, to expand and enhance veterans' benefits, 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. BAUCUS (for himself and Mr. BARRASSO):

S. Res. 551. A resolution celebrating 75 years of successful State-based alcohol regulation; to the Committee on the Judiciary.

By Mr. COLEMAN (for himself and Ms. KLOBUCHAR):

S. Res. 552. A resolution recognizing the 150th anniversary of the State of Minnesota; considered and agreed to.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. Res. 553. A resolution congratulating Charles County, Maryland, on the occasion of its 350th anniversary; considered and agreed to.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. Con. Res. 79. A concurrent resolution congratulating and saluting Focus: HOPE on its 40th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 329

At the request of Mr. CRAPO, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 403

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 403, a bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income, and for other purposes.

S. 584

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 584, a bill to amend the Internal Revenue Code of 1986 to modify the rehabilitation credit and the low-income housing credit.

S. 627

At the request of Mr. HARKIN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 627, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve the health and well-being of maltreated infants and toddlers through the creation of a National Court Teams Resource Center, to assist local Court Teams, and for other purposes.

S. 661

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 718

At the request of Mr. CRAPO, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 718, a bill to optimize the delivery of critical care medicine and expand the critical care workforce.

S. 749

At the request of Mr. NELSON of Florida, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 749, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 777

At the request of Mr. CRAIG, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 777, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 879

At the request of Mr. KOHL, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 879, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 903

At the request of Mr. DURBIN, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Hawaii (Mr. AKAKA), the Senator from Montana (Mr. TESTER), the Senator from Nevada (Mr. REID), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Rhode Island (Mr. REED), the Senator from Michigan (Ms. STABENOW), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Oregon (Mr. WYDEN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Florida (Mr. NELSON), the Senator from Delaware (Mr. CARPER), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Maryland (Ms. MIKULSKI), the Senator from Indiana (Mr. BAYH), the Senator from Montana (Mr. BAUCUS), and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 903, a bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his

contributions to the fight against global poverty.

S. 912

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 912, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools.

S. 931

At the request of Mr. MARTINEZ, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 931, a bill to establish the National Hurricane Research Initiative to improve hurricane preparedness, and for other purposes.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 937

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 974

At the request of Mr. BAYH, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 974, a bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries, and for other purposes.

S. 1406

At the request of Mr. KERRY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1406, a bill to amend the Marine Mammal Protection Act of 1972 to strengthen polar bear conservation efforts, and for other purposes.

S. 1459

At the request of Mr. MENENDEZ, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1459, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. 1499

At the request of Mrs. BOXER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1499, a bill to amend the Clean Air Act to reduce air pollution from marine vessels.

S. 1515

At the request of Mr. BIDEN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1515, a bill to establish a domestic violence volunteer attorney network to represent domestic violence victims.

S. 1627

At the request of Mrs. LINCOLN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1627, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 1638

At the request of Mr. LEAHY, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1638, a bill to adjust the salaries of Federal justices and judges, and for other purposes.

S. 1715

At the request of Mr. KERRY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1715, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare program.

S. 1750

At the request of Mr. SPECTER, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1750, a bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries.

S. 1926

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of S. 1926, a bill to establish the National Infrastructure Bank to provide funding for qualified infrastructure projects, and for other purposes.

S. 1954

At the request of Mr. BAUCUS, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 1963

At the request of Mr. ROCKEFELLER, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1963, a bill to amend the Internal Revenue Code of 1986 to allow bonds guaranteed by the Federal home loan banks to be treated as tax exempt bonds.

S. 2004

At the request of Mrs. MURRAY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2004, a bill to amend title 38, United States Code, to establish epilepsy centers of excellence in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2035, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2123

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2123, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 2160

At the request of Mr. AKAKA, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2160, a bill to amend title 38, United States Code, to establish a pain care initiative in health care facilities of the Department of Veterans Affairs, and for other purposes.

S. 2162

At the request of Mr. AKAKA, the names of the Senator from Oregon (Mr. SMITH), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 2162, a bill to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

S. 2173

At the request of Mr. HARKIN, the name of the Senator from Hawaii (Mr. INOUYE) 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. 2183

At the request of Mr. SMITH, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2183, a bill to amend the Public Health Service Act to provide grants for community-based mental health infrastructure improvement.

S. 2369

At the request of Mr. BAUCUS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor 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. 2373

At the request of Mr. SALAZAR, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2373, a bill to amend the Internal Revenue Code of 1986 to provide for residents of Puerto Rico who participate in cafeteria plans under the Puerto Rican tax laws an exclusion from

employment taxes which is comparable to the exclusion that applies to cafeteria plans under such Code.

S. 2408

At the request of Mr. KERRY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2408, a bill to amend title XVIII of the Social Security Act to require physician utilization of the Medicare electronic prescription drug program.

S. 2510

At the request of Mr. ISAKSON, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

At the request of Ms. LANDRIEU, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2510, supra.

S. 2555

At the request of Mrs. BOXER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2555, a bill to permit California and other States to effectively control greenhouse gas emissions from motor vehicles, and for other purposes.

S. 2565

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2565, a bill to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal law enforcement officers.

S. 2579

At the request of Mr. INOUYE, the names of the Senator from Missouri (Mr. BOND), the Senator from North Carolina (Mrs. DOLE), the Senator from New Mexico (Mr. DOMENICI) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2585

At the request of Mr. HARKIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2585, a bill to provide for the enhancement of the suicide prevention programs of the Department of Defense, and for other purposes.

S. 2595

At the request of Mrs. FEINSTEIN, the names of the Senator from Florida (Mr. NELSON) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 2595, a bill to create a national licensing system for residential mortgage loan originators, to develop minimum standards of conduct to be enforced by State regulators, and for other purposes.

S. 2619

At the request of Mr. COBURN, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 2619, a bill to protect innocent Americans from violent crime in national parks.

S. 2666

At the request of Ms. CANTWELL, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2666, a bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing, and for other purposes.

S. 2760

At the request of Mr. LEAHY, the name of the Senator from Washington (Mrs. MURRAY) 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. 2793

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2793, a bill to direct the Federal Trade Commission to prescribe a rule prohibiting deceptive advertising of abortion services, and for other purposes.

S. 2819

At the request of Mr. ROCKEFELLER, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor 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. 2828

At the request of Mr. BAUCUS, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2828, a bill to require the Secretary of the Treasury to mint and issue coins commemorating the 100th anniversary of the establishment of Glacier National Park, and for other purposes.

S. 2840

At the request of Mr. SCHUMER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2840, a bill to establish a liaison with the Federal Bureau of Investigation in United States Citizenship and Immigration Services to expedite naturalization applications filed by members of the Armed Forces and to establish a deadline for processing such applications.

S. 2867

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2867, a bill to authorize additional resources to identify and eliminate illicit sources of firearms smuggled into Mexico for use by violent drug trafficking organizations, and for other purposes.

S. 2874

At the request of Mrs. FEINSTEIN, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 2874, a bill to amend titles 5, 10, 37, and 38, United States Code, to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, and for other purposes.

S. 2883

At the request of Mr. ROCKEFELLER, the name of the Senator from Montana (Mr. BAUCUS) 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. 2886

At the request of Mr. BAUCUS, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2886, a bill to amend the Internal Revenue Code of 1986 to amend certain expiring provisions.

S. 2888

At the request of Mr. KOHL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2888, a bill to protect the property and security of homeowners who are subject to foreclosure proceedings, and for other purposes.

S. 2899

At the request of Mr. HARKIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2899, a bill to direct the Secretary of Veterans Affairs to conduct a study on suicides among veterans.

S. 2904

At the request of Mrs. MCCASKILL, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2904, a bill to improve Federal agency awards and oversight of contracts and assistance and to strengthen accountability of the Government-wide suspension and debarment system.

S. 2916

At the request of Ms. STABENOW, her name was added as a cosponsor of S. 2916, a bill to ensure greater transparency in the Federal contracting process, and to help prevent contractors that violate criminal laws from obtaining Federal contracts.

S. 2942

At the request of Mr. CARDIN, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2942, a bill to authorize funding for the National Advocacy Center.

S. 2963

At the request of Mr. BOND, the names of the Senator from Maine (Ms.

COLLINS), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Iowa (Mr. GRASSLEY) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2963, a bill to improve and enhance the mental health care benefits available to members of the Armed Forces and veterans, to enhance counseling and other benefits available to survivors of members of the Armed Forces and veterans, and for other purposes.

S. 2972

At the request of Mrs. HUTCHISON, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2972, a bill to reauthorize and modernize the Federal Aviation Administration.

S.J. RES. 26

At the request of Mrs. DOLE, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S.J. Res. 26, a joint resolution supporting a base Defense Budget that at the very minimum matches 4 percent of gross domestic product.

S. RES. 512

At the request of Mr. DEMINT, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Alaska (Mr. STEVENS), the Senator from Louisiana (Mr. VITTER), the Senator from Idaho (Mr. CRAPO), the Senator from Kansas (Mr. BROWNBACK) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. Res. 512, a resolution honoring the life of Charlton Heston.

S. RES. 541

At the request of Mr. FEINGOLD, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of 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.

S. RES. 548

At the request of Mr. DODD, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. Res. 548, a resolution recognizing the accomplishments of the members and alumni of AmeriCorps and the contributions of AmeriCorps to the lives of the people of the United States.

AMENDMENT NO. 4626

At the request of Mr. NELSON of Nebraska, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 4626 intended to be proposed to H.R. 2881, a bill 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.

AMENDMENT NO. 4640

At the request of Mr. LAUTENBERG, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 4640 intended to be proposed to H.R. 2881, a bill 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.

AMENDMENT NO. 4641

At the request of Mr. BINGAMAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 4641 intended to be proposed to H.R. 2881, a bill 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.

AMENDMENT NO. 4655

At the request of Mrs. FEINSTEIN, the names of the Senator from New York (Mrs. CLINTON), the Senator from New York (Mr. SCHUMER) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 4655 intended to be proposed to H. R. 2881, a bill 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.

AMENDMENT NO. 4658

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 4658 intended to be proposed to H.R. 2881, a bill 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.

AMENDMENT NO. 4685

At the request of Mr. WYDEN, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Oregon (Mr. SMITH) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of amendment No. 4685 intended to be proposed to H.R. 2881, a bill 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself and Mr. LIEBERMAN):

S. 2977. A bill to create a Federal cause of action to determine whether defamation exists under United States law in cases in which defamation actions have been brought in foreign courts against United States persons on the basis of publications or speech in the United States; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I am introducing the Free Speech Protection Act of 2008 to address a serious challenge to one of the most basic protections in our Constitution. American journalists and academics must have the freedom to investigate, write, speak, and publish about matters of public importance, limited only by the legal standards laid out in our First Amendment jurisprudence, including precedents such as New York Times v. Sullivan. Despite the protection for free speech under our own law, the rights of the American public, and of American journalists who share information with the public, are being threatened by the forum shopping of defamation suits to foreign courts with less robust protections for free speech.

These suits are filed in, and entertained by, foreign courts, despite the fact that the challenged speech or writing is written in the U.S. by U.S. journalists, and is published or disseminated primarily in the U.S. The plaintiff in these cases may have no particular connection to the country in which the suit is filed. Nevertheless, the U.S. journalists or publications who are named as defendants in these suits must deal with the expense, inconvenience, and distress of being sued in foreign courts, even though their conduct is protected by the First Amendment.

The impetus for this legislation is litigation involving Dr. Rachel Ehrenfeld, a U.S. citizen and Director of the American Center for Democracy, whose articles have appeared in the Wall Street Journal, the National Review, and the Los Angeles Times. She has been a scholar with Columbia University, the University of New York School of Law, and Johns Hopkins, and has testified before Congress. Dr. Ehrenfeld's 2003 book, Funding Evil: How Terrorism is Financed and How to Stop it, which was published solely in the United States by a U.S. publisher, alleged that a Saudi Arabian subject and his family financially supported al Qaeda in the years preceding the attacks of September 11. He sued Ehrenfeld for libel in England, although only 23 books were sold there. Why? Because under English law, it is not necessary for a libel plaintiff to prove falsity or actual malice as is required in the U.S.

Dr. Ehrenfeld did not appear, and the English court entered a default judgment for damages, an injunction against publication in the United Kingdom, a ''declaration of falsity'', and an

order that she and her publisher print a correction and an apology.

Dr. Ehrenfeld sought to shield herself with a declaration from both Federal and State courts that her book did not create liability under American law, but jurisdictional barriers prevented both the Federal and New York State courts from acting. Reacting to this problem, the Governor of New York, on May 1, 2008, signed into law the ''Libel Terrorism Protection Act.'' Congress must now take similar prompt action. I note that the person who sued Dr. Ehrenfeld has filed dozens of lawsuits in England. There is a real danger that other American writers and researchers will be afraid to address this crucial subject of terror funding and other important matters. England should be free to have its own libel law, but so too should the U.S. England has become a popular venue for defamation plaintiffs from around the world, including those who want to intimidate our journalists. The stakes are high. This legislation is important.

This legislation creates a Federal cause of action and Federal jurisdiction so that Federal courts may determine whether there has been defamation under U.S. law when a U.S. journalist, speaker, or academic is sued in a foreign court for speech or publication in the U.S. The bill authorizes a court to issue an order barring enforcement of a foreign judgment and to award damages.

Freedom of speech, freedom of the press, freedom of expression of ideas, opinions, and research, and freedom of exchange of information are all essential to the functioning of a democracy. They are also essential in the fight against terrorism.

I thank Senator LIEBERMAN for working with me on this important bill.

By Mr. CASEY:

S. 2980. A bill to amend the Child Care and Development Block Grant Act of 1990 to improve access to high quality early learning and child care for low income children and working families, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CASEY. Mr. President, I rise today to speak about our children and, more specifically, children from low-income and working families across the United States who need a good start in life and who need high-quality childcare each and every day while their parents must earn a living.

I believe that here in America every child is born with a bright light shining inside them, and it is our job as Senators to do everything we can, everything we can, to keep that light shining ever brightly.

A child's potential may be limited or boundless, but whatever it is, every child deserves the opportunity to become the person they were born to be. Here in America, every child deserves high-quality childcare and early education.

High-quality childcare gives low-income working families peace of mind while they work. Unfortunately, for the last 7 years, Federal funding for childcare has been essentially frozen. The neglect of Federal funding for childcare during this administration has been unconscionable. What this means is families have been locked out of access to high-quality providers. It means hundreds of thousands of children across the country have been put on waiting lists for childcare because there simply is not enough funding to provide enough slots.

Working parents struggle to find childcare that will be healthy, safe, and affordable. They worry every day about finding quality care. For so many families, this is a very personal issue, especially, of course, for mothers. I remember a mother to whom I spoke in Pennsylvania 10 years ago who was worried about being able to afford childcare for her children. She said something I will never forget. She said because of the worry about childcare, she had a knot in her stomach. I think a lot of families closely identify with and understand what she was talking about.

These are parents who must work. They must therefore leave their children in care that often does not meet all their needs because it is the only choice they can afford.

Here are the facts. The facts show an enormous unmet need in America when it comes to childcare. A couple of points: 365,000 children in America are on waiting lists. In my home State of Pennsylvania, almost 8,000 children are on waiting lists. Across the country, 13.5 million children who are eligible, eligible for Federal childcare assistance, do not get it. That is an abomination. That is an embarrassment. It is a black mark on America.

Let me say that number again: 13.5 million children who are eligible for childcare assistance are not getting it. The population of my home State of Pennsylvania is a little less than 12.5 million. So if that group of children who are eligible but not getting the childcare assistance, if that were considered a State, it would be about the fifth largest State in the country.

So 13.5 million children who should be getting help are not getting it through our childcare system.

Childcare providers working hard every day caring for and educating our children are barely paid above the poverty level, with little or no benefits. The average wage for a childcare worker is $9.05 an hour, which on an annual basis works out to $18,820, barely above the poverty level. Yet we charge them with the responsibility of caring for and nurturing and educating so many of our children.

Finally, the last fact: parents must struggle to afford childcare and face impossible choices between losing their jobs or leaving their children in less-than-ideal care. I believe the price for holding down a good-paying job should not be problems with and worries about childcare.

Low-income families also spend much higher percentages of their income on childcare, often bringing that family to the breaking point. This is all wrong. Our priorities are literally upside down.

That is why I am announcing today a bill I introduced today, the Starting Early, Starting Right Act. The Starting Early, Starting Right Act. I will go through a couple of the provisions.

In summary. First of all, my bill on childcare will move hundreds of thousands of children on State waiting lists into high-quality childcare. The bill will meet the needs of underserved children such as English language learners, children with developmental disabilities and other special needs, children living in very poor communities, and children in rural areas, to ensure we reach children most in need of high-quality childcare.

Next, our bill will ensure States will visit and monitor childcare providers on an announced as well as unannounced basis every year. Fourth, our bill will require childcare providers who are licensed or registered to participate in 40 hours of training before they work with children as well as 24 hours on an ongoing annual basis.

Next we will expand parents' access to high quality childcare opportunities by requiring States to pay childcare providers rates based upon the actual and current cost of care, what advocates know to be the 75th percentile level.

Finally, it encourages States to exceed this rate for special populations of children with greater needs. This bill will improve access to high quality care for infants and toddlers by setting aside 30 percent of the bill's funding for this underserved group of children. Finally, this bill will provide greater funding for quality initiatives and encourage more States to adopt quality rating provisions to improve the quality of their programs. Quality rating improvement systems, known by the acronym QRIS, such as the successful program in Pennsylvania, the Pennsylvania STARS program, give providers benchmarks as well as resources to continually improve the quality of care.

I wanted to share one story before I conclude, a story about the powerful impact of high quality childcare on children and families. This story was shared with our office by a childcare provider from southeastern Pennsylvania about a family I will not identify to respect their privacy. One of the children was a 3-year-old boy. I will call him, for purposes of this presentation, Sammy. Sammy started in childcare along with his older sister and younger brother when his mother was evicted from her house following divorce. Sammy's father did not pay child support but, luckily, Sammy's grandmother took them in. They all lived in a tiny two-bedroom apartment.

Dropoffs at the childcare center were difficult for this young child. With all the recent changes and trauma in his life, he was scared about his mother leaving. His mother would apologize to the staff, saying she never worked before and the children were not used to childcare.

The childcare worker always assured Sammy's mother that it was no problem and that no apologies were necessary. Unfortunately, a few weeks later, Sammy's mom showed up one day in tears. She confided to the childcare worker that she had not been able to find a job and was now so desperate she had to use food stamps. She had gone to the store by bus, getting there through the public transit system. The cashier treated her disrespectfully. Because of that, she was understandably humiliated, and she began to feel hopeless and afraid she would never find a job to support her three children. But at that moment, when that mother was at her greatest need and when the family was in need, the childcare center in southeastern Pennsylvania rallied around this mother and her children. Over the next 2 years the staff of the center encouraged and supported her while she found a job, went back to school, and eventually moved out of her mother's house into an apartment of her own.

Her oldest daughter was very successful and attended school with the center through first grade. She was then evaluated for the gifted program when she went to public school and second grade. The youngest son blossomed and made it through family growing pains with little difficulty. Finally, Sammy had some problems, but they were able to get the help needed because of the generosity and commitment of the people who worked in this childcare center. During that time the staff, led by the director, helped raise money for Christmas presents, doctors' bills, and Sammy's mother's application to take her pharmacy assistant's license exam.

When this childcare worker left the center, Sammy's mom told her what a profound difference the staff at the center had made in her life and in the lives of her children. Like so many in our country, this group of skilled, caring, and professional early childhood educators made it possible for this family to overcome so many obstacles.

The childcare worker told our staff recently:

> [Sammy] is the kid I think about when people ask me why I do what I do.

That is what that childcare worker said about her commitment to the care of children and to that child and his family. This is what quality childcare can mean in the real world to a struggling family. It may be the difference between literally failure and success for countless families. Sometimes it can mean sheer survival. This is one example of childcare providers and families such as Sammy's all across the country. These are quiet victories we never hear much about, but they are literally life changing in impact.

Increasing funding for childcare is not only the right thing to do, it is the smart thing, especially for at-risk children and children from low-income families. Research shows that high quality childcare helps low-income children enter school ready to succeed. One study found that children in high quality childcare demonstrated greater mathematical ability and thinking and attention skills and had fewer behavioral problems than any other children in second grade. I won't put the entire report in the RECORD, but the title of that first study is ''The Children of the Cost, Quality and Outcome Study Go to School.'' This is a June 1999 report by the University of North Carolina at Chapel Hill, University of Colorado Health Sciences Center, University of California at Los Angeles, and Yale University. Several others have mentioned this, but other studies have shown that low-income children who enroll in high quality early care and education programs score higher on reading, vocabulary, math, and cognitive tests, and are less likely to be held back a grade or to be arrested as a youth, and are more likely to attend college than their peers who do not enroll in such programs.

Although the peace of mind for parents that comes from knowing their children are well cared for cannot be measured, the impact on stable employment can. Studies show that parents who receive childcare assistance are much more likely to remain in the workforce. The study I refer to that made these findings is a briefing paper by the Economic Policy Institute which is entitled ''Staying Employed After Welfare.'' The subheading is ''Work supports and job quality vital to employment tenure and wage growth.''

Finally, there is no question that starting early and right is truly the right thing to do. The evidence supporting high quality childcare is overwhelming and irrefutable. The evidence tells us we can keep that bright light alive in the heart and soul of every child. We can give them what they need to get a good, solid start in their lives, if only we make that choice to support high quality childcare, if only we make that a priority.

I urge my colleagues in the Senate to support this bill, the Starting Early, Starting Right Act. As of now nearly 50 national and State organizations across the country have endorsed this legislation. They know, as so many of us do, that investing in early care for children is the right and the smart thing to do. It is time we put our focus and priorities back where they belong, on our children. In doing so, it will help every child become the person they were born to be.

By Mr. LEAHY (for himself and Mr. SPECTER):

S. 2982. A bill to amend the Runaway and Homeless Youth Act to authorize appropriations, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am pleased to introduce the bipartisan Runaway and Homeless Youth Protection Act of 2008 along with Senator SPECTER, the ranking Republican on the Judiciary Committee. This legislation would reauthorize and improve the Runaway and Homeless Youth Act, RHYA. The programs authorized during the past 30 years by the RHYA have consistently proven critical to protecting and giving hope to our Nation's runaway and homeless youth.

The prevalence of homelessness among young people in America is shockingly high. The problem is not limited to large cities. Its impact is felt strongly in smaller communities and rural areas as well. It affects our young people directly and reverberates throughout our families and communities. That this problem continues in the richest country in the world means that we need to redouble our commitment and our efforts to safeguard our Nation's youth. We need to support the dedicated people in communities across the country who work to address these problems every day.

On April 29, the Senate Judiciary Committee held a hearing to focus the Senate's attention on these problems and to identify and develop solutions to protect runaway and homeless youth. It was the first Senate hearing on these matters in more than a decade. We heard from a distinguished panel of witnesses, some of whom spoke firsthand about the significant challenges that young people face when they have nowhere to go.

Our witnesses demonstrated that young people can overcome harrowing obstacles and create new opportunities when given the chance. One witness went from living as a homeless youth in his teens to earning two Oscar nominations as a distinguished actor. Another witness is working with homeless youth at the same Vermont organization that enabled him to stop living on the streets and is on his way to great things. Our witness panel gave useful and insightful suggestions on how to improve the Runaway and Homeless Youth Act to make it more effective. We have included many of these recommendations in our bill.

The Justice Department estimated that 1.7 million young people either ran away from home or were thrown out of their homes in 1999. Another study suggested a number closer to 2.8 million in 2002. Whether the true number is one million or five million, young people become homeless for a number of reasons, ranging from abandonment to running away from an abusive home to having no place to go after being released from state care. An estimated 40 to 60 percent of homeless children are expected to experience physical abuse, and 17 to 35 percent experience sexual abuse while on the

street, according to a report by the Department of Health and Human Services. Homeless youth are also at greater risk of mental health problems. While many receive vital services in their communities, others remain a hidden population, on the streets of our big cities and in rural areas like Vermont.

The Runaway and Homeless Youth Act is the way in which the Federal Government helps communities across the country protect some of our most vulnerable children. It was first passed the year I was elected to the Senate. We have reauthorized it several times since then, and working with Senator SPECTER and Senators on both sides of the aisle, I hope that we will do so again this year. While some have tried to end these programs, a bipartisan coalition has worked to preserve and continue the good that is accomplished through them. I remember Senator SPECTER's efforts early in his Senate career to preserve these programs when he chaired the Judiciary Committee's Subcommittee on Juvenile Justice. The Runaway and Homeless Youth Act and the programs it funds provide a safety net that helps give young people a chance to build lives for themselves, and helps reunite youngsters with their families. Given the increasingly difficult economic conditions being experienced by so many families around the country, it is time to recommit ourselves to these principles and programs.

Under the Runaway and Homeless Youth Act, every State receives a Basic Center grant to provide housing and crisis services for runaway and homeless youth and their families. Community-based groups around the country can also apply for funding through the Transitional Living Program and the Sexual Abuse Prevention/Street Outreach grant program. The transitional living program grants are used to provide longer-term housing to homeless youth between the ages of 16 and 21, and to help them become self-sufficient. The outreach grants are used to target youth susceptible to engaging in high-risk behaviors while living on the street.

Our bill makes improvements to the Runaway and Homeless Youth Act reauthorizations of past years. It doubles funding for States by instituting a minimum of $200,000, which will allow states to better meet the diverse needs of their communities. This bill also requires the Department of Health and Human Services to develop performance standards for grantees. Providing program guidelines would level the playing field for bidders, ensure consistency among providers, and increase the effectiveness of the services under the Runaway and Homeless Youth Act. In addition, our legislation develops an incidence study to better estimate the number of runaway and homeless youth and to identify trends. The incidence study would provide more accurate estimates of the runaway and homeless youth population and would help lawmakers make better policy decisions and allow communities to provide better outreach.

In my home State of Vermont, the Vermont Coalition for Runaway and Homeless Youth, the New England Network for Child, Youth, and Family Services, and Spectrum Youth and Family Services in Burlington all receive grants under these programs and have provided excellent services. In one recent year, the street outreach programs in Vermont served nearly 10,000 young people.

The overwhelming need for services is not limited to any one state or community. Many transitional living programs are forced to turn away young people seeking shelter. We heard testimony of an exemplary program within blocks of our nation's Capitol that has a waiting list as long as a year. This is unacceptable. The needs in our communities are real, and reauthorizing the law will allow these programs to expand their enormously important work.

These topics are difficult but deserve our attention. Finding solutions to this growing problem is an effort we can all support. I thank Senator SPECTER for joining with me and urge all Senators to support prompt passage of this bill.

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. 2982

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 ''Runaway and Homeless Youth Protection Act''.

SEC. 2. FINDINGS.

Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

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

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

''(3) services to such young people should be developed and provided using a positive youth development approach that ensures a young person a sense of—

''(A) safety and structure;

''(B) belonging and membership;

''(C) self-worth and social contribution;

''(D) independence and control over one's life; and

''(E) closeness in interpersonal relationships.''.

SEC. 3. BASIC CENTER PROGRAM.

(a) SERVICES PROVIDED.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) in subsection (a)(2)(B), by striking clause (i) and inserting the following:

''(i) safe and appropriate shelter provided for not to exceed 21 days; and''; and

(2) in subsection (b)(2)—

(A) by striking ''$100,000'' and inserting ''$200,000'';

(B) by striking ''$45,000'' and inserting ''$70,000''; and

(C) by adding at the end the following: ''Whenever the Secretary determines that any part of the amount allotted under paragraph (1) to a State for a fiscal year will not be obligated before the end of the fiscal year, the Secretary shall reallot such part to the remaining States for obligation for the fiscal year.''.

(b) ELIGIBILITY.—Section 312(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5712(b)) is amended—

(1) in paragraph (11) by striking ''and'' at the end;

(2) in paragraph (12) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(13) shall develop an adequate emergency preparedness and management plan.''.

SEC. 4. TRANSITIONAL LIVING GRANT PROGRAM.

(a) ELIGIBILITY.—Section 322(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''indirectly'' and inserting ''by contract''; and

(B) by striking ''services'' the first place it appears and inserting ''provide, directly or indirectly, services,'';

(2) in paragraph (2), by striking ''a continuous period not to exceed 540 days, except that'' and all that follows and inserting the following: ''a continuous period not to exceed 635 days, except that a youth in a program under this part who has not reached 18 years of age on the last day of the 635-day period may, if otherwise qualified for the program, remain in the program until the earlier of the youth's 18th birthday or the 180th day after the end of the 635-day period;'';

(3) in paragraph (14), by striking ''and'' at the end;

(4) in paragraph (15), by striking the period and inserting ''; and''; and

(5) by adding at the end the following:

''(16) to develop an adequate emergency preparedness and management plan.''.

SEC. 5. GRANTS FOR RESEARCH EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.

Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''give special consideration to'' and inserting ''prioritize'';

(B) by redesignating paragraphs (2) through (9) as paragraphs (3) through (10), respectively; and

(C) by inserting after paragraph (1) the following:

''(2) positive youth development service delivery methods, providing links to community services, promoting mental and physical health development, enabling youth to obtain and maintain housing after program completion, and developing self-sufficiency competencies;''

(2) in subsection (c)—

(A) by inserting ''for eligibility and selection'' after ''priority'';

(B) by striking ''shall give'' and inserting the following: ''shall—''

''(A) give'';

(C) by striking the period and inserting ''; and''; and

(D) by adding at the end the following:

''(B) ensure that the applicants selected—

''(i) are geographically representative of regions of the United States; and

''(ii) carry out projects that serve diverse populations of homeless youth.''.

SEC. 6. COORDINATING, TRAINING, RESEARCH, AND OTHER ACTIVITIES.

Part D of the Runaway and Homeless Youth Act (42 U.S.C. 5714–21 et seq.) is amended by adding at the end the following:

"SEC. 345. PERIODIC ESTIMATE OF INCIDENCE AND PREVALENCE OF YOUTH HOMELESSNESS.

''(a) PERIODIC ESTIMATE.—Not later than 2 years after the date of enactment of the Runaway and Homeless Youth Protection Act, and at 5-year intervals thereafter, the Secretary shall prepare, and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate, a written report that—

''(1) contains an estimate, obtained by using the best quantitative and qualitative social science research methods available, of the incidence and prevalence of runaway and homeless individuals who are not less than 13 years of age but less than 26 years of age; and

''(2) includes with such estimate an assessment of the characteristics of such individuals.

''(b) CONTENT.—Each assessment required by subsection (a) shall include—

''(1) the results of conducting a survey of, and direct interviews with, a representative sample of runaway and homeless individuals who are not less than 13 years of age but less than 26 years of age to determine past and current—

''(A) socioeconomic characteristics of such individuals; and

''(B) barriers to such individuals obtaining—

''(i) safe, quality, and affordable housing;

''(ii) comprehensive and affordable health insurance and health services; and

''(iii) incomes, public benefits, supportive services, and connections to caring adults; and

''(2) such other information as the Secretary determines, in consultation with States, units of local government, and national nongovernmental organizations concerned with homelessness, may be useful.

''(c) IMPLEMENTATION.—If the Secretary enters into any agreement with a non-Federal entity for purposes of carrying out subsection (a), such entity shall be a nongovernmental organization, or an individual, determined by the Secretary to have appropriate expertise in quantitative and qualitative social science research.''.

SEC. 7. SEXUAL ABUSE PREVENTION PROGRAM.

Section 351(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–41(b)) is amended by inserting ''public and'' after ''priority to''.

SEC. 8. NATIONAL HOMELESS YOUTH AWARENESS CAMPAIGN.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) by redesignating part F as part G; and

(2) by inserting after part E the following:

"PART F—NATIONAL HOMELESS YOUTH AWARENESS CAMPAIGN

"SEC. 361. NATIONAL HOMELESS YOUTH AWARENESS CAMPAIGN.

''(a) IN GENERAL.—The Secretary shall, directly or through grants or contracts, conduct a national homeless youth awareness campaign (referred to in this section as the 'national awareness campaign') in accordance with this section for purposes of—

''(1) increasing awareness of individuals of all ages, socioeconomic backgrounds, and geographic locations, of the issues facing runaway and homeless youth (including youth considering running away); and

''(2) encouraging parents and guardians, educators, health care professionals, social service professionals, law enforcement officials, stakeholders, and other community members to assist youth described in paragraph (1) in averting or resolving runaway and homeless situations.

''(b) USE OF FUNDS.—Amounts made available to carry out this section for the national awareness campaign may only be used for the following:

''(1) Dissemination of educational information and materials through various media, including television, radio, the Internet and related technologies, and emerging technologies.

''(2) Evaluation of the effectiveness of the activities described in paragraphs (1) and (5).

''(3) Development of partnerships with national organizations concerned with youth homelessness, community-based youth service organizations, including faith-based organizations, and government organizations to carry out the national awareness campaign.

''(4) Conducting outreach activities to stakeholders and potential stakeholders in the national awareness campaign.

''(5) In accordance with applicable laws (including regulations), development and placement in telecommunications media (including the Internet and related technologies, and emerging technologies) of public service announcements that educate the public on—

''(A) the issues facing runaway and homeless youth (including youth considering running away); and

''(B) the opportunities that adults have to assist youth described in subparagraph (A).

''(c) PROHIBITIONS.—None of the amounts made available to carry out this section may be obligated or expended for any of the following:

''(1) To fund public service time that supplants pro bono public service time donated by national or local broadcasting networks, advertising agencies, or production companies for the national awareness campaign, or to fund activities that supplant pro bono work for the national awareness campaign.

''(2) To carry out partisan political purposes, or express advocacy in support of or opposition to any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal.

''(3) To fund advertising that features any elected official, person seeking elected office, cabinet level official, or other Federal employee employed pursuant to section 213.3301 or 213.3302 of title 5, Code of Federal Regulations (or any corresponding similar regulation or ruling).

''(4) To fund advertising that does not contain a primary message intended to educate the public on the issues and opportunities described in subsection (b)(5).

''(5) To fund advertising that solicits contributions from both public and private sources to support the national awareness campaign.

''(d) FINANCIAL AND PERFORMANCE ACCOUNTABILITY.—The Secretary shall cause to be performed—

''(1) audits and examinations of records, relating to the costs of the national awareness campaign, pursuant to section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d); and

''(2) audits to determine whether the costs of the national awareness campaign are allowable under section 306 of such Act (41 U.S.C. 256).

''(e) REPORT.—The Secretary shall include in each report submitted under section 382(a) a summary of information about the national awareness campaign that describes—

''(1) the strategy of the national awareness campaign and whether specific objectives of the campaign were accomplished;

''(2) steps taken to ensure that the national awareness campaign operated in an effective and efficient manner consistent with the overall strategy and focus of the national awareness campaign; and

''(3) all grants or contracts entered into with a corporation, partnership, or individual working on the national awareness campaign.''.

SEC. 9. CONFORMING AMENDMENTS.

(a) REPORTS.—Section 382(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5715(a)) is amended by striking '', and E'' and inserting '', E, and F''.

(b) CONSOLIDATED REVIEW.—Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5731a) is amended by striking '', and E'' and inserting '', E, and F''.

(c) EVALUATION AND INFORMATION.—Section 386(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5732(a)) is amended by striking '', or E'' and inserting '', E, or F''.

SEC. 10. PERFORMANCE STANDARDS.

Part G of the Runaway and Homeless Youth Act (42 U.S.C. 5714a et seq.), as redesignated by section 8, is amended by inserting after section 386 the following:

"SEC. 386A. PERFORMANCE STANDARDS.

''(a) ESTABLISHMENT OF PERFORMANCE STANDARDS.—Not later than 1 year after the date of enactment of the Runaway and Homeless Youth Protection Act, the Secretary shall issue rules that specify performance standards for public and nonprofit private entities that receive grants under sections 311, 321, and 351.

''(b) CONSULTATION.—The Secretary shall consult with representatives of public and nonprofit private entities that receive grants under this title, including statewide and regional nonprofit organizations (including combinations of such organizations) that receive grants under this title, and national nonprofit organizations concerned with youth homelessness, in developing the performance standards required by subsection (a).

''(c) IMPLEMENTATION OF PERFORMANCE STANDARDS.—The Secretary shall integrate the performance standards into the processes of the Department of Health and Human Services for grantmaking, monitoring, and evaluation for programs under parts A, B, and E.''.

SEC. 11. APPEALS.

Part G of the Runaway and Homeless Youth Act (42 U.S.C. 5714a et seq.) as amended by section 10, is further amended by inserting after section 386A the following:

"SEC. 386B. APPEALS.

''(a) ESTABLISHMENT OF APPEAL PROCEDURE.—Not later than 6 months after the date of enactment of the Runaway and Homeless Youth Protection Act, the Secretary shall establish by rule an appeal procedure to enable applicants to obtain timely reviews of the amounts of grants made, and the denials of grants requested, under this title.

''(b) CONSULTATION.—The Secretary shall consult with representatives of public and nonprofit private entities that receive grants under this title, including statewide and regional nonprofit organizations (including combinations of such organizations) that receive grants under this title, and national nonprofit organizations concerned with youth homelessness, in developing the appeal procedure required by subsection (a).''.

SEC. 12. DEFINITIONS.

(a) HOMELESS YOUTH.—Section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''The'' and all that follows through ''means'' and inserting ''The term 'homeless', used with respect to a youth, means''; and

(2) in subparagraph (A)(ii), by striking ''not less than 16 years of age'' and inserting ''not less than 16 years of age and not more than 21 years of age, except that nothing in this clause shall prevent a participant who enters the program carried out under part B prior to reaching 22 years of age from being

eligible for the 635-day length of stay authorized by section 322(a)(2); and''.

(b) RUNAWAY YOUTH.—Section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a) is amended—

(1) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) RUNAWAY YOUTH.—The term 'runaway', used with respect to a youth, means an individual who is less than 18 years of age and who absents himself or herself from home or a place of legal residence without the permission of a parent or legal guardian.''.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''is authorized'' and inserting ''are authorized'';

(B) by striking ''part E) $105,000,000 for fiscal year 2004'' and inserting ''parts E and F) $150,000,000 for fiscal year 2009''; and

(C) by striking ''2005, 2006, 2007, and 2008'' and inserting ''2010, 2011, 2012, and 2013''; and

(2) in paragraph (4)—

(A) by striking ''is authorized'' and inserting ''are authorized''; and

(B) by striking ''such sums as may be necessary for fiscal years 2004, 2005, 2006, 2007, and 2008'' and inserting ''$30,000,000 for fiscal year 2009 and such sums as may be necessary for fiscal years 2010, 2011, 2012, and 2013''; and

(3) by adding at the end the following:

''(5) PART F.—There is authorized to be appropriated to carry out part F $3,000,000 for fiscal year 2009 and such sums as may be necessary for fiscal years 2010, 2011, 2012, and 2013.''.

By Mr. AKAKA (by request):

S. 2984. A bill to amend title 38, United States Code, to expand and enhance veterans' benefits, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I introduce legislation requested by the Secretary of Veterans Affairs, as a courtesy to the Secretary. Except in unusual circumstances, it is my practice to introduce legislation requested by the Administration so that such measures will be available for review and consideration.

The Veterans' Benefits Enhancement Act of 2008 consists of several provisions addressing a range of VA care and services. Title I entails adjustments to education benefits currently offered by VA. Title II addresses disability claims adjudication, memorials affairs, insurance and specially adapted housing. Title III addresses health care matters, including nursing home care, contract-care payment, personnel pay and disclosure of private information and medical records. Title IV addresses VA police officers and VA medical facility leases.

Title I of the bill would make several administrative and housekeeping changes to VA's education programs, allowing for faster and more efficient claims adjudication. Among other changes, this title would eliminate the requirement that a student file an application with VA upon changing his or her program of study while remaining enrolled at the same school and eliminate the requirement that wages must be earned in order to participate in VA's full-time on-job training, OJT, program.

Title II would make changes to disability claims adjudication, memorial affairs, insurance and specially adapted housing. Specifically, it would explicitly authorize VA to stay temporarily its adjudication of a pending claim before a VA regional office or the Board of Veterans' Appeals, when a Federal Circuit appeal on the relevant issue is pending. It would also authorize the Board to decide cases out of docket-number order when a case has been stayed or when there is sufficient evidence to decide a claim, but a claim with an earlier docket number is not ready for decision. This title of the bill would also extend full-time and family SGLI coverage to Individual Ready Reservists.

Title III pertains to health care matters, including nursing home care, contract-care payment, personnel pay and disclosure of private information and medical records. It would make permanent VA's authority to provide non-institutional extended care services either directly, by contract, or by another provider or payor. It would also extend VA's obligation to provide nursing home care to veterans with a service-connected disability rated at 70 percent or greater until December 31, 2013, and VA's authority to establish nonprofit research corporations through the same date. This title would also repeal requirements that VA produce certain reports and make permanent VA's authority to assign enrollment priority category 6 to those veterans who participated in chemical and biological warfare testing at DOD's Deseret Test Center from 1962 to 1973.

The fourth and final title of this bill would permit VA police officers to carry firearms and conduct investigations of crimes that occurred on VA property, while off VA property in an official capacity. It also would increase the uniform allowance of VA police officers, to ensure they do not have to pay out-of-pocket for uniform maintenance. Finally, it would raise the threshold for congressional authorization for major medical facility leases from $600,000 to $1,000,000.

I am introducing this bill for the review and consideration of my colleagues at the request of the Administration. As Chairman of the Committee on Veterans' Affairs, I have not taken a position on this legislation.

Mr. President, I ask unanimous consent that the text of the bill and 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:

S. 2984

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 ''Veterans' Benefits Enhancement 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. References to title 38, United States Code.

TITLE I—EDUCATION BENEFITS

Sec. 101. Elimination of reporting requirement for prior training.
Sec. 102. Modification of waiting period before affirmation of enrollment in a correspondence course.
Sec. 103. Elimination of change-of-program application.
Sec. 104. Elimination of wage earning requirement for self-employment on-job training.

TITLE II—OTHER BENEFITS MATTERS

Sec. 201. Staying of Claims.
Sec. 202. Management of Board of Veterans' Appeals Docket.
Sec. 203. Authorization of memorial headstones and markers for deceased remarried surviving spouses of veterans.
Sec. 204. Permanent authority for VA to fund contract medical disability examinations.
Sec. 205. Modification of servicemembers' group life insurance coverage.
Sec. 206. Authorization of Temporary Residence Assistance grants to certain active duty servicemembers.
Sec. 207. Designation of VA Office of Small Business Programs.

TITLE III —- HEALTH CARE MATTERS

Sec. 301. Noninstitutional extended care services.
Sec. 302. Extensions of certain authorities.
Sec. 303. Permanent authority for veterans who participated in certain chemical and biological testing conducted by the Department of Defense.
Sec. 304, Repeal of certain annual reporting requirements.
Sec. 305. Amendments to annual Gulf War research report.
Sec. 306. Payment for care furnished by CHAMPVA beneficiaries.
Sec. 307. Payor provisions for care furnished to certain children of Vietnam veterans.
Sec. 308. Disclosures from certain medical records.
Sec. 309. Provision of health-plan contract information and Social Security number.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Expansion of authority for Department of Veterans Affairs police officers.
Sec. 402. Uniform allowance for Department of Veterans Affairs police officers.
Sec. 403. Increase in threshold for major medical facility leases requiring Congressional approval.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—EDUCATION MATTERS

SEC. 101. ELIMINATION OF REPORTING REQUIREMENT FOR PRIOR TRAINING.

Section 3676(c)(4) is amended by striking ''and the Secretary''.

SEC. 102. MODIFICATION OF WAITING PERIOD BEFORE AFFIRMATION OF ENROLLMENT IN A CORRESPONDENCE COURSE.

Section 3686(b) is amended by striking ''ten'' and inserting ''five''.

SEC. 103. ELIMINATION OF CHANGE-OF-PROGRAM APPLICATION.

Section 3691(d) is amended—

(1) by inserting ''(1)'' following ''another program if—'';

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D);

(3) at the end of subparagraph (C), as redesignated by paragraph (2) of this section, by striking ''or''; and

(4) by striking the period and inserting '';or

''(2) the change from one program to another is at the same educational institution and that educational institution finds that the new program is suitable to the veteran's or person's aptitudes, interests, and abilities as shall be evidenced by its certification to the Secretary of such veteran's or person's enrollment in the new program.''

''In the case of a change of program described in paragraph (2), the veteran or person will not be required to apply to the Secretary for approval of such change.''.

SEC. 104. ELIMINATION OF WAGE EARNING REQUIREMENT FOR SELF-EMPLOYMENT ON-JOB TRAINING.

Section 3677(b) is amended by adding at the end the following new paragraph:

''(3) The requirement for certification under paragraph (1) shall not apply to training described in section 3452(e)(2).''.

TITLE II—OTHER BENEFITS MATTERS

SEC. 201. STAYING OF CLAIMS.

(a) IN GENERAL.—Chapter 5 is amended by inserting before section 502 the following new section:

§ 501A. Staying of claims

''(a) Notwithstanding any other provision of this title, the Secretary may temporarily stay the adjudication of a claim or claims before the Board of Veterans' Appeals or an agency of original jurisdiction when the Secretary determines that the stay is necessary to preserve the integrity of a program administered under this title.

''(b) The Secretary shall issue regulations describing the factors the Secretary will consider in determining whether and to what extent a stay is warranted.

''(c) A claimant or claimants may petition for review of an action under a regulation prescribed in accordance with this section. Such review may be sought only in the United States Court of Appeals for the Federal Circuit, which may set aside such action if it determines that the action is arbitrary and capricious.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 501 the following new item: ''501A. Staying of claims.''.

(c) EFFECTIVE DATE.—The provisions of section 501A, as added by subsection (a) of this section, shall apply to—

(1) any claim for benefits under any law administered by the Secretary of Veterans Affairs that is received by the Department of Veterans Affairs on or after the date of enactment of this Act; and

(2) any claim for such benefits that was received by the Department of Veterans Affairs before the date of enactment of this Act but is not finally adjudicated by the Department as of that date.

SEC. 202. MANAGEMENT OF BOARD OF VETERANS' APPEALS DOCKET.

(a) IN GENERAL.—Section 7107(a)(1) is amended by inserting before the period at the end the following: '', but the Board may consider and decide a particular case before another case with an earlier docket number if the earlier case has been stayed, or if a decision on the earlier case has been delayed for any reason and the later case is fully developed and ready for decision''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) of this section shall apply to—

(1) any claim for benefits under a law administered by the Secretary of Veterans Affairs that is received by the Department of Veterans Affairs on or after the date of enactment of this Act; and

(2) any claim for such benefits that was received by the Department of Veterans Affairs before the date of enactment of this Act but is not finally adjudicated by the Department as of that date.

SEC. 203. AUTHORIZATON OF MEMORIAL HEADSTONES AND MARKERS FOR DECEASED REMARRIED SURVIVING SPOUSES OF VETERANS.

(a) IN GENERAL.—Section 2306(b)(4)(B) is amended by striking ''an unremarried surviving spouse whose subsequent remarriage was terminated by death or divorce'' and inserting ''a surviving spouse who had a subsequent remarriage''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to deaths occurring on or after the date of the enactment of this Act.

SEC. 204. PERMANENT AUTHORITY FOR VA TO FUND CONTRACT MEDICAL DISABILITY EXAMINATIONS.

REPEAL OF EXPIRATION OF AUTHORITY TO FUND CONTRACT MEDICAL EXAMINATIONS USING APPROPRIATED FUNDS.—Section 704 of the Veterans Benefits Act of 2003 (Public Law 108–183; 117 Stat. 2651; 38 U.S.C. 5101 note), is amended—

(1) by striking subsection (c);

(2) by redesignating subsection (d) as subsection (c); and

(3) by striking ''TEMPORARY'' from the heading of section 704.

SEC. 205. MODIFICATION OF SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE.

(a) EXPANSION OF SERVICEMEMBERS' GROUP LIFE INSURANCE TO INCLUDE CERTAIN MEMBERS OF INDIVIDUAL READY RESERVE.—

(1) In general—Subparagraph (C) of section 1967(a)(1) is amended by striking ''section 1965(5)(B) of this title'' and inserting ''subparagraph (B) or (C) of section 1965(5) of this title''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 1967(a)(5) is amended by striking ''section 1965(5)(B) of this title'' and inserting ''subparagraph (B) or (C) of section 1965(5) of this title''; and

(B) Subparagraph (B) of section 1969(g)(1) is amended by striking ''section 1965(5)(B) of this title'' and inserting ''subparagraph (8) or (C) of section 1965(5) of this title''.

(b) REDUCTION IN PERIOD OF DEPENDENTS' COVERAGE AFTER MEMBER SEPARATES.—Section 1968(a)(5)(B)(ii) is amended by striking ''120 days after''.

(c) AUTHORITY TO SET PREMIUMS FOR READY RESERVISTS' SPOUSES.—Section 1969(g)(1)(B) is amended by striking ''(which shall be the same for all such members)''.

(d) FORFEITURE OF VETERANS' GROUP LIFE INSURANCE.—Section 1973 is amended by striking ''under this subchapter'' and inserting ''and Veterans Group Life Insurance under this subchapter''.

(e) EFFECTIVE AND APPLICABILITY DATES.—

(1) The amendments made in subsection (a) of this section shall take effect on the date of enactment of this Act.

(2) The amendment made by subsection (b) of this section shall apply with respect to Servicemembers' Group Life Insurance coverage for an insurable dependent of a member, as defined in section 1965(10) of title 38, United States Code, that begins on or after the date of enactment of this Act.

(3) The amendment made by subsection (c) of this section shall take effect as if enacted on June 5, 2001, immediately after the enactment of the Veterans' Survivor Benefits Improvements Act of 2001 (Public Law 107–14; 115 Stat. 25).

(4) The amendment made by subsection (d) of this section shall apply with respect to any act of mutiny, treason, spying, or desertion committed on or after the date of enactment of this Act for which a person is found guilty, or with respect to refusal because of conscientious objections to perform service in, or to wear the uniform of, the United States Armed Forces on or after the date of enactment of this Act.

SEC. 206. PERMIT VA TO PROVIDE TEMPORARY RESIDENCE ASSISTANCE GRANTS TO CERTAIN ACTIVE DUTY SERVICEMEMBERS.

Section 2101(c) is amended to read as follows:

''(c) The Secretary may provide assistance under this chapter to a member of the Armed Forces serving on active duty who is suffering from a disability described in this section if such disability is the result of an injury incurred or disease contracted in or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent, and subject to the same limitations, as assistance is provided to veterans under this chapter.''.

SEC. 207. DESIGNATON OF VA OFFICE OF SMALL BUSINESS PROGRAMS.

The Office of Small Business Programs of the Department of Veterans Affairs is the office that is established within the Office of the Secretary of Veterans Affairs under section 15(k) of the Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

TITLE III—HEALTH CARE MATTERS

SEC. 301. NONINSTITUTIONAL EXTENDED CARE SERVICES.

(a) Section 1701(10) is repealed.

(b) Section 1701(6) is amended—

(1) by redesignating subparagraphs (E) and (F) as (F) and (G), respectively; and

(2) by adding the following new subparagraph (E):

''(E) Noninstitutional extended care services, including alternatives to institutional extended care which the Secretary may furnish (i) directly. (ii) by contract, or (iii) (through provision of case management) by another provider or payor.''.

SEC. 302. EXTENSIONS OF CERTAIN AUTHORITIES.

(a) NURSING HOME CARE.—Subsection (c) of section 1710A is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

(b) RESEARCH CORPORATIONS.—Section 7368 is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

(c) RECOVERY AUDITS.—Section 1703(d) is amended in paragraph (4) by striking ''September 30, 2008'' and inserting ''September 30, 2013''.

SEC. 303. PERMANENT AUTHORITY FOR VETERANS WHO PARTICIPATED IN CERTAIN CHEMICAL AND BIOLOGICAL TESTING CONDUCTED BY THE DEPARTMENT OF DEFENSE.

Subsection (e) of section 1710 is amended by striking paragraph (3)(D).

SEC. 304. REPEAL OF CERTAIN ANNUAL REPORTING REQUIREMENTS.

(a) NURSE PAY REPORT.—Section 7451 is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

(b) LONG-TERM PLANNING REPORT.—Section 8107 is repealed.

SEC. 305. AMENDMENTS TO ANNUAL GULF WAR RESEARCH REPORT.

Section 707 of the Persian Gulf War Veterans' Health Status Act (title VII of Public

Law 102–585; 106 Stat. 4943; 38 U.S.C. 527 note) is amended in subsection (c)(1), by striking ''Not later than March 1 of each year'' and inserting ''Not later than July 1, 2008, and July 1 of each of the five following years''.

SEC. 306. PAYMENT FOR CARE FURNISHED TO CHAMPVA BENEFICIARIES.

Section 1781 is amended at the end by adding the following new subsection:

''(e) Payment by the Secretary under this section on behalf of a covered beneficiary for medical care shall constitute payment in full and extinguish any liability on the part of the beneficiary for that care.''.

SEC. 307. PAYOR PROVISIONS FOR CARE FURNISHED TO CERTAIN CHILDREN OF VIETNAM VETERANS.

(a) CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA.—Section 1803 is amended—

(1) by redesignating subsection (c) as (d); and

(2) by inserting new subsection (c) as follows:

''(c) Where payment by the Secretary under this section is less than the amount of the charges billed, the health care provider or agent of the health care provider may seek payment for the difference between the amount billed and the amount paid by the Secretary from a responsible third party to the extent that the provider or agent thereof would be eligible to receive payment for such care or services from such third party, but—

''(1) the health care provider or agent for the health care provider may not impose any additional charge on the beneficiary who received the medical care, or the family of such beneficiary, for any service or item for which the Secretary has made payment under this section;

''(2) the total amount of payment a provider or agent of the provider may receive for care and services furnished under this section may not exceed the amount billed to the Secretary; and

''(3) the Secretary, upon request, shall disclose to such third party information received for the purposes of carrying out this section.''.

(b) CHILDREN OF WOMEN VIETNAM VETERANS BORN WITH BIRTH DEFECTS.— Section 1813 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting new subsection (c) as follows:

''(c) Where payment by the Secretary under this section is less than the amount of the charges billed, the health care provider or agent of the health care provider may seek payment for the difference between the amount billed and the amount paid by the Secretary from a responsible third party to the extent that the health care provider or agent thereof would be eligible to receive payment for such care or services from such third party, but—

''(1) the health care provider or agent for the health care provider may not impose any additional charge on the beneficiary who received medical care, or the family of such beneficiary, for any service or item for which the Secretary has made payment under this section;

''(2) the total amount of payment a provider or agent of the provider may receive for care and services furnished under this section may not exceed the amount billed to the Secretary; and

''(3) the Secretary, upon request, shall disclose to such third party information received for the purposes of carrying out this section.''.

SEC. 308. DISCLOSURES FROM CERTAIN MEDICAL RECORDS.

Section 7332(b)(2) of such title is amended by adding at the end thereof the following new subparagraph:

''(F)(i) To a representative of a patient who lacks decision-making capacity, when a practitioner deems the content of the given record necessary for that representative to make an informed decision regarding the patient's treatment.

''(ii) In this subparagraph, the term 'representative' means an individual, organization or other body authorized under section 7331 of this title and its implementing regulations to give informed consent on behalf of a patient who lacks decision-making capacity.''.

SEC. 309. PROVISION OF HEALTH-PLAN CONTRACT INFORMATION AND SOCIAL SECURITY NUMBER.

Subchapter I of Chapter 17 of title 38, United States Code, is amended—

(1) by adding at the end the following new section:

§ 1709. Provision of health-plan contract information and social security number

''(a) Any individual who applies for or is in receipt of any hospital, nursing home, or domiciliary care; medical, rehabilitative, or preventive health services; or other medical care under laws administered by the Secretary shall, at the time of such application, or otherwise when requested by the Secretary, furnish the Secretary with such current information as the Secretary may require to identify any health-plan contract, as defined in section 1729 (i)(1) of this title, under which such individual is covered, to include, as applicable, the name, address, and telephone number of such health-plan contract; the name of the individual's spouse, if the individual's coverage is under the spouse's health-plan contract; the plan number, and the plan's group code.

''(b) Any individual who applies for or is in receipt of any hospital, nursing home, or domiciliary care; medical, rehabilitative, or preventive health services; or other medical care and services under laws administered by the Secretary shall, at the time of such application, or otherwise when requested by the Secretary, furnish the Secretary with the individual's social security number and the social security number of any dependent or Department of Veterans Affairs' beneficiary on whose behalf, or based upon whom, such individual applies for or is in receipt of such benefit. This subsection does not require an individual to furnish the Secretary with a social security number for any individual to whom a social security number has not been assigned.

''(c) The Secretary shall deny the individual's application for, or may terminate the individual's enrollment in, the system of patient enrollment established by the Secretary under section 1705 of this title, if the individual does not provide the social security number required or requested to be furnished pursuant to subsection (b) of this section. The Secretary, following such denial or termination, may, upon receipt of the information required or requested under subsection (b), approve the individual's application or reinstate the individual's enrollment (if otherwise in order), for such medical care and services provided on and after the date of such receipt of information.

''(d) Nothing in this section shall be construed as authority to deny medical care and treatment to an individual in a medical emergency.''.

(2) by amending the table of sections for such subchapter by adding at the end thereof the following new item: §1709. Provision of health-plan contract information and social security number.''

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. EXPANSION OF AUTHORITY FOR DEPARTMENT OF VETERANS AFFAIRS POLICE OFFICERS.

Section 902 is amended—

(1) in subsection (a)—

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

''(1) Employees of the Department who are Department police officers shall, with respect to acts occurring on Department property—

''(A) enforce Federal laws;

''(B) enforce the rules prescribed under section 901 of this title;

''(C) enforce traffic and motor vehicle laws of a state or local government within the jurisdiction of which such Department property is located as authorized by an express grant of authority under applicable state or local law. Any such enforcement shall be by issuance of a citation for violation of such law;

''(D) carry the appropriate VA-issued weapons, including firearms, while off Department property in an official capacity or while in an official travel status;

''(E) conduct investigations, on and off Department property, of offenses that may have been committed on property under the original jurisdiction of VA, consistent with agreements or other consultation with affected local, state, or Federal law enforcement agencies; and

''(F) carry out, as needed and appropriate, the duties described in subparagraphs (A)–(E) of this subsection when engaged in duties authorized by other Federal statutes.''.

(B) by striking paragraph (2) and renumbering paragraph (3) as paragraph (2) and adding '', and on any arrest warrant issued by competent judicial authority'' before the period.

(2) by amending subsection (c) to read:

''(c) The powers granted to Department police officers designated under this section shall be exercised in accordance with guidelines approved by the Secretary and the Attorney General.''.

SEC. 402. UNIFORM ALLOWANCE FOR DEPARTMENT OF VETERANS AFFAIRS POLICE OFFICERS.

Section 903 is amended—

(1) by striking the matter in subsection (b) and inserting:

''(b) The amount of the allowance that the Secretary may pay under this section will be the lesser of—

''(1) the amount currently allowed as prescribed by the Office of Personnel Management; or

''(2) estimated costs or actual costs as determined by periodic surveys conducted by the Department.

''During any fiscal year no officer will receive more than the amount established under this subsection.''.

(2) by striking the matter in subsection (c) and inserting:

''(c) The allowance established under subsection (b) shall be paid at the beginning of a Department police officer's employment for those appointed on or after October 1, 2008. In the case of any other Department police officer, an allowance in the amount established under subsection (b) shall be paid upon the request of the officer.

SEC. 403. INCREASE IN THRESHOLD FOR MAJOR MEDICAL FACILITY LEASES REQUIRING CONGRESSIONAL APPROVAL.

Section 8104(a)(3)(B) is amended by striking ''$600,000'' and inserting ''$1,000,000''.

THE SECRETARY
OF VETERANS AFFAIRS,
Washington, April 25, 2008.

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

DEAR MADAM SPEAKER: We are transmitting the ''Veterans' Benefits Enhancement Act of 2008,'' a draft bill ''[t]o amend title 38, United States Code, to expand and enhance

veterans' benefits, and for other purposes.'' The Department of Veterans Affairs (VA) requests that the bill be referred to the appropriate committee for prompt consideration and enactment.

VA's draft bill contains four titles that address improvements to education, health care, and other benefits, as well as other miscellaneous matters. Enclosed please find a section-by-section analysis, which includes cost estimates.

The provisions of title I dealing with education matters would eliminate the requirement that certain institutions report to VA any credit granted a student for prior training, modify the waiting period before affirmation of enrollment in a program pursued exclusively by correspondence, eliminate the requirement that an individual report to VA for approval a second change of program pursued while enrolled at the same institution, and eliminate the wage-earning requirement for self-employment on-job training.

Title II of the draft bill deals with miscellaneous provisions that would permit VA to stay temporarily its adjudication of claims while awaiting pending court decisions, clarify that the Board of Veterans' Appeals may decide certain cases out of docket-number order, permit VA to furnish a memorial headstone or marker for certain deceased surviving spouses of veterans, make permanent VA authority to contract for medical disability examinations, modify servicemembers' group life insurance coverage, permit VA to provide Temporary Residence Assistance grants to certain active-duty servicemembers, and designate the office required to be established by the Small Business Act (15 U.S.C. §644(k)) as the Office of Small Business Programs.

Title III addresses a number of significant health care matters. One of the major provisions would authorize the Secretary to require that recipients of, and applicants for, medical care and services provide their health-plan contract information and social security numbers upon request. This would allow VA to enhance revenue collection from health insurance carriers and ensure the accurate identification of medical care applicants by a single unique identifier, thus facilitating VA medical care eligibility determinations.

Other key provisions of title III would provide for several needed program extensions, including the Department's mandate to provide nursing home care to veterans with service-connected disabilities of 70 percent or greater and to those who need such care for the treatment of a service-connected disability. Another provision of title III would allow VA to establish additional nonprofit research corporations. There is also a measure to extend VA's authority to conduct its audit-recovery program, which assists in identifying erroneous payments or overpayments made under fee-basis contracts or other medical services contracts. The audit program has achieved notable success in the amounts recovered. All of these are important authorities that should not be allowed to lapse.

We also propose to amend 38 U.S.C. §7332 to allow VA providers to disclose information related to a patient's treatment of drug abuse, alcoholism and alcohol abuse, infection with the human immunodeficiency virus, and sickle cell anemia to that patient's authorized surrogate when the patient lacks decision-making capacity but has not expressly authorized the release of that information to that surrogate. The terms of the provision are very narrowly drawn to permit disclosure of this information only when clinically relevant to the treatment decision that the surrogate is being asked to make and are consistent with widely-accepted ethical standards for informed consent. In its report, Disclosing Patients' Protected Health Information to Surrogates (February 2005), VHA's National Ethics Committee concluded that, in light of significant legal protections now in place regarding employment discrimination based on personal health status and the confidentiality of personal health information, the current section 7332 prohibition against the disclosure of clinically-relevant medical information to surrogate decision makers is no longer justifiable. Moreover, the Committee concluded that 38 U.S.C. §7332 places clinicians in the ethically untenable position of being required to obtain informed consent from the surrogate decision maker on behalf of a patient who lacks decision-making capacity, while being unable to disclose to the surrogate this significant clinical information without which there can be no full and informed consent.

Key provisions of Title IV of the draft bill would make long-needed improvements to VA's Security and Law Enforcement Program, and enable our police officers to more fully perform all of the duties required of their law enforcement positions.

The Office of Management and Budget advises that transmission of this legislative package is in accord with the President's program.

An identical letter has been sent to the President of the Senate.

Sincerely yours,

JAMES B. PEAKE.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 551—CELEBRATING 75 YEARS OF SUCCESSFUL STATE-BASED ALCOHOL REGULATION

Mr. BAUCUS (for himself and Mr. BARRASSO) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 551

Whereas, throughout the history of the United States, alcohol has been consumed by the people of the United States and has been regulated by government;

Whereas, before the passage of the 18th amendment to the Constitution of the United States (commonly known as ''National Prohibition''), abuses and insufficient regulation resulted in irresponsible overconsumption of alcohol;

Whereas the passage of the 18th amendment, which prohibited ''the manufacture, sale, or transportation of intoxicating liquors'' in the United States, resulted in a dramatic increase in illegal activity, including unsafe black market alcohol production, a growth in organized crime, and increasing noncompliance with alcohol laws;

Whereas the platforms of the 2 major political parties in the 1932 presidential campaign advocated ending National Prohibition by repealing the 18th amendment;

Whereas, on February 20, 1933, the second session of the 72nd Congress submitted to conventions of the States the question of repealing the 18th amendment and adding new language to the Constitution requiring the transportation or importation of alcoholic beverages for delivery or use in any State to be carried out in compliance with the laws of that State;

Whereas, on December 5, 1933, Utah became the 36th State to approve what became the 21st amendment to the Constitution of the United States, making the ratification of the 21st amendment the fastest ratification of a constitutional amendment in the history of the United States and the only ratification of a constitutional amendment ever decided by State conventions pursuant to Article V of the Constitution;

Whereas alcohol is the only product in commerce in the United States that has been the subject of 2 constitutional amendments;

Whereas Congress's reenactment in 1935 of the Act entitled ''An Act divesting intoxicating liquors of their interstate character in certain cases'', approved March 1, 1913 (commonly known as the Webb-Kenyon Act) (27 U.S.C. 122), and the enactment of the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.), section 2004 of Aimee's Law (27 U.S.C. 122a) (relating to 21st amendment enforcement), the Sober Truth on Preventing Underage Drinking Act (Public Law 109–422; 120 Stat. 2890), and annual appropriations to support State enforcement of underage drinking laws demonstrate a longstanding and continuing intent on the part of Congress that States should exercise their primary authority to achieve temperance, the creation and maintenance of orderly and stable markets with respect to alcoholic beverages, and the facilitation of the efficient collection of taxes;

Whereas the legislatures and alcoholic beverage control agencies of the 50 States have worked diligently to implement the powers granted by the 21st amendment for 75 years and to ensure the creation and maintenance of State-based regulatory systems for alcohol distribution made up of producers, importers, wholesale distributors, and retailers;

Whereas the development of a transparent and accountable system for the distribution and sale of alcoholic beverages, an orderly market, temperance in consumption and sales practices, the efficient collection of taxes, and other essential policies have been successfully guided by the collective experience and cooperation of government agencies and licensed industry members throughout the geographically and culturally diverse Nation;

Whereas regulated commerce in alcoholic beverages annually contributes billions of dollars in Federal and State tax revenues and additional billions to the United States economy and supports the employment of millions of people in the United States in more than 2,500 breweries, distilleries, wineries, and import companies, more than 2,700 wholesale distributor facilities, more than 530,000 retail outlets, and numerous agricultural, packaging, and transportation businesses;

Whereas the United States system of State-based alcohol regulation has resulted in a marketplace with unprecedented choice, variety, and selection for consumers;

Whereas members of the licensed alcoholic beverage industry have been constant partners with Federal and State governments in balancing the conduct of competitive businesses with the need to control alcohol in order to provide consumers in the United States with a safe and regulated supply of alcoholic beverages; and

Whereas members of the licensed alcoholic beverage industry have created and supported a wide range of national, State, and community programs to address problems associated with alcohol abuse, including drunk driving and underage drinking: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates 75 years of effective State-based alcohol regulation since the passage of the 21st amendment to the Constitution of the United States;

(2) commends State lawmakers, regulators, law enforcement officers, the public health

community, and industry members for successful collaboration in achieving a workable, legal, and successful system for the distribution and sale of alcoholic beverages; and

(3) reaffirms the continued support of the Senate for policies that allow States to effectively regulate alcohol.

SENATE RESOLUTION 552—RECOGNIZING THE 150TH ANNIVERSARY OF THE STATE OF MINNESOTA

Mr. COLEMAN (for himself and Ms. KLOBUCHAR) submitted the following resolution; which was considered and agreed to:

S. RES. 552

Whereas Minnesota was established as a territory on March 2, 1849, and became the 32nd State on May 11, 1858;

Whereas Minnesota is also known as the ''Gopher State'', the ''North Star State'', and the ''Land of 10,000 Lakes'';

Whereas Minnesota's name comes from the Dakota word ''minesota'', meaning ''water that reflects the sky'', and Native Americans continue to play a defining role in Minnesota's proud heritage;

Whereas the cities of Minneapolis and St. Paul were established after the completion of nearby Fort Snelling, a frontier outpost and training center for Civil War soldiers;

Whereas more than 338,000,000 tons of Minnesota iron ore were shipped between 1940 and 1945 that contributed to the United States military victory in World War II, and an additional 648,000,000 tons of iron ore were shipped between 1945 and 1955 that boosted post-war economic expansion in the United States;

Whereas, in 1889, the Saint Mary's Hospital, now known as the Mayo Clinic, opened its doors to patients in Rochester, Minnesota, and is now known worldwide for its cutting-edge care;

Whereas Minnesota continues to be a leader in innovation and is currently home to more than 35 Fortune 500 companies;

Whereas Minnesota houses over 30 institutions of higher education, including the University of Minnesota, a world-class research university where the first open heart surgery and first bone marrow transplant were performed in the United States;

Whereas farmland spans over half of Minnesota's 54,000,000 acres and the agriculture industry is Minnesota's 2nd largest job market, employing nearly 80,000 farmers;

Whereas Minnesota is the Nation's number one producer of sugarbeets and turkeys;

Whereas Minnesota is a national leader in the production and use of renewable energy, which helps our Nation reduce its dependency on foreign sources of oil;

Whereas the Mall of America located in Bloomington, Minnesota, is the Nation's largest retail and entertainment complex, spanning 9,500,000 square feet and providing more than 11,000 jobs;

Whereas Minnesota has 90,000 miles of lake and river shoreline, which includes the coast of Lake Superior, the largest of North America's Great Lakes;

Whereas the Minneapolis-St. Paul area is nationally recognized for its parks, museums, and cultural events; and

Whereas the people of Minnesota have a timeless reputation of compassion, strength, and determination: Now, therefore, be it

Resolved, That the Senate congratulates the State of Minnesota on its 150th anniversary and the contributions it continues to make to America's economy and heritage.

SENATE RESOLUTION 553—CONGRATULATING CHARLES COUNTY, MARYLAND, ON THE OCCASION OF ITS 350TH ANNIVERSARY

Mr. CARDIN (for himself and Ms. MIKULSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 553

Whereas 2008 marks the 350th anniversary of the establishment of Charles County, Maryland, a historic and memorable event that will be commemorated throughout the year;

Whereas Charles County was chartered in 1658 and named after Charles Calvert, a royal proprietor of the colony of Maryland;

Whereas citizens of Charles County have played an important role in the history of Maryland and our Nation, including Thomas Stone, whose home is maintained by the National Park Service in Port Tobacco and who served as a Continental Congressman, a framer of the Articles of Confederation, and a signer of the Declaration of Independence;

Whereas, under the Articles of Confederation, John Hanson, born in Port Tobacco, served as the President of the United States in Congress Assembled;

Whereas Josiah Henson escaped slavery and fled from Charles County to Canada, where he wrote his autobiography, a narrative that later inspired Harriet Beecher Stowe's famous novel ''Uncle Tom's Cabin'';

Whereas Josiah Henson's grandnephew, Matthew Henson, left Charles County farmland to become an arctic explorer, venturing to the North Pole and going on to receive international acclaim;

Whereas, following the Civil War, the house of Dr. Samuel A. Mudd in Waldorf was where John Wilkes Booth stopped to have Dr. Mudd reset his leg, broken after he fatally shot President Abraham Lincoln and jumped off the balcony of Ford's Theater in Washington, DC;

Whereas today Charles County has roughly 120,000 residents;

Whereas, while farming and small town life still flourish, particularly along the banks of the Potomac River, the population of the county is growing; and

Whereas the county is home to workers in the National Capital region as well as the county's largest employer, a Department of Defense Energetics Center, the Indian Head Division, Naval Surface Warfare Center: Now, therefore, be it

Resolved, That the Senate—

(a) commends and congratulates Charles County, Maryland, on the occasion of its 350th anniversary; and

(b) requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Charles County Anniversary Committee as an expression of the Senate's best wishes for a glorious year of celebration.

SENATE CONCURRENT RESOLUTION 79—CONGRATULATING AND SALUTING FOCUS: HOPE ON ITS 40TH ANNIVERSARY AND FOR ITS REMARKABLE COMMITMENT AND CONTRIBUTIONS TO DETROIT, THE STATE OF MICHIGAN, AND THE UNITED STATES

Mr. LEVIN (for himself and Ms. STABENOW) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 79

Whereas Focus: HOPE began as a civil and human rights organization in 1968 in the wake of the devastating Detroit riots, and was cofounded by the late Father William T. Cunningham, a Roman Catholic priest, and Eleanor M. Josaitis, a suburban housewife, who were inspired by the work of Dr. Martin Luther King, Jr.;

Whereas Focus: HOPE is committed to bringing together people of all races, faiths, and economic backgrounds to overcome injustice and build racial harmony, and it has grown into one of the largest nonprofit organizations in Michigan;

Whereas the Focus: HOPE mission statement reads, ''Recognizing the dignity and beauty of every person, we pledge intelligent and practical action to overcome racism, poverty and injustice. And to build a metropolitan community where all people may live in freedom, harmony, trust, and affection. Black and white, yellow, brown and red, from Detroit and its suburbs of every economic status, national origin and religious persuasion we join in this movement.'';

Whereas one of Focus: HOPE's early efforts was to support African-American and female employees in a seminal class action suit against the American Automobile Association (AAA), resulting in groundbreaking affirmative action commitments made by AAA;

Whereas Focus: HOPE helped to conceive and develop the Department of Agriculture's Commodity Supplemental Food Program, which has been replicated in more than 32 States, and through this program, Focus: HOPE helps to feed approximately 41,000 people per month throughout southeast Michigan;

Whereas Focus: HOPE has revitalized several city blocks in central Detroit by redeveloping obsolete industrial buildings, beautifying and landscaping Oakman Boulevard, creating pocket parks, and rehabilitating homes in the surrounding areas;

Whereas, since 1981, Focus: HOPE's Machinist Training Institute has been training individuals from Detroit and surrounding areas in careers in advanced manufacturing and precision machining and has produced nearly 2,300 certified graduates, providing an opportunity for minority youth, women, and others who are often underrepresented in such careers to gain access to the financial mainstream and learn in-demand skills;

Whereas Focus: HOPE has recognized that manufacturing and information technologies are key to the economic growth and security of Michigan and the United States, and is committed to designing programs to encourage the participation of underrepresented urban individuals in those critical sectors;

Whereas, in 1982, Focus: HOPE initiated a for-profit subsidiary for community economic development purposes and is now designated with Federal HUBZone status (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p));

Whereas Focus: HOPE created Fast Track, a pioneering skill-enhancing program designed to help individuals improve their reading and math competencies by a minimum of 2 grade levels in 4 to 7 weeks;

Whereas Focus: HOPE's training and education programs have moved more than 9,600 individuals out into the workforce since the inception of those programs and have job placement rates significantly above the national average;

Whereas, in 1987, Focus: HOPE reclaimed and renovated an abandoned building and opened it as the Focus: HOPE Center for Children, which now has served nearly 6,000 children of colleagues, students, and neighbors with quality child care, including

latchkey, summer camp, early childhood education, and other educational services;

Whereas Focus: HOPE, through an unprecedented cooperative agreement between the Departments of Defense, Commerce, Education, and Labor, established a national demonstration project, the Center for Advanced Technologies, which integrates hands-on manufacturing training and academic learning and educates advanced manufacturing engineers and technologists at internationally competitive levels;

Whereas Focus: HOPE partnered with 5 universities and 6 industry partners, formerly known as the Greenfield Coalition, to design a unique 21st century curriculum that resulted in students receiving associate's degrees in manufacturing technologies from Lawrence Technological University, or bachelor's degrees in engineering technology or manufacturing engineering from Wayne State University or the University of Detroit Mercy, respectively;

Whereas, due to the unique educational pedagogy at Focus: HOPE's Center for Advanced Technologies, the starting salary of its graduates is higher than the national average of graduates with the same degree from other universities;

Whereas Focus: HOPE has made outstanding contributions in increasing diversity within the traditionally homogenous science, math, engineering, and technology fields, 95 percent of currently enrolled degree candidates are African-American, and the Center for Advanced Technologies is one of the top programs in the United States for graduating minorities with bachelor's degrees in manufacturing engineering;

Whereas Focus: HOPE's unique partnership with the Department of Defense has resulted in several research and development projects, including a nationally recognized demonstration project, the Mobile Parts Hospital, whose Rapid Manufacturing System has been deployed to Kuwait in support of the Armed Forces' operations in Afghanistan, Kuwait, and Iraq;

Whereas, in 1995, Focus: HOPE began a community arts program to present multicultural arts programming and gallery exhibitions designated to educate and encourage area residents, while fostering integration in a culturally diverse metropolitan community, and more than 70,000 people have viewed sponsored exhibits or participated in the program;

Whereas, in 1999, Focus: HOPE established an Informational Technologies Center to provide Detroit students with industry-certified training programs in network administration, network installation, and desktop and server administration, and has graduated nearly 800 students, and initiated, in collaboration with industry and academia, the design of a new bachelor's degree program to educate information management systems engineers;

Whereas, in 2006, the State of Michigan designated Focus: HOPE's campus and the surrounding community a ''Cool Cities'' neighborhood;

Whereas the Secretary of Labor presented Focus: HOPE with an Exemplary Public Interest Contribution Award in recognition of its success in opening employment opportunities for minorities and women;

Whereas the Village of Oakman Manor, a 55-unit senior citizen apartment building sponsored by the Presbyterian Village of Michigan in collaboration with Focus: HOPE, opened in 2006 near the Focus: HOPE campus as the first new construction in the area in more than 50 years;

Whereas Focus: HOPE's initiatives and programs have been nationally recognized for excellence and leadership by such entities as the Government Accountability Office, the Department of Labor, the International Standards Organization, the National Science Foundation, the Cisco Networking Academy Program, Fortune magazine, Forbes magazine, and the Aspen Institute;

Whereas former Presidents George H.W. Bush and William Jefferson Clinton have visited Focus: HOPE's campus;

Whereas Focus: HOPE's cofounder Eleanor M. Josaitis received honorary degrees from 13 outstanding universities and colleges, was named one of the 100 Most Influential Women in 2002 by Crain's Detroit Business, was inducted into the Michigan Women's Hall of Fame, received the Detroit NAACP Presidential Award, the Arab American Institute Foundation's Kahlil Gibran Spirit of Humanity Award, the Michigan Chamber of Commerce Award for Distinguished Service and Leadership, and the Dr. Charles H. Wright Award for Excellence in Community Activism, the Caring Institute's National Caring Award, and the Clara Barton Ambassador Award from the American Red Cross, as well as many other awards;

Whereas, through generous partnerships with and the support of individuals from all walks of life, the Federal, State, and local governments, and foundations and corporations across the United States, the vision of Focus: HOPE will continue to grow and inspire;

Whereas Focus: HOPE has been fortunate enough to have an active board of directors and advisory board from the most senior levels of corporations and public entities in the United States and has benefitted from thousands of volunteers and supporters;

Whereas Focus: HOPE has been a tremendous force for good in the city of Detroit, the State of Michigan, and in the United States for the past 40 years;

Whereas Focus: HOPE continues to strive to eliminate racism, poverty, and injustice through the use of passion, persistence, and partnerships, and continues to seek improvements in its quality of service and program operations; and

Whereas Focus: HOPE and its colleagues will continue to identify ways in which it can lead Detroit, the State of Michigan, and the United States into the future with creative urban leadership initiatives: Now, therefore, be it

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

(1) congratulates and salutes Focus: HOPE for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to Focus: HOPE for appropriate display.

Mr. LEVIN. Mr. President, I am joined by my colleague from Michigan, Senator STABENOW, in introducing a resolution today honoring the 40th anniversary of Focus: HOPE. This resolution was initiated in the House by Representative JOHN CONYERS and cosponsored by the entire Michigan Congressional delegation.

Focus: HOPE, a civil and human rights organization, was founded by the late Father William T. Cunningham and Eleanor Josaitis in the aftermath of the 1967 Detroit riots in one of Detroit's most economically depressed areas. This outstanding organization has established itself as an integral part of the history and fabric of southeast Michigan. The mission of Focus: HOPE is ''to use intelligent and practical action to fight racism, poverty and injustice'' and that mission is as important today as it was when the organization was founded in 1968.

Over the ensuing 40 years, Focus: HOPE has sought to effect positive change in southeast Michigan. I have been honored to witness and take part in the evolution of this fine organization. Education and job training has been at the core of these efforts. By bringing together businesses, foundations, government and individuals in the community, Focus: HOPE has truly made a difference in Detroit and across the state of Michigan and has grown into one of the largest nonprofits in the State. Focus: HOPE has sought to meet the needs of southeast Michigan in a comprehensive fashion through a number of highly successful programs, including the Machinist Training Institute, the Center for Advanced Technology, the Fast Track program, the Center for Children and the Commodity Supplemental Food Program.

Real and meaningful change comes from sustained and committed service. Over the past 40 years, Focus: HOPE has embodied this principle and, along the way, has touched many lives in Southeast Michigan in a profound way. Equipping individuals with the ability to compete and thrive in workplaces that are increasingly technologically advanced is central to its mission. The reward has been thousands of heartwarming success stories from those who have benefitted from the many services Focus: HOPE provides.

This momentous occasion will be marked by several celebrations, including one in the Mansfield Room of the Capitol later today. I know my colleagues join me in congratulating each individual that has contributed to the success of Focus: HOPE from its inception. I wish the organization many more years of successful and committed service to the community.

AMENDMENTS SUBMITTED AND PROPOSED DURING ADJOURNMENT OF THE SENATE

SA 4656. Mr. KERRY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER 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 4657. Mr. KERRY (for himself and Mr. KENNEDY) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4658. Mr. KERRY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4659. Mr. BARRASSO submitted, under authority of the order of the Senate of May

2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4660. Mr. BARRASSO (for himself and Mr. ENSIGN) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4661. Mr. KERRY (for himself and Mr. LAUTENBERG) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4662. Mr. WYDEN submitted, under authority of the order of the Senate of May 2, 2008, 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 4663. Mr. THUNE (for himself and Mrs. BOXER) submitted, under authority of the order of the Senate of May 2, 2008, 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 4664. Mr. DEMINT submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4665. Mr. DEMINT submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4666. Mr. DEMINT submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4667. Mrs. HUTCHISON submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4668. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4669. Mr. BAUCUS (for himself, Mr. TESTER, Mr. BINGAMAN, Ms. SNOWE, Mr. WYDEN, Mr. HARKIN, Mr. THUNE, and Mr. LEVIN) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4670. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4671. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4672. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4673. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4674. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4675. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4676. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4677. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4678. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4679. Ms. CANTWELL submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4680. Ms. CANTWELL submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4681. Ms. CANTWELL submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4682. Mrs. MURRAY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4683. Mrs. MURRAY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4684. Mrs. MURRAY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4685. Mr. WYDEN submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4686. Mr. CARPER (for himself and Mr. VOINOVICH) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4687. Mr. MARTINEZ submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4688. Mr. LAUTENBERG (for himself, Mr. SCHUMER, Mrs. CLINTON, and Mr. MENENDEZ) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4689. Mrs. MCCASKILL (for herself, Mr. SPECTER, Mr. OBAMA, and Mrs. CLINTON) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4690. Mrs. BOXER submitted an amendment intended to be proposed, under authority of the order of the Senate of May 2, 2008, to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4691. Mrs. DOLE submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4692. Mrs. DOLE submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4693. Mr. BUNNING submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4694. Mr. BUNNING submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4695. Mr. BUNNING submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4696. Mr. BUNNING submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4697. Mr. HATCH (for himself, Mr. BENNETT, Mr. CRAIG, Mr. CRAPO, and Mr. BARRASSO) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4698. Mr. BAUCUS (for himself and Mr. GRASSLEY) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4699. Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. WEBB) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4700. Mr. DEMINT 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 4701. Mrs. MURRAY 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 4702. Mr. VITTER submitted an amendment intended to be proposed by him to the

bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.; which was ordered to lie on the table.

SA 4703. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4704. Mr. WICKER (for himself, Mr. COCHRAN, Mr. VITTER, Ms. LANDRIEU, and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4705. Ms. LANDRIEU (for herself, Mr. PRYOR, and Mrs. LINCOLN) submitted an amendment intended to be proposed by her to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4706. Ms. LANDRIEU (for herself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by her to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4707. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4708. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4709. Mr. NELSON of Florida (for himself, Mrs. CLINTON, Mr. MARTINEZ, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4710. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4711. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4712. Mr. REID (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 5493, 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.

TEXT OF AMENDMENTS DURING ADJOURNMENT OF THE SENATE

SA 4656. Mr. KERRY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER 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 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:

On page 129, line 11, strike ''200 additional safety inspectors.'' and insert ''at least 200 additional safety inspectors or such greater number as may be provided for by appropriations Acts''.

SA 4657. Mr. KERRY (for himself and Mr. KENNEDY) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER 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:

On page 66, between lines 2 and 3, insert the following:

(5) The Administrator may not consolidate any additional engineering services from the New England Region's engineering offices in Burlington, Massachusetts, and Nashua, New Hampshire, until the Board's recommendations are completed.

(6) Any Federal Aviation Administration facility, service, or function realignment that has not been completed as of the date of enactment of this Act is subject to the requirements of this section.

SA 4658. Mr. KERRY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER 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:

On page 129, between lines 11 and 12, insert the following:

(d) ADDITIONAL TECHNICIANS.—From amounts appropriated pursuant to section 106(k)(1) of title 49, United States Code, the Administrator of the Federal Aviation Administration is authorized to hire additional technicians so that the Federal Aviation Administration maintains a minimum of 6,100 technical employees in its Technical Operations Service Unit. The Administrator shall ensure sufficient technicians are employed to account for attrition without falling below the minimum technician staffing level of 6,100.

SA 4659. Mr. BARRASSO submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER 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. ___. GOVERNMENT OIL ACQUISITION FINANCIAL ACCOUNTABILITY AND CONSUMER RELIEF.

(a) SUSPENSION OF PETROLEUM ACQUISITION FOR STRATEGIC PETROLEUM RESERVE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, during any period in which the conditions described in paragraph (2) are not met—

(A) the Secretary of the Interior shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(B) the Secretary of Energy shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(2) RESUMPTION.—

(A) IN GENERAL.—The Secretary of the Interior may resume acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program, and the Secretary of Energy may resume acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method, not earlier than 30 days after the date on which the President notifies Congress that the President has determined that, for the most recent consecutive 4-week period—

(i) the weighted average price of retail, regular, all formulations gasoline in the United States is $2.50 or less per gallon (as adjusted under subparagraph (B)); or

(ii) the weighted average price of retail, No. 2 diesel in the United States is $2.75 or less per gallon (as adjusted under subparagraph (B)).

(B) ADJUSTMENT.—For fiscal year 2009 and each subsequent fiscal year, the prices specified in clauses (i) and (ii) of subparagraph (A) for the preceding fiscal year shall be adjusted to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(b) ADDITIONAL ACQUISITION REQUIREMENTS.—Section 160 of the Energy Policy and Conservation Act (42 U.S.C. 6240) is amended by inserting after subsection (c) the following:

''(d) ADDITIONAL ACQUISITION REQUIREMENTS.—

''(1) IN GENERAL.—To the maximum extent practicable, any acquisitions made by the Secretary of the Interior for the Strategic Petroleum Reserve through the royalty-in-kind program and any acquisitions made by the Secretary of Energy for the Reserve through any other acquisition method (referred to in this subsection as the 'respective Secretary') shall reflect a steady monthly dollar value of oil acquired through the royalty-in-kind program or any other acquisition method allowed by law.

''(2) PARTICULAR INCLUSION.—

''(A) DEFINITION OF HEAVY CRUDE OIL.—In this paragraph, the term 'heavy crude oil' means oil with a gravity index of not more than 22 degrees.

''(B) REQUIREMENT.—To the extent technologically feasible, financially beneficial for the Treasury of the United States, and compatible with domestic refining requirements, the respective Secretary shall include at least 10 percent heavy crude oil in making any acquisitions of crude oil for the Reserve.

''(3) NEGOTIATION OF DELIVERY DATES.—Nothing in this subsection limits the ability of the respective Secretary to negotiate delivery dates for crude oil acquired for the Reserve.

''(4) NATIONAL SECURITY NEEDS.—The respective Secretary may waive any requirement under this subsection if the respective Secretary determines that the requirement is inconsistent with the national security needs of the United States.''.

SA 4660. Mr. BARRASSO (for himself and Mr. ENSIGN) submitted, under authority of the order of the Senate of May 2, 2008, 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 end of title VII, insert the following:

SEC. 717. PRIORITY OF REVIEW OF CONSTRUCTION PROJECTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Winter weather in States in cold regions of the United States shortens the period during the year in which construction projects may be carried out in such States.

(2) If review and approval processes for a construction project in such a State is delayed, the project may not be able to be completed in one construction season, adding additional costs to complete the project.

(b) PRIORITY OF REVIEW OF CONSTRUCTION PROJECTS.—

(1) REQUIREMENT TO PRIORITIZE.—The Administrator of the Federal Aviation Administration shall, to the maximum extent practicable, prioritize the review of construction projects by the Administrator in a manner so that such projects to be carried out in a State described in paragraph (2) are reviewed as early as possible.

(2) STATE DESCRIBED.—A State described in this paragraph is a State in which the weather during a typical calendar year prevents major construction projects from being carried out prior to May 1.

SA 4661. Mr. KERRY (for himself and Mr. LAUTENBERG) submitted, under authority of the order of the Senate of May 2, 2008, 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. ___. AIRCRAFT RESCUE AND FIREFIGHTING STANDARDS.

(a) RULEMAKING PROCEEDING.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding for the purpose of issuing a proposed and final rule that revises the aircraft rescue and firefighting standards under part 139 of title 14, Code of Federal Regulations, to improve the protection of the traveling public, other persons, aircraft, buildings, and the environment from fires and hazardous materials incidents.

(b) CONTENTS OF PROPOSED AND FINAL RULE.—The proposed and final rule to be issued under subsection (a) shall address—

(1) the mission of aircraft rescue and firefighting personnel, including responsibilities for passenger egress in the context of other requirements of the Federal Aviation Administration;

(2) the proper level of staffing;

(3) the timeliness of a response;

(4) the handling of hazardous materials incidents at airports;

(5) proper vehicle deployment; and

(6) the need for equipment modernization.

(c) CONSISTENCY WITH VOLUNTARY CONSENSUS STANDARDS.—The proposed and final rule issued under subsection (a) shall be, to the extent practicable, consistent with national voluntary consensus standards for aircraft rescue and firefighting services at airports.

(d) ASSESSMENTS OF POTENTIAL IMPACTS.—In the rulemaking proceeding initiated under subsection (a), the Administrator shall assess the potential impact of any revisions to the firefighting standards on airports and air transportation service.

(e) INCONSISTENCY WITH STANDARDS.—If the proposed or final rule issued under subsection (a) is not consistent with national voluntary consensus standards for aircraft rescue and firefighting services at airports, the Administrator shall submit to the Office of Management and Budget an explanation of the reasons for such inconsistency in accordance with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783).

(f) SMALL AIRPORT EXEMPTION.—

(1) IN GENERAL.—The Administrator may exempt any airport designated as an Index A or Index B under part 139 of title 14, Code of Federal Regulations, from the rule issued under subsection (a) if such airport petitions for such an exemption, in accordance with regulations promulgated by the Administrator.

(2) SAVINGS PROVISION.—Notwithstanding any other provision of this section, airports that file a petition under paragraph (1) shall be subject to the airport rescue and firefighting standards under part 139 of title 14, Code of Federal Regulations, in effect as of the date of the enactment of this Act, until the date on which the Administrator requires that such airports comply with the rule issued under subsection (a).

(g) FINAL RULE.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall issue the final rule required under subsection (a).

SA 4662. Mr. WYDEN submitted, under authority of the order of the Senate of May 2, 2008, 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:

On page 213, beginning on line 21, strike through page 214, line 9, and insert the following:

SEC. 811. REPLENISH EMERGENCY SPENDING FROM HIGHWAY TRUST FUND.

(a) IN GENERAL.—Section 9503(b) of the Internal Revenue Code of 1986 is amended—

(1) by adding at the end the following new paragraph:

''(7) EMERGENCY SPENDING REPLENISHMENT.—

''(A) IN GENERAL.—There is hereby appropriated to the Highway Trust Fund $3,400,000,000.

''(B) ALLOCATION.—

''(i) ALLOCATION OF EXCESS REPLENISHMENT AMOUNT.—The fiscal year 2008 Highway Trust Fund excess amount shall be allocated among the accounts of the Highway Trust Fund as follows:

''(I) 80 percent of such amount shall be deposited in the Highway Account.

''(II) 20 percent of such amount shall be deposited in the Mass Transit Account.

''(ii) FISCAL YEAR 2008 HIGHWAY TRUST FUND EXCESS AMOUNT.—For purposes of this subparagraph, the term 'fiscal year 2008 Highway Trust Fund excess amount' means an amount equal to the excess of—

''(I) the amount by which the balance of the Highway Trust Fund that is available for obligations for fiscal year 2008 (as estimated by the Secretary as of the day before the date of the enactment of the Aviation Investment and Modernization Act of 2008) is estimated by the Secretary to be increased by the enactment of subtitle B of title VIII of the Aviation Investment and Modernization Act, over

''(II) the amount by which the obligations of the Highway Trust Fund for fiscal year 2008 (as of the day before the date of the enactment of the Aviation Investment and Modernization Act) are estimated by the Secretary to exceed the balance of the Highway Trust Fund that is available for obligations for fiscal year 2008 (as of the day before the date of the enactment of the Aviation Investment and Modernization Act of 2008).'', 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. OBLIGATION AUTHORITY FOR STIMULUS PROJECTS.

(a) IN GENERAL.—Section 1102 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (23 U.S.C. 104 note; Public Law 109–59) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''(g) and (h)'' and inserting ''(g), (h), and (*l*)''; and

(B) in paragraph (4), by amending such paragraph to read as follows:

''(4) the amount that is the sum of—

''(A) $39,585,075,404; and

''(B) the amount that is 80 percent of the fiscal year 2008 Highway Trust Fund excess amount (as defined in section 9503(b)(7)(B)(ii) of the Internal Revenue Code of 1986);

for fiscal year 2008; and''; and

(2) by adding at the end the following:

''(*l*) OBLIGATION AUTHORITY FOR STIMULUS PROJECTS.—

''(1) IN GENERAL.—Of the obligation authority distributed under subsection (a)(4), an amount that is not less than the amount that is 80 percent of the fiscal year 2008 Highway Trust Fund excess amount (as defined in section 9503(b)(7)(B)(ii) of the Internal Revenue Code of 1986) shall be provided to States for use in carrying out highway projects that the States determine will provide rapid economic stimulus.

''(2) REQUIREMENT.—A State that seeks a distribution of the obligation authority described in paragraph (1) shall agree to obligate funds so received not later than 120 days after the date on which the State receives the funds.

''(3) FLEXIBILITY.—A State that receives a distribution of the obligation authority described in paragraph (1) may use the funds for any highway project described in paragraph (1), regardless of any funding limitation or formula that is otherwise applicable to projects carried out using obligation authority under this section.

''(4) FEDERAL SHARE.—The Federal share of any highway project carried out using funds described in paragraph (1) shall be 100 percent.''.

(b) CONFORMING AMENDMENTS.—

(1) The matter under the heading ''(INCLUDING TRANSFER OF FUNDS)'' under the heading ''(HIGHWAY TRUST FUND)'' under the heading ''(LIMITATION ON OBLIGATIONS)'' under the heading ''FEDERAL-AID HIGHWAYS'' under the heading ''FEDERAL HIGHWAY ADMINISTRATION'' of title I of division K of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1844) is amended—

(A) by striking ''in excess of $40,216,051,359'' and inserting ''in excess of the amount that is the sum of $40,216,051,359 and the amount

that is 80 percent of the fiscal year 2008 Highway Trust Fund excess amount (as defined in section 9503(b)(7)(B)(ii) of the Internal Revenue Code of 1986),''; and

(B) by striking ''the $40,216,051,359 obligation limitation'' and inserting ''the obligation limitation in the amount of such sum''.

(2) The matter under the heading ''(INCLUDING RESCISSION)'' under the heading ''(HIGHWAY TRUST FUND)'' under the heading ''(LIMITATION ON OBLIGATIONS)'' under the heading ''(LIQUIDATION OF CONTRACT AUTHORITY)'' under the heading ''FORMULA AND BUS GRANTS'' under the heading ''FEDERAL TRANSIT ADMINISTRATION'' of title I of division K of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1844) is amended by striking ''$6,855,000,000'' and inserting '', and section 3052 of Public Law 109–59, the amount that is the sum of $6,855,000,000 and the amount that is 20 percent of the fiscal year 2008 Highway Trust Fund excess amount (as defined in section 9503(b)(7)(B)(ii) of the Internal Revenue Code of 1986)''.

(3) Sections 9503(c)(1) and 9503(e)(3) of the Internal Revenue Code of 1986 are each amended by inserting '', as amended by the Aviation Investment and Modernization Act of 2008,'' after ''the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users''.

SEC. 813. STIMULUS OF MANUFACTURING AND CONSTRUCTION THROUGH PUBLIC TRANSPORTATION INVESTMENT.

(a) IN GENERAL.—Title III of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1544) is amended by adding at the end the following:

''SEC. 3052. STIMULUS OF MANUFACTURING AND CONSTRUCTION THROUGH PUBLIC TRANSPORTATION INVESTMENT.

''(a) AUTHORIZATION.—The Secretary is authorized to make stimulus grants under this section to public transportation agencies.

''(b) ELIGIBLE RECIPIENTS.—Stimulus grants authorized under subsection (a) may be awarded—

''(1) to public transportation agencies which have a full funding grant agreement in force on the date of enactment of this section with Federal payments scheduled in any year beginning with fiscal year 2008, for activities authorized under the full funding grant agreement that would expedite construction of the project; and

''(2) to designated recipients as defined in section 5307 of title 49, United States Code, for immediate use to address a backlog of existing maintenance needs or to purchase rolling stock or buses, if the contracts for such purchases are in place prior to the grant award.

''(c) USE OF FUNDS.—Of the amounts made available to carry out this section, the Secretary shall use to make grants under this section—

''(1) 30 percent of such amounts for stimulus grants to recipients described in subsection (b)(1); and

''(2) 70 percent of such amounts for stimulus grants to recipients described in subsection (b)(2).

''(d) DISTRIBUTION OF FUNDS.—

''(1) EXPEDITED NEW STARTS GRANTS.—Funds described in subsection (c)(1) shall be distributed among eligible recipients so that each recipient receives an equal percentage increase based on the Federal funding commitment for fiscal year 2008 specified in Attachment 6 of the recipient's full funding grant agreement.

''(2) FORMULA GRANTS.—Of the funds described in subsection (c)(2)—

''(A) 60 percent shall be distributed according to the formula in subsections (a) through (c) of section 5336 of title 49, United States Code; and

''(B) 40 percent shall be distributed according to the formula in section 5340 of title 49, United States Code.

''(3) ALLOCATION.—The Secretary shall determine the allocation of the amounts described in subsection (c)(1) and shall apportion amounts described in subsection (c)(2) not later than 20 days after the date of enactment of this section.

''(4) NOTIFICATION TO CONGRESS.—The Secretary shall notify the committees referred to in section 5334(k) of title 49, United States Code, of the allocations determined under paragraph (3) not later than 3 days after such determination is made.

''(5) OBLIGATION REQUIREMENT.—The Secretary shall obligate the funds described in subsection (c)(1) as expeditiously as practicable, but in no case later than 120 days after the date of enactment of this section.

''(e) PRE-AWARD SPENDING AUTHORITY.—

''(1) IN GENERAL.—A recipient of a grant under this section shall have pre-award spending authority.

''(2) REQUIREMENTS.—Any expenditure made pursuant to pre-award spending authorized by this subsection shall conform with applicable Federal requirements in order to remain eligible for future Federal reimbursement.

''(f) FEDERAL SHARE.—The Federal share of a stimulus grant authorized under this section shall be 100 percent.

''(g) SELF-CERTIFICATION.—

''(1) IN GENERAL.—Prior to the obligation of stimulus grant funds under this section, the recipient of the grant award shall certify—

''(A) for recipients described in subsection (b)(1), that the recipient will comply with the terms and conditions that apply to grants under section 5309 of title 49, United States Code;

''(B) for recipients under subsection (b)(2), that the recipient will comply with the terms and conditions that apply to grants under section 5307 of title 49, United States Code; and

''(C) that the funds will be used in a manner that will stimulate the economy.

''(2) CERTIFICATION.—Required certifications may be made as part of the certification required under section 5307(d)(1) of title 49, United States Code.

''(3) AUDIT.—If, upon the audit of any recipient under this section, the Secretary finds that the recipient has not complied with the requirements of this section and has not made a good-faith effort to comply, the Secretary may withhold not more than 25 percent of the amount required to be appropriated for that recipient under section 5307 of title 49, United States Code, for the following fiscal year if the Secretary notifies the committees referred to in subsection (d)(4) at least 21 days prior to such withholding.''.

(b) STIMULUS GRANT FUNDING.—Section 5338 of title 49, United States Code, is amended by adding at the end the following:

''(h) STIMULUS GRANT FUNDING.—For fiscal year 2008, the amount that is 20 percent of the fiscal year 2008 Highway Trust Fund excess amount (as defined in section 9503(b)(7)(B)(ii) of the Internal Revenue Code of 1986) shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 3052 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.''.

(c) EXPANDED BUS SERVICE IN SMALL COMMUNITIES.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading, by striking ''2007'' and inserting ''2009'';

(2) in subparagraph (A), by striking ''2007'' and inserting ''2009''; and

(3) by adding at the end the following:

''(E) MAXIMUM AMOUNTS IN FISCAL YEARS 2008 AND 2009.—In fiscal years 2008 and 2009—

''(i) amounts made available to any urbanized area under clause (i) or (ii) of subparagraph (A) shall be not more than 50 percent of the amount apportioned in fiscal year 2002 to the urbanized area with a population of less than 200,000, as determined in the 1990 decennial census of population;

''(ii) amounts made available to any urbanized area under subparagraph (A)(iii) shall be not more than 50 percent of the amount apportioned to the urbanized area under this section for fiscal year 2003; and

''(iii) each portion of any area not designated as an urbanized area, as determined by the 1990 decennial census, and eligible to receive funds under subparagraph (A)(iv), shall receive an amount of funds to carry out this section that is not less than 50 percent of the amount the portion of the area received under section 5311 in fiscal year 2002.''.

SA 4663. Mr. THUNE (for himself and Mrs. BOXER) submitted, under authority of the order of the Senate of May 2, 2008, 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:

Beginning on page 88, strike line 3 and all that follows through page 89, line 5, and insert the following:

(a) IN GENERAL.—Section 41722 is amended by adding at the end the following:

''(f) CHRONICALLY DELAYED FLIGHTS.—

''(1) PUBLICATION OF LIST OF FLIGHTS.—Each air carrier holding a certificate issued under section 41102 that conducts scheduled passenger air transportation shall, on a monthly basis—

''(A) publish and update on the Internet website of the air carrier a list of chronically delayed flights operated by such air carrier; and

''(B) share such list with each entity that is authorized to book passenger air transportation for such air carrier for inclusion on the Internet website of such entity.

''(2) DISCLOSURE TO CUSTOMERS WHEN PURCHASING TICKETS.—For each individual who books passenger air transportation on the Internet website of an air carrier, or the Internet website of an entity that is authorized to book passenger air transportation for an air carrier, for any flight for which data is reported to the Department of Transportation under part 234 of title 14, Code of Federal Regulations, such air carrier or entity, as the case may be, shall prominently disclose to such individual, before such individual makes such booking, the following:

''(A) The on-time performance for the flight if the flight is a chronically delayed flight.

''(B) The cancellation rate for the flight if the flight is a chronically canceled flight.

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

''(A) CHRONICALLY DELAYED FLIGHT.—The term 'chronically delayed flight' means a regularly scheduled flight that has failed to arrive on time (as such term is defined in section 234.2 of title 14, Code of Federal Regulations) at least 40 percent of the time during the most recent 3-month period for which data is available.

''(B) CHRONICALLY CANCELED FLIGHT.—The term 'chronically canceled flight' means a regularly scheduled flight at least 30 percent

of the departures of which have been canceled during the most recent 3-month period for which data is available.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act.

SA 4664. Mr. DEMINT submitted, under authority of the order of the Senate of May 2, 2008, 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. ___. CERTAIN PROVISION IS NULL AND VOID.

Section 313, and the amendments made by such section, are hereby null and void and shall have no effect.

SA 4665. Mr. DEMINT submitted, under authority of the order of the Senate of May 2, 2008, 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. ___. EARMARKS.

(a) IN GENERAL.—It shall not be in order to consider a provision that proposes a congressional earmark of appropriated funds authorized by this Act.

(b) DEFINITIONS.—For the purpose of this section, the term ''congressional earmark'' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 4666. Mr. DEMINT submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) 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. _____. CERTAIN PROVISION IS NULL AND VOID.

Section 831, and the amendments made by such section, are hereby null and void and shall have no effect.

SA 4667. Mrs. HUTCHISON submitted, under authority of the order of the Senate of May 2, 2008, 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:

On page 99, after line 25, add the following:

(d) EXCEPTION TO CERTAIN BEYOND-PERIMETER EXEMPTIONS.—Section 41718 is amended—

(1) in subsection (a), as amended, by striking ''exemptions from the requirements of subparts K and S of part 93,'' and insert ''from the requirements of subparts K and S of part 93 of title 14,''; and

(2) in subsection (c), as amended, by adding at the end the following:

''(5) EXCEPTION TO CERTAIN BEYOND-PERIMETER EXEMPTIONS.—Of the exemptions granted under subsection (a), 4 shall be granted without regard to the competition requirement under subsection (a)(2) to air carriers for select routes originating from or terminating at a medium hub airport that is located—

''(A) outside the perimeter established for civil aircraft operations at Ronald Reagan Washington National Airport under section 49109; and

''(B) within a State that contains not fewer than 2 large hub airports that are located within such perimeter.''.

SA 4668. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, 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. ___. AIRLINE MERGERS.

The Comptroller General of the United States shall conduct a study of, and submit a report regarding, whether the proposed merger of Northwest Airlines and Delta Air Lines announced April 14, 2008, will harm air transport services in rural areas.

SA 4669. Mr. BAUCUS (for himself, Mr. TESTER, Mr. BINGAMAN, Ms. SNOWE, Mr. WYDEN, Mr. HARKIN, Mr. THUNE, and Mr. LEVIN) submitted, under authority of the order of the Senate of May 2, 2008, 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:

On page 111, between lines 4 and 5, insert the following:

''(g) ADJUSTMENT FOR FUEL COSTS.—

''(1) IN GENERAL.—The Secretary shall adjust the rate at which compensation is being paid under this subchapter for fuel costs to ensure that air carriers providing air service or air transportation under this subchapter are adequately compensated, as provided in paragraphs (2) and (3).

''(2) INITIAL ADJUSTMENT.—On the date that is 90 days after the date of the enactment of this Act, the Secretary shall adjust the rate of compensation for fuel costs for each air carrier described in paragraph (1) by the percentage increase or decrease, as the case may be, in the average fuel cost per block hour, as reported by the air carrier, for the 90-day period beginning on such date of enactment over the average fuel cost per block hour, as reported by the air carrier, during the 90-day period ending on such date of enactment.

''(3) SUBSEQUENT ADJUSTMENTS.—On the date that is 180 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary shall adjust the rate of compensation for fuel costs for each air carrier described in paragraph (1) by the percentage increase or decrease, as the case may be, in the average fuel cost per block hour, as reported by the air carrier, in the most recent 90-day period over the average fuel cost per block hour on which the adjustment for the preceding 90-day period was based.

''(4) APPLICABILITY OF OTHER PROVISIONS.—The Secretary shall make the adjustment under paragraph (1) without regard to any adjustment for significantly increased costs under subsection (e).''.

SA 4670. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, 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. ___. AIRLINE MERGERS.

In reviewing the proposed merger of Northwest Airlines and Delta Air Lines announced April 14, 2008, the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice shall consider any potential adverse effects on competition in urban and rural areas with fewer than 200,000 residents.

SA 4671. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, 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. ___. AIRLINE MERGERS.

In reviewing the proposed merger of Northwest Airlines and Delta Air Lines announced April 14, 2008, the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice shall consider whether Northwest Airlines or Delta Air Lines would be able to continue business operations if such proposed merger does not occur.

SA 4672. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, 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. ___. AIRLINE MERGERS.

(a) IN GENERAL.—For any covered airline merger, the waiting period described in section 7A(b)(1) of the Clayton Act (15 U.S.C. 18a(b)(1)) for that covered airline merger shall expire on the latter of—

(1) the date that is 1 year after the date of enactment of this Act; or

(2) the date that such waiting period otherwise expires under section 7A(b)(1) of the Clayton Act (15 U.S.C. 18a(b)(1)) (including such later date as may be set under subsection (e)(2) or (g)(2) of such section).

(b) DEFINITION OF COVERED AIRLINE MERGER.—In this section, the term ''covered airline merger'' means any acquisition of voting securities or assets of a person in the air transport services industry—

(1) relating to which—

(A) a notice is filed pursuant to the rules under section 7A(d)(1) of the Clayton Act (15 U.S.C. 18a(d)(1)) during the 1-year period beginning on the date of enactment of this Act; or

(B) the waiting period described in section 7A(b)(1) of the Clayton Act (15 U.S.C. 18a(b)(1)) has not expired on the date of enactment of this Act; and

(2) that the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice determines is likely to result in layoffs in, or reductions in air transport services to, rural areas.

SA 4673. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, 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. _____. STUDY ON IMPACT OF PROPOSED MERGER BETWEEN DELTA AIR LINES AND NORTHWEST AIRLINES ON AIR TRANSPORTATION MARKET IN EUROPE.

The Secretary of Transportation shall conduct a study on the proposed merger between Delta Air Lines and Northwest Airlines—

(1) to estimate, if such merger were completed, what share of the air transportation market in Europe such merged entity would have, taking into consideration the Open Skies Initiative; and

(2) to determine whether permitting such merger would violate any trade agreement with respect to which the United States is a party.

SA 4674. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, 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 end of title VII, insert the following:

SEC. ___. ACTION BY STATE ATTORNEYS GENERAL AGAINST DELTA AND NORTHWEST MERGER.

Congress encourages the Attorney General of any State adversely impacted by the proposed Delta and Northwest merger to bring an action under the Clayton Act to enjoin the merger or recover any appropriate damages.

SA 4675. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, 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. _____. STUDY ON EXISTING CODE-SHARING AGREEMENTS AND PROPOSED MERGER BETWEEN DELTA AIR LINES AND NORTHWEST AIRLINES.

The Secretary of Transportation shall conduct a study on the proposed merger between Delta Air Lines and Northwest Airlines to assess whether, because of existing code-sharing agreements between Northwest Airlines, Air France, and KLM Royal Dutch Airlines—

(1) such merger would provide greater access to United States air transportation markets by Air France and KLM Royal Dutch Airlines; and

(2) such increased access would be in the United States public interest.

SA 4676. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, 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 end of title VII, insert the following:

SEC. ___. STUDY OF THE IMPACT THAT AIRLINE MERGERS HAVE HAD ON RURAL AREAS.

(a) IN GENERAL.—The Attorney General shall conduct a study on the impact that airline mergers have had on rural areas since deregulation of the airline industry in 1978.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit the findings from the study required by subsection (a) to Congress.

(c) DEFINITION.—In this section, the term ''rural areas'' means areas having fewer than 50,000 residents.

SA 4677. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, 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 end of title VII, insert the following:

SEC. ___. STUDY OF THE IMPACT THAT AIRLINE MERGERS HAVE HAD ON NEW COMMERCIAL AIRLINE ENTRIES INTO RURAL MARKETS.

(a) IN GENERAL.—The Attorney General shall conduct a study on the impact that airline mergers have had on new commercial airline entries into rural markets.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit the findings from the study required by subsection (a) to Congress.

SA 4678. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, 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. ___. AIRLINE MERGERS.

The Comptroller General of the United States shall conduct a study of, and submit a report to Congress regarding, the effect of the proposed merger of Northwest Airlines and Delta Air Lines announced April 14, 2008, on—

(1) the compensation of executives of such companies; and

(2) the liabilities of the employee pension benefit plans of such companies relating to employees that are not executive-level employees.

SA 4679. Ms. CANTWELL submitted, under authority of the order of the

Senate of May 2, 2008, 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:

On page 99, line 12, strike ''5'' and insert ''7''.

SA 4680. Ms. CANTWELL submitted, under authority of the order of the Senate of May 2, 2008, 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:

On page 118, strike line 18 and all that follows through page 120, line 21, and insert the following:

SEC. 508. INCREASING SAFETY FOR HELICOPTER AND FIXED WING EMERGENCY MEDICAL SERVICE OPERATORS AND PATIENTS.

(a) COMPLIANCE REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 18 months after the date of the enactment of this Act, all pilots of a helicopter or fixed wing aircraft providing emergency medical services shall comply with part 135 of title 14, Code of Federal Regulations, if there is a medical crew on board, without regard to whether there are patients on board.

(2) EXCEPTION.—If an aircraft described in paragraph (1) is operating under instrument flight rules or is carrying out training therefor—

(A) the weather minimums and duty and rest time regulations under such part 135 of such title shall apply; and

(B) the weather reporting requirement at the destination shall not apply until such time as the Administrator of the Federal Aviation Administration determines that suitable, cost-effective, portable, and accurate ground-based weather measuring and reporting systems are available.

(b) IMPLEMENTATION OF FLIGHT RISK EVALUATION PROGRAM.—

(1) INITIATION.—Not later than 60 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking—

(A) to create a standardized checklist of risk evaluation factors based on Notice 8000.301, which was issued by the Administration on August 1, 2005; and

(B) to require helicopter and fixed wing aircraft emergency medical service operators to use the checklist created under subparagraph (A) to determine whether a mission should be accepted.

(2) COMPLETION.—The rulemaking initiated under paragraph (1) shall be completed not later than 18 months after it such initiation.

(c) COMPREHENSIVE CONSISTENT FLIGHT DISPATCH PROCEDURES.—

(1) INITIATION.—Not later than 60 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking—

(A) to require that helicopter and fixed wing emergency medical service operators formalize and implement performance based flight dispatch and flight-following procedures; and

(B) to develop a method to assess and ensure that such operators comply with the requirements described in subparagraph (A).

(2) COMPLETION.—The rulemaking initiated under paragraph (1) shall be completed not later than 18 months after it such initiation.

(d) IMPROVING SITUATIONAL AWARENESS.—Any helicopter or fixed-wing aircraft used for emergency medical service operations that is ordered after the date of the enactment of this Act shall have on board a device that performs the function of a terrain awareness and warning system that meets the requirements of the applicable Federal Aviation Administration Technical Standard Order or other guidance prescribed by the Administration.

(e) IMPROVING THE DATA AVAILABLE TO NTSB INVESTIGATORS AT CRASH SITES.—

(1) STUDY.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall complete a study that—

(A) analyzes the feasibility of requiring devices that perform the function of recording voice communications and flight data information on helicopters and fixed wing aircraft used for emergency medical service operators; and

(B) addresses issues related to survivability, weight, and financial considerations of the requirement described in subparagraph (A).

(2) RULEMAKING.—Not later than 2 years after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations that require devices that perform the function of recording voice communications and flight data information on board aircraft described in paragraph (1)(A).

SA 4681. Ms. CANTWELL submitted, under authority of the order of the Senate of May 2, 2008, 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:

Strike section 712 and insert the following:

SEC. 712. PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a pilot program at not more than 4 public use airports, under which local airport operators, which have submitted a noise compatibility program approved by the Federal Aviation Administration under section 47504 of title 49, United States Code, will be awarded demonstration grants, from amounts made available under section 47117(e) of title 49, United States Code, and passenger facility revenue collected under section 40117 of title 49, United States Code, to establish partnerships with affected neighboring local jurisdictions—

(1) to support joint planning, engineering design, and environmental permitting for the assembly and redevelopment of property purchased with noise mitigation funds or passenger facility revenue;

(2) to encourage airport compatible land uses; and

(3) to generate economic benefits to the local airport authority and the adjacent community.

(b) DEMONSTRATION GRANTS.—

(1) IN GENERAL.—The Administrator shall award not more than 4 grants for pilot property redevelopment 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;

(B) clear economic benefits to the local community; and

(C) financial return to the airport through the implementation of the redevelopment plan.

(2) FEDERAL SHARE.—

(A) IN GENERAL.—The United States Government share of the allowable costs of a project under this section shall be 80 percent.

(B) ALLOWABLE COSTS.—In determining the allowable costs for a project under this section, the Secretary shall deduct, from the total costs of the activities described in subsection (a), the portion of such costs that is equal to the portion of the total property to be redeveloped under this section that is not owned and will not be acquired by the airport operator pursuant to the noise compatibility program, the affected neighboring local jurisdictions, or other public entities.

(3) MAXIMUM AMOUNT.—Not more than $5,000,000 of the amounts made available under section 47117(e) of title 49, United States Code, may be expended under this pilot program at any single public use airport.

(4) EXCEPTION.—The amounts paid to the Secretary under paragraph (3)—

(A) shall be in addition to amounts made available under section 48103 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.

(c) GRANT REQUIREMENTS.—The Administrator may not award a demonstration grant under this section unless—

(1) grant funds are used to enable the airport operator and local jurisdictions undertaking the community redevelopment effort to expedite redevelopment efforts; and

(2) the grant is subject to a requirement that—

(A) the local jurisdiction governing the property interests in question adopts zoning regulations that permit airport compatible redevelopment; and

(B) 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 is added to the amount of any grants awarded to acquire land.

(d) NOISE COMPATIBILITY MEASURES.—Section 47504(a)(2) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; 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 interest 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.''.

(e) USE OF PASSENGER FACILITY REVENUE.—Eligible agencies that own or operate airports designated by the Administrator for participation in the pilot program under this section may use passenger facility revenue collected under section 40117 of title 49, United States Code, to pay for any project costs described in subsection (a) that are not financed with a demonstration grants awarded under this section.

(f) REPORT TO CONGRESS.—Not later than 30 months after the date on which the first grant is awarded under this section, the Administrator shall submit a report to Congress that describes the effectiveness of the program.

(g) SUNSET.—This section shall expire on September 30, 2011.

SA 4682. Mrs. MURRAY submitted, under authority of the order of the Senate of May 2, 2008, 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:

On page 190, between lines 2 and 3, insert the following:

SEC. 717. PROHIBITION ON USE OF FUNDS TO REDUCE HOURS AT THE SPOKANE INTERNATIONAL AIRPORT AIR TRAFFIC CONTROL TOWER.

None of the amounts authorized to be appropriated or otherwise made available by this Act may be obligated or expended to reduce the hours of operation of the Spokane International Airport (GEG) Air Traffic Control Tower.

SA 4683. Mrs. MURRAY submitted, under authority of the order of the Senate of May 2, 2008, 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:

On page 131, between lines 13 and 14, insert the following:

SEC. 520. INSPECTOR GENERAL EVALUATION OF SECURITY AT NATIONAL AIRSPACE SYSTEM FACILITIES.

(a) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct an evaluation of physical security at Federal Aviation Administration National Airspace System facilities.

(b) CONTENTS.—The evaluation required under subsection (a) shall include the following:

(1) A comprehensive assessment of the security regulations, processes, and standards of the Federal Aviation Administration for ensuring adequate physical security at National Airspace System facilities.

(2) A comprehensive assessment of the compliance of the Federal Aviation Administration with existing security regulations, processes, and standards at all National Airspace System facilities, including air traffic control towers, terminal radar approach control facilities, and air route traffic control centers.

(3) An evaluation of the adequacy of the internal controls of the Federal Aviation Administration for ensuring compliance with and enforcement of security regulations, processes, and standards relating to physical security at National Airspace System facilities.

(4) An evaluation of the adequacy of security training, antiterrorism training, and weapons qualifications training provided to contract security guards.

(5) An evaluation of the regulations, processes, and standards of the Federal Aviation Administration relating to drug and alcohol testing and background checks of contract security guards.

(6) An evaluation of the adequacy of the internal controls of the Federal Aviation Administration for ensuring full compliance with and enforcement of regulations, processes, and standards applicable to the hiring and training of contract security guards.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General shall submit the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Appropriations and the Committee on Transportation and Infrastructure of the House of Representatives a report containing—

(1) the results of the evaluation required under subsection (a); and

(2) any recommendations to the Federal Aviation Administration with respect to improving—

(A) regulations, processes, and standards for ensuring adequate physical security at National Airspace System facilities; and

(B) oversight of and compliance with security measures at National Airspace System facilities.

SA 4684. Mrs. MURRAY submitted, under authority of the order of the Senate of May 2, 2008, 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:

On page 95, between lines 21 through 22, insert the following:

(c) LIMITATION ON LOCAL SHARE.—Section 47124(b)(3) is amended by adding at the end the following:

''(F) LIMITATION ON LOCAL SHARE FOR CERTAIN AIRPORTS.—Notwithstanding any other provision of this section, in the case of an airport that is certified under part 139 of title 14, Code of Federal Regulations, and that has more than 10,000 but fewer than 50,000 passenger enplanements per year, the local share of the costs of carrying out the Contract Tower Program shall not exceed 20 percent.''.

SA 4685. Mr. WYDEN submitted, under authority of the order of the Senate of May 2, 2008, 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. ___. DEFINITIONS RELATING TO AMATEUR-BUILT AIRCRAFT.

As used in section 21.191(g) of title 14, Code of Federal Regulations—

(1) the term ''fabricated'' means to perform work on a part or component, such as gluing, forming, shaping, trimming, drilling, applying protective coatings, riveting, spot welding or heat-treating, transforming the part or component into its finished state for inclusion into a sub-assembly or within a final assembly; and

(2) the term ''major portion'' means more than ½ of the sum of the applicable fabrication, assembly, and installation tasks needed to complete an airworthy aircraft.

SA 4686. Mr. CARPER (for himself and Mr. VOINOVICH) submitted, under authority of the order of the Senate of May 2, 2008, 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:

Subtitle __—Infrastructure Improvement

SEC. ___1. SHORT TITLE.

This subtitle may be cited as the ''National Infrastructure Improvement Act of 2008''.

SEC. ___2. DEFINITIONS.

In this subtitle:

(1) ACQUISITION.—The term ''acquisition'' includes any necessary activities for siting a facility, equipment, structures, or rolling stock by purchase, lease-purchase, trade, or donation.

(2) COMMISSION.—The term ''Commission'' means the National Commission on the Infrastructure of the United States established by section ___3(a).

(3) CONSTRUCTION.—The term ''construction'' means—

(A) the design, planning, and erection of new infrastructure;

(B) the expansion of existing infrastructure;

(C) the reconstruction of an infrastructure project at an existing site; and

(D) the installation of initial or replacement infrastructure equipment.

(4) INFRASTRUCTURE.—

(A) IN GENERAL.—The term ''infrastructure'' means a nonmilitary structure or facility, and any equipment and any nonstructural elements associated with such a structure or facility.

(B) INCLUSIONS.—The term ''infrastructure'' includes—

(i) a surface transportation facility (such as a road, bridge, highway, public transportation facility, and freight and passenger rail), as the Commission, in consultation with the National Surface Transportation Policy and Revenue Study Commission established by section 1909(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1471), determines to be appropriate;

(ii) a mass transit facility;

(iii) an airport or airway facility;

(iv) a resource recovery facility;

(v) a water supply and distribution system;

(vi) a wastewater collection, conveyance, or treatment system, and related facilities;

(vii) a stormwater treatment system to manage, reduce, treat, or reuse municipal stormwater;

(viii) waterways, locks, dams, and associated facilities;

(ix) a levee and any related flood damage reduction facility;

(x) a dock or port; and

(xi) a solid waste disposal facility.

(5) NONSTRUCTURAL ELEMENTS.—The term ''nonstructural elements'' includes —

(A) any feature that preserves and restores a natural process, a landform (including a floodplain), a natural vegetated stream side buffer, wetland, or any other topographical feature that can slow, filter, and naturally store storm water runoff and flood waters;

(B) any natural design technique that percolates, filters, stores, evaporates, and detains water close to the source of the water; and

(C) any feature that minimizes or disconnects impervious surfaces to slow runoff or allow precipitation to percolate.

(6) MAINTENANCE.—The term ''maintenance'' means any regularly scheduled activity, such as a routine repair, intended to ensure that infrastructure continues to operate efficiently and as intended.

(7) REHABILITATION.—The term ''rehabilitation'' means an action to extend the useful life or improve the effectiveness of existing infrastructure, including—

(A) the correction of a deficiency;

(B) the modernization or replacement of equipment;

(C) the modernization of, or replacement of parts for, rolling stock relating to infrastructure;

(D) the use of nonstructural elements; and

(E) the removal of infrastructure that is deteriorated or no longer useful.

SEC. ___3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''National Commission on the Infrastructure of the United States'' to ensure that the infrastructure of the United States—

(1) meets current and future demand;

(2) facilitates economic growth;

(3) is maintained in a manner that ensures public safety; and

(4) is developed or modified in a sustainable manner.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 8 members, of whom—

(A) 2 members shall be appointed by the President;

(B) 2 members shall be appointed by the Speaker of the House of Representatives;

(C) 1 member shall be appointed by the minority leader of the House of Representatives;

(D) 2 members shall be appointed by the majority leader of the Senate; and

(E) 1 member shall be appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—Each member of the Commission shall—

(A) have experience in 1 or more of the fields of economics, public administration, civil engineering, public works, construction, and related design professions, planning, public investment financing, environmental engineering, or water resources engineering; and

(B) represent a cross-section of geographical regions of the United States.

(3) DATE OF APPOINTMENTS.—The members of the Commission shall be appointed under paragraph (1) not later than 90 days after date of the enactment of this Act.

(c) TERM; VACANCIES.—

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

(2) VACANCIES.—A vacancy in the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled, not later than 30 days after the date on which the vacancy occurs, in the same manner as the original appointment was made.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson or the request of the majority of the Commission members.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

SEC. ___4. DUTIES.

(a) STUDY.—

(1) IN GENERAL.—Not later than February 15, 2010, the Commission shall complete a study of all matters relating to the state of the infrastructure of the United States.

(2) MATTERS TO BE STUDIED.—In carrying out paragraph (1), the Commission shall study matters such as—

(A) the capacity of infrastructure to sustain current and anticipated economic development and competitiveness, including long-term economic growth, including the potential return to the United States economy on investments in new infrastructure as opposed to investments in existing infrastructure;

(B) the age and condition of public infrastructure (including congestion and changes in the condition of that infrastructure as compared with preceding years);

(C) the methods used to finance the construction, acquisition, rehabilitation, and maintenance of infrastructure (including general obligation bonds, tax-credit bonds, revenue bonds, user fees, excise taxes, direct governmental assistance, and private investment);

(D) any trends or innovations in methods used to finance the construction, acquisition, rehabilitation, and maintenance of infrastructure;

(E) investment requirements, by type of infrastructure, that are necessary to maintain the current condition and performance of the infrastructure and the investment needed (adjusted for inflation and expressed in real dollars) to improve infrastructure in the future;

(F) based on the current level of expenditure (calculated as a percentage of total expenditure and in constant dollars) by Federal, State, and local governments—

(i) the projected amount of need the expenditures will meet 5, 15, 30, and 50 years after the date of the enactment of this Act; and

(ii) the levels of investment requirements, as identified under subparagraph (E);

(G) any trends or innovations in infrastructure procurement methods;

(H) any trends or innovations in construction methods or materials for infrastructure;

(I) the impact of local development patterns on demand for Federal funding of infrastructure;

(J) the impact of deferred maintenance; and

(K) the collateral impact of deteriorated infrastructure.

(b) RECOMMENDATIONS.—The Commission shall develop recommendations—

(1) on a Federal infrastructure plan that will detail national infrastructure program priorities, including alternative methods of meeting national infrastructure investment needs to effectuate balanced economic development;

(2) on infrastructure improvements and methods of delivering and providing for infrastructure facilities;

(3) for analysis or criteria and procedures that may be used by Federal agencies and State and local governments in—

(A) inventorying existing and needed infrastructure improvements;

(B) assessing the condition of infrastructure improvements;

(C) developing uniform criteria and procedures for use in conducting the inventories and assessments; and

(D) maintaining publicly accessible data; and

(4) for proposed guidelines for the uniform reporting, by Federal agencies, of construction, acquisition, rehabilitation, and maintenance data with respect to infrastructure improvements.

(c) STATEMENT AND RECOMMENDATIONS.—Not later than February 15, 2010, the Commission shall submit to Congress—

(1) a detailed statement of the findings and conclusions of the Commission; and

(2) the recommendations of the Commission under subsection (b), including recommendations for such legislation and administrative actions for 5-, 15-, 30-, and 50-year time periods as the Commission considers to be appropriate.

SEC. ___5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission shall hold such hearings, meet and act at such times and places, take such testimony, administer such oaths, and receive such evidence as the Commission considers advisable to carry out this subtitle.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this subtitle.

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the Federal agency shall provide the information to the Commission.

(c) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) CONTRACTS.—The Commission may enter into contracts with other entities, including contracts under which 1 or more entities, with the guidance of the Commission, conduct the study required under section ___4(a).

(e) 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.

SEC. ___6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—A member of the Commission shall serve without pay, but shall be allowed a per diem allowance for travel expenses, 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.

(b) STAFF.—

(1) IN GENERAL.—The Chairperson of 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.

(2) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of 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.—In no event shall any employee of the Commission (other than the executive director) receive as compensation an amount in excess of the maximum rate of pay for Executive Level IV under section 5315 of title 5, United States Code.

(c) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) CIVIL SERVICE STATUS.—The detail of a Federal employee shall be without interruption or loss of civil service status or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—On request of the Commission, the Secretary of the Army, acting through the Chief of Engineers, shall provide, on a reimbursable basis, such office space, supplies, equipment, and other support services to the Commission and staff of the Commission as are necessary for the Commission to carry out the duties of the Commission under this subtitle.

SEC. ___7. REPORTS.

(a) INTERIM REPORTS.—Not later than 1 year after the date of the initial meeting of the Commission, the Commission shall submit an interim report containing a detailed summary of the progress of the Commission, including meetings and hearings conducted during the interim period, to—

(1) the President;

(2) the Committees on Transportation and Infrastructure and Natural Resources of the House of Representatives; and

(3) the Committees on Environment and Public Works, Energy and Natural Resources, and Commerce, Science, and Transportation of the Senate.

(b) FINAL REPORT.—On termination of the Commission under section ___9, the Commission shall submit a final report containing a detailed statement of the findings and conclusions of the Commission and recommendations for legislation and other policies to implement those findings and conclusions, to—

(1) the President;

(2) the Committees on Transportation and Infrastructure and Natural Resources of the House of Representatives; and

(3) the Committees on Environment and Public Works, Energy and Natural Resources, and Commerce, Science, and Transportation of the Senate.

(c) TRANSPARENCY.—A report submitted under subsection (a) or (b) shall be made available to the public electronically, in a user-friendly format, including on the Internet.

SEC. ___8. FUNDING.

For each of the fiscal years 2009 through 2011, upon request by the Commission—

(1) using amounts made available to the Secretary of Transportation from any source or account other than the Highway Trust Fund, the Secretary of Transportation shall transfer to the Commission $750,000 for use in carrying out this subtitle;

(2) using amounts from the General Expenses account of the Corps of Engineers (other than amounts in that account made available through the Department of Defense), the Secretary of the Army, acting through the Chief of Engineers, shall transfer to the Commission $250,000 for use in carrying out this subtitle; and

(3) the Administrator of the Environmental Protection Agency shall transfer to the Commission $250,000 for use in carrying out this subtitle.

SEC. ___9. TERMINATION OF COMMISSION.

The Commission shall terminate on September 30, 2011.

SA 4687. Mr. MARTINEZ submitted, under authority of the order of the Senate of May 2, 2008, 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. ___. PLAN FOR THE EXPANSION OF SPACE TRANSPORTATION SUPPORT SERVICES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the space transportation industry of the United States has matured to the point that civilian and commercial launch requirements can appropriately be served by the private sector;

(2) the Federal Aviation Administration is the appropriate regulatory agency for ensuring the safety of space transportation support services;

(3) like other transportation modes developed before space transportation, space launch is becoming increasingly commercial and increasingly important as a strategic capability for the economic growth of the United States; and

(4) the Nation's space transportation capabilities would benefit from conformity with the Federal Aviation Administration's support systems for aviation management and infrastructure.

(b) PLAN TO EXPAND SPACE TRANSPORTATION SUPPORT SERVICES.—

(1) IN GENERAL.—Not later than February 1, 2009, the Administrator of the Federal Aviation Administration, in consultation with the Administrator of the National Aeronautics and Space Administration, the Secretary of the Air Force, and the Commercial Space Transportation Advisory Committee of the Federal Aviation Administration, shall develop and submit to Congress and the President a plan to expand space transportation support services to improve the international competitiveness of the space transportation providers and spaceports of the United States.

(2) CONTENTS.—The plan required under paragraph (1) shall include the following:

(A) A plan to develop a common civilian range safety system to support commercial and civilian launch and reentry operations at spaceport sites licensed by the Federal Aviation Administration, including such sites currently served by United States military ranges.

(B) A review of laws, regulations, and policies that may impede the development of a common civilian range system and the competitiveness of United States commercial launch providers and spaceports and any recommendations with respect to amending such laws, regulations, and policies.

(C) A plan for adapting existing aviation support systems to support space transportation, including the National Plan of Integrated Airport Systems, the Airport and Airway Trust Fund, the Airport Improvement Program, aerospace workforce technical certifications, and the Air Transportation Centers of Excellence Program.

(D) An identification of technologies necessary to support space transportation.

SA 4688. Mr. LAUTENBERG (for himself, Mr. SCHUMER, Mrs. CLINTON, and Mr. MENENDEZ) submitted, under authority of the order of the Senate of May 2, 2008, 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 end of title V, insert the following:

Subtitle B—Runway Safety

SECTION 521. SHORT TITLE.

This subtitle may be cited as the ''Runway Safety Improvement Act of 2008''.

SEC. 522. STRATEGIC PLAN FOR RUNWAY SAFETY.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration (referred to in this subtitle as the ''Administrator'') shall develop and submit to Congress a report that contains a strategic runway safety plan.

(b) CONTENTS OF PLAN.—The strategic runway safety plan submitted under subsection (a) shall—

(1) include—

(A) goals to improve runway safety;

(B) a description of near- and longer-term actions designed to reduce the severity, number, and rate of runway incursions;

(C) time frames and resources needed for the actions described in subparagraph (B); and

(D) a plan to implement a continuous evaluative process to track performance toward the goals referred to in subparagraph (A); and

(2) address the increased runway safety risk associated with the expected increases in the volume of air traffic.

(c) AUDIT OF STRATEGIC RUNWAY SAFETY PLAN.—The Comptroller General of the United States shall—

(1) conduct an audit of the plan developed under subsection (a); and

(2) submit periodic reports to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives that describe—

(A) the efficacy of the runway safety plan in reducing runway safety risks; and

(B) the progress of the Federal Aviation Administration in complying with the plan.

SEC. 523. TECHNOLOGY IMPROVEMENTS.

(a) PLAN AND SCHEDULE FOR INSTALLATION AND DEPLOYMENT OF SYSTEMS TO PROVIDE ALERTS OF POTENTIAL RUNWAY INCURSIONS.—

(1) DEPLOYMENT PLAN.—Not later than December 31, 2008, the Administrator shall submit to Congress a plan for the installation of and deployment schedule for systems to alert air traffic controllers and flight crews of potential runway incursions at—

(A) the 35 commercial airports in the United States that are most at risk of runway incursions; and

(B) general aviation airports identified by the Administrator as being most at risk of runway incursions.

(2) CONTENTS.—The plan submitted under paragraph (1) shall—

(A) ensure existing technology for improved situational awareness is available to

pilots of commercial and large general aviation aircraft;

(B) enhance the value of investments in existing surface movement detection systems by ensuring that runway incursion alert data collected by such systems are automatically and directly transmitted to flight crews; and

(C) ensure that airports most at risk of runway incursions receive priority for the installation of advanced surface movement detection systems.

(3) OBJECTIVES.—The installation and deployment schedule required under paragraph (1) shall ensure that—

(A) not later than March 31, 2009, the Administrator certifies an integrated aircraft and ground-based capability that transmits direct warnings of runway incursions through advanced surface movement detection systems or other detection systems, as appropriate, without controller intervention;

(B) not later than December 31, 2009, capability providing aural indication of own aircraft position relative to airport runways is installed on—

(i) all aircraft operated pursuant to part 121 or 135 of title 14, Code of Federal Regulations, with more than 10 seats; and

(ii) all turbine-powered aircraft operated pursuant to part 91 of such title 14, with more than 6 seats;

(C) not later than June 30, 2010, the Administrator provides the capability described in subparagraph (A) at all airports equipped with advanced surface movement detection systems;

(D) not later than December 31, 2010, all aircraft described in subparagraph (B) at airports equipped with advanced surface movement detection systems are equipped with the capability to receive, process, and present runway incursion alerts to pilots; and

(E) a schedule is published for the equipage of aircraft operated pursuant to part 125 or 129 of title 14, Code of Federal Regulations.

(b) REVIEW OF IMPLEMENTATION OF ADVANCED SURFACE MOVEMENT DETECTION SYSTEMS.—The Inspector General of the Department of Transportation shall—

(1) review the installation of each advanced surface movement detection system funded by the Administrator to ensure that each system functions in accordance with the product's certification by the Administrator; and

(2) submit an annual report to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives that describes the status of the proper implementation of each system, including a review of the system's—

(A) reliability to ensure it is not susceptible to failures to generate timely alerts for controllers to take appropriate action; and

(B) ability to successfully operate in all climate conditions in which aircraft operations are conducted at the airport.

SEC. 524. INFRASTRUCTURE UPGRADES.

(a) AUTHORIZATION OF APPROPRIATIONS FOR TECHNOLOGY INVESTMENTS.—There are authorized to be appropriated to the Administrator, from amounts deposited in the Airport and Airway Trust Fund established under section 9502(d) of the Internal Revenue Code of 1986, to install systems designed to reduce the potential for runway incursions through the purchase and installation of advanced surface movement detection systems, and ground-based infrastructure for cockpit-direct audible runway incursion warning systems—

(1) $41,000,000 for fiscal year 2009;

(2) $42,250,000 for fiscal year 2010; and

(3) $45,000,000 for fiscal year 2011.

(b) AUTHORIZATION OF APPROPRIATIONS FOR NEAR-TERM IMPROVEMENTS.—There are authorized to be appropriated to the Administrator, from amounts deposited in the Airport and Airways Trust Fund established under section 9502(d) of the Internal Revenue Code of 1986, to reduce the potential for runway incursions through the purchase and installation of appropriate automatic equipment, including runway occupancy alerting and warning equipment, perimeter taxiways, and runway status lights—

(1) $40,000,000 for fiscal year 2009;

(2) $45,000,000 for fiscal year 2010; and

(3) $55,000,000 for fiscal year 2011.

(c) AUTHORIZATION OF APPROPRIATIONS FOR RUNWAY SAFETY AREA IMPROVEMENTS.—There are authorized to be appropriated to the Administrator, from amounts deposited in the Airport and Airway Trust Fund established under section 9502(d) of the Internal Revenue Code of 1986, to improve runway safety areas to meet Federal Aviation Administration standards—

(1) $150,000,000 for fiscal year 2009;

(2) $200,000,000 for fiscal year 2010; and

(3) $75,000,000 for fiscal year 2011.

(d) CODIFICATION OF RUNWAY SAFETY DESIGN STANDARD COMPLIANCE REQUIREMENT FROM PUBLIC LAW 109–115.—Section 44727 is amended by adding at the end the following:

''(c) DEADLINE FOR RUNWAY SAFETY AREA DESIGN STANDARD COMPLIANCE.—Not later than December 31, 2015, the owner or operator of each airport described in section 44706(a) shall improve the airport's runway safety areas to comply with the Federal Aviation Administration design standards required under part 139 of title 14, Code of Federal Regulations.''.

(e) ANNUAL REPORT ON RUNWAY SAFETY AREA COMPLIANCE.—The Administrator shall annually submit to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives a report that describes the progress of the Administration toward improving the runway safety areas at airports described in section 44706(a) of title 49, United States Code.

SEC. 525. REVIEW OF RUNWAY AND TAXIWAY LIGHTING AND MARKINGS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall—

(1) review the type of runway and taxiway lighting (both daytime and nighttime configurations) and markings at large and medium hub airports for compliance with standards issued by the Federal Aviation Administration; and

(2) identify runways on which nonstandard lighting and markings, including variance in illumination levels and standard colors used on runways and taxiways, may contribute, or may have contributed, to operational errors or incidents.

(b) INITIAL REPORT.—Not later than 60 days after the completion of the review under subsection (a), the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) describes the variance in lighting conditions and markings at airport runways described in subsection (a);

(2) identifies those runways that are most likely to contribute to operational errors and incidents; and

(3) includes a plan for remedying variance in lighting conditions and markings at nonstandard runways, including associated costs.

(c) COMPREHENSIVE REVIEW AND REPORT.—Not later than January 1, 2010, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report covering the subjects described in subsection (b), after conducting a full review of the factors described subsection (a) for all airports described in section 44706(a) of title 49, United States Code.

SEC. 526. MONITORING AND RECORDING EQUIPMENT FOR NAVIGATION AND LIGHTING AIDS.

(a) IN GENERAL.—The Administrator, in consultation with the Chairman of the National Transportation Safety Board, shall evaluate the potential for improving safety and accident investigations through the use of systems, including existing technologies, that record and enable the archival of the operational status of lighting systems on the movement areas of, or that are critical to the safe operations at, airports described in section 44706(a) of title 49, United States Code, and the operational status of ground-based navigation aids at or near airports described in section 44706(a) of title 49, United States Code, which are used to provide approach, departure, takeoff, and landing guidance at such airports.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the results of the evaluation required under subsection (a).

SEC. 527. IMPROVED DATA COLLECTION ON RUNWAY OVERRUNS.

The Administrator of the Federal Aviation Administration shall—

(1) collect data, using either existing sources of aircraft operational incidents or a new reporting process, regarding aircraft excursions that do not result in fatalities, injuries, or significant property damage;

(2) examine the data collected pursuant to paragraph (1) on an ongoing basis; and

(3) submit an annual report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(A) trends and potential safety risks identified by the data; and

(B) actions taken by airports and the Federal Aviation Administration to reduce those risks.

SA 4689. Mrs. MCCASKILL (for herself, Mr. SPECTER, Mr. OBAMA, and Mrs. CLINTON) submitted, under authority of the order of the Senate of May 2, 2008, 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:

SECTION ____. ENHANCED OVERSIGHT AND INSPECTION OF REPAIR STATIONS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) AIR CARRIER.—The term ''air carrier'' has the meaning given that term in section 40102(a) of title 49, United States Code.

(3) AIR TRANSPORTATION.—The term ''air transportation'' has the meaning given that term in such section 40102(a).

(4) AIRCRAFT.—The term ''aircraft'' has the meaning given that term in such section 40102(a).

(5) COVERED MAINTENANCE WORK.—The term ''covered maintenance work'' means maintenance work that is substantial, scheduled, or a required inspection item, as determined by the Administrator.

(6) PART 121 AIR CARRIER.—The term ''part 121 air carrier'' means an air carrier that holds a certificate under part 121 of title 14, Code of Federal Regulations (or any successor regulation).

(7) PART 145 REPAIR STATION.—The term ''part 145 repair station'' means a repair station that holds a certificate under part 145 of title 14, Code of Federal Regulations (or any successor regulation).

(8) UNITED STATES COMMERCIAL AIRCRAFT.—The term ''United States commercial aircraft'' means an aircraft registered in the United States and owned or leased by a commercial air carrier.

(b) REGULATION OF REPAIR STATIONS FOR SAFETY.—

(1) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

''SEC. 44730. REPAIR STATIONS.

''(a) DEFINITIONS.—In this section:

''(1) COVERED MAINTENANCE WORK.—The term 'covered maintenance work' means maintenance work that is substantial, scheduled, or a required inspection item, as determined by the Administrator.

''(2) PART 121 AIR CARRIER.—The term 'part 121 air carrier' means an air carrier that holds a certificate under part 121 of title 14, Code of Federal Regulations (or any successor regulation).

''(3) PART 145 REPAIR STATION.—The term 'part 145 repair station' means a repair station that holds a certificate under part 145 of title 14, Code of Federal Regulations (or any successor regulation).

''(4) UNITED STATES COMMERCIAL AIRCRAFT.—The term 'United States commercial aircraft' means an aircraft registered in the United States and owned or leased by a commercial air carrier.

''(b) REQUIREMENTS FOR MAINTENANCE PERSONNEL PROVIDING COVERED MAINTENANCE WORK.—Not later than 3 years after the date of the enactment of this section, the Administrator shall prescribe regulations requiring all covered maintenance work on United States commercial aircraft to be performed by maintenance personnel employed by—

''(1) a part 145 repair station;

''(2) a part 121 air carrier; or

''(3) a person that provides contract maintenance personnel to a part 145 repair station or a part 121 air carrier, if such personnel—

''(A) meet the requirements of such repair station or air carrier, as the case may be;

''(B) work under the direct supervision and control of such repair station or air carrier, as the case may be; and

''(C) carry out their work in accordance with the quality control manuals of such repair station or the maintenance manual of such air carrier, as the case may be.

''(c) CERTIFICATION OF INSPECTION OF FOREIGN REPAIR STATIONS.—Not later than 2 years after the date of the enactment of this section, and annually thereafter, the Administrator shall certify to Congress that—

''(1) each certified foreign repair station that performs maintenance work on an aircraft or a component of an aircraft for a part 121 air carrier has been inspected not fewer than 2 times in the preceding calendar year by an aviation safety inspector of the Federal Aviation Administration; and

''(2) not fewer than 1 of the inspections required by paragraph (1) for each certified foreign repair station was carried out at such repair station without any advance notice to such foreign repair station.

''(d) DRUG AND ALCOHOL TESTING OF FOREIGN REPAIR STATION PERSONNEL.—Not later than 1 year after the date of the enactment of this section, the Administrator shall modify the certification requirements under part 145 of title 14, Code of Federal Regulations, to include testing for the use of alcohol or a controlled substance in accordance with section 45102 of this title of any individual employed by a foreign repair station and performing a safety-sensitive function on a United States commercial aircraft for a foreign repair station.''.

(2) TEMPORARY PROGRAM OF IDENTIFICATION AND OVERSIGHT OF NONCERTIFIED REPAIR FACILITIES.—

(A) DEVELOP PLAN.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall develop a plan for a program—

(i) to require each part 121 air carrier to identify and submit to the Administrator a complete list of all noncertificated maintenance providers that perform covered maintenance work on United States commercial aircraft used by such part 121 air carriers to provide air transportation;

(ii) to validate lists described in clause (i) that are submitted by a part 121 air carrier to the Administrator by sampling the records of part 121 air carriers, such as maintenance activity reports and general vendor listings; and

(iii) to carry out surveillance and oversight by field inspectors of the Federal Aviation Administration of all noncertificated maintenance providers that perform covered maintenance work on United States commercial aircraft for part 121 air carriers.

(B) REPORT ON PLAN FOR PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to Congress a report that contains the plan required by subparagraph (A).

(C) IMPLEMENTATION OF PLANNED PROGRAM.—Not later than 1 year after the date of the enactment of this Act and until regulations are prescribed under section 44730(b) of title 49, United States Code, as added by paragraph (1), the Administrator shall carry out the plan required by subparagraph (A).

(D) ANNUAL REPORT ON IMPLEMENTATION.—Not later than 180 days after the commencement of the plan under subparagraph (C) and each year thereafter until the regulations described in such subparagraph are prescribed, the Administrator shall submit to Congress a report on the implementation of the plan carried out under such subparagraph.

(3) CLERICAL AMENDMENT.—The analysis for chapter 447 of title 49, United States Code, is amended by adding at the end the following: ''44730. Repairs stations.''.

(d) UPDATE OF FOREIGN REPAIR FEE SCHEDULE.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall revise the methodology for computation of fees for certification services performed outside the United States under part 187 of title 14, Code of Federal Regulations, to cover fully the costs to the Federal Aviation Administration of such certification services, including—

(A) the costs of all related inspection services;

(B) all travel expenses, salary, and employment benefits of inspectors who provide such services; and

(C) any increased costs to the Administration resulting from requirements of this section.

(2) UPDATES.—The Administrator shall periodically revise such methodology to account for subsequent changes in such costs to the Administration.

(e) ANNUAL REPORT BY INSPECTOR GENERAL.—Not later than 1 year after the date of the enactment of this Act and annually thereafter, the Inspector General of the Department of Transportation shall submit to Congress a report on the implementation of—

(1) section 44730 of title 49, United States Code, as added by subsection (b)(1) of this section;

(2) subsection (b)(2) of this section;

(4) subsection (d) of this section; and

(5) the regulations prescribed or amended under the provisions described in this subsection.

SA 4690. Mrs. BOXER submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER 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:

On page 87, between lines 9 and 10, insert the following: ''The Secretary may not approve a contingency service plan that does not closely adhere to the standards set forth in subsection (a)(2).''.

SA 4691. Mrs. DOLE submitted, under authority of the order of the Senate of May 2, 2008, 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:

On page 120, between lines 21 and 22, insert the following:

(f) NONPREEMPTION.—Nothing in this section or in section 41713(b) of title 49, United States Code, shall affect the authority of a State or a political subdivision of a State to regulate air ambulance services provided within that State with respect to—

(1) access to and availability of air ambulance services; or

(2) the standards of quality of care by air ambulance services.

SA 4692. Mrs. DOLE submitted, under authority of the order of the Senate of May 2, 2008, 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:

Beginning on page 65, strike line 24 and all that follows through page 66, line 2, and insert the following:

(4) Until the recommendations of the Board are completed, the Administrator may not—

(A) consolidate any additional approach control facilities into the Southern California TRACON or the Memphis TRACON; or

(B) de-consolidate, de-combine, split, or otherwise realign the approach control facilities at Charlotte Douglas International Airport.

SA 4693. Mr. BUNNING submitted, under authority of the order of the Senate of May 2, 2008, 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:

SECTION ___. FEDERAL FLIGHT DECK OFFICERS.

Section 44921 is amended—

(1) by amending subsection (a) to read as follows:

''(a) ESTABLISHMENT.—The Secretary of Homeland Security shall establish a Federal flight deck officer program to deputize eligible pilots as Federal law enforcement officers to defend against acts of criminal violence and air piracy. Such deputized pilots shall be known as 'Federal flight deck officers'.''; and

(2) by amending subsection (f) to read as follows:

''(f) AUTHORITY TO CARRY FIREARMS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall authorize Federal flight deck officers to purchase and carry a firearm on the officer's person in any State and between States, in accordance with this section.

''(2) AUTHORITY.—A Federal flight deck officer shall have the same authority to carry a firearm as the authority granted to other Federal law enforcement officers under Federal law.

''(3) PROCEDURES.—The operational procedures relating to carrying firearms applicable to Federal flight deck officers may not be more restrictive than the procedures that are generally imposed on other Federal law enforcement officers who are legally authorized to carry a firearm.

''(4) LOCKED DEVICES.—

''(A) NO REQUIREMENT TO USE.—Federal flight deck officers may not be required to carry or transport a firearm in a locked bag, box, holster, or any other device.

''(B) REQUIREMENT TO PROVIDE.—Upon the request of a Federal flight deck officer, the Secretary of Homeland Security shall provide a secure locking device or other appropriate container for storage of a firearm by the Federal flight deck officer.

''(5) TRAINING.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), Federal flight deck officers may not be required to complete any additional training beyond the training required of such officers as the date of the enactment of the Aviation Investment and Modernization Act of 2008.

''(B) ON-LINE TRAINING.—The Secretary of Homeland Security may require Federal flight deck officers to complete additional web-based online training.''.

SA 4694. Mr. BUNNING submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) 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 603 and insert the following:

SEC. 603. AVIATION FUEL PRODUCED FROM CLEAN COAL AND ALTERNATIVE AND UNCONVENTIONAL DOMESTIC FEEDSTOCKS FOR CIVILIAN AND MILITARY AIRCRAFT.

(a) ESTABLISHMENT OF ALTERNATIVE JET FUEL PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation, in consultation with the Secretary of the Air Force, shall establish a program related to developing jet fuel produced from clean coal and from alternative and unconventional domestic feedstocks. The program shall include participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology that process coal and alternative and unconventional domestic feedstocks into aviation fuel.

(b) PROGRAM REQUIREMENTS.—Any alternative jet fuel program established by a Federal agency, including the program established under subsection (a) and the Department of the Air Force alternative jet fuel program, may include grants, reimbursable agreements, long-term contracts, and other instruments authorized under section 106(l)(6) of title 49, United States Code. Such program may include long-term contracts or agreements for the acquisition of alternative jet fuel, but only if such contracts or agreements are—

(1) for a term of not more than 25 years;

(2) at a price that is competitive, throughout the term of the contract or agreement, with the market price of petroleum-derived aviation fuel of similar quality; and

(3) for a fuel that has lower lifecycle greenhouse gas emissions as compared to the lifecycle greenhouse gas emissions of the petroleum-based aviation fuel that was displaced.

(c) CLARIFICATION.—In the case of a Federal agency agreement for alternative jet fuel, the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel supplied under the contract shall be considered to be less than such emissions from the equivalent conventional fuel produced from conventional petroleum sources if such emissions are determined to be lower—

(1) by peer-reviewed research conducted or reviewed by a National Laboratory; or

(2) by the head of the Federal agency, based on available research and testing.

(d) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Not later than 180 days 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 for Excellence for Coal-to-Jet-Fuel Research.

(e) TAX CREDIT FOR ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL MIXTURE.—

(1) IN GENERAL.—Section 6426 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(i) ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL MIXTURE.—

''(1) IN GENERAL.—For purposes of this section, the alternative and unconventional aviation fuel mixture credit is the product of 50 cents and the number of gallons of alternative and unconventional aviation fuel used by the taxpayer in producing any alternative and unconventional aviation fuel mixture for sale or use in a trade or business of the taxpayer.

''(2) ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL MIXTURE.—For purposes of this subsection, the term 'alternative and unconventional aviation fuel mixture' means a mixture of alternative and unconventional aviation fuel and aviation-grade kerosene which—

''(A) is sold by the taxpayer producing such mixture to any person for use as a fuel, or

''(B) is used as a fuel by the taxpayer producing such mixture.

''(3) ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL.—For purposes of this subsection, the term 'alternative and unconventional aviation fuel' means aviation fuel that is produced from unconventional resources (including coal, natural gas, biomass, ethanol, butanol, and hydrogen) and is determined, through peer-reviewed research conducted or reviewed by a National Laboratory, or by the head of a Federal agency, would produce lower lifecycle greenhouse gas emissions, as compared to the lifecycle greenhouse gas emissions of the displaced aviation fuel.

''(4) TERMINATION.—This subsection shall not apply to any sale or use for any period after December 31, 2016.''.

(2) CONFORMING AMENDMENT.—Section 6426(a)(1) of the Internal Revenue Code of 1986 is amended by striking ''and (e)'' and inserting ''(e), and (i)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to any sale or use after the date of the enactment of this Act.

(f) SENSE OF THE SENATE.—It is the sense of the Senate that the Department of Transportation, Federal Aviation Administration, Department of the Air Force, and other Federal agencies should continue research, testing, evaluation, and use of alternative fuels as defined in this section with the goals of—

(1) reducing emissions;

(2) lowering the cost of aviation fuel; and

(3) increasing the performance, reliability, and security of aviation fuel production and supply.

SA 4695. Mr. BUNNING submitted, under authority of the order of the Senate of May 2, 2008, 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:

SECTION ___. FEDERAL FLIGHT DECK OFFICERS.

Section 44921 is amended—

(1) by amending subsection (a) to read as follows:

''(a) ESTABLISHMENT.—The Secretary of Homeland Security shall establish a Federal flight deck officer program to deputize eligible pilots as Federal law enforcement officers to defend against acts of criminal violence and air piracy. Such deputized pilots shall be known as 'Federal flight deck officers'.''; and

(2) by amending subsection (f) to read as follows:

''(f) AUTHORITY TO CARRY FIREARMS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall authorize Federal flight deck officers to purchase and carry a firearm on the officer's person in any State and between States, in accordance with this section.

''(2) AUTHORITY.—A Federal flight deck officer shall have the same authority to carry a firearm as the authority granted to other Federal law enforcement officers under Federal law.

''(3) PROCEDURES.—The operational procedures relating to carrying firearms applicable to Federal flight deck officers may not be more restrictive than the procedures that are generally imposed on other Federal law enforcement officers who are legally authorized to carry a firearm.

''(4) LOCKED DEVICES.—

''(A) NO REQUIREMENT TO USE.—Federal flight deck officers may not be required to carry or transport a firearm in a locked bag, box, holster, or any other device.

''(B) REQUIREMENT TO PROVIDE.—Upon the request of a Federal flight deck officer, the Secretary of Homeland Security shall provide a secure locking device or other appropriate container for storage of a firearm by the Federal flight deck officer.

''(5) TRAINING.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), Federal flight deck officers may not be required to complete any additional training beyond the training required of such officers as the date of the enactment of the Aviation Investment and Modernization Act of 2008.

''(B) ON-LINE TRAINING.—The Secretary of Homeland Security may require Federal flight deck officers to complete additional web-based online training.''.

SA 4696. Mr. BUNNING submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) 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 603 and insert the following:

SEC. 603. AVIATION FUEL PRODUCED FROM CLEAN COAL AND ALTERNATIVE AND UNCONVENTIONAL DOMESTIC FEEDSTOCKS FOR CIVILIAN AND MILITARY AIRCRAFT.

(a) ESTABLISHMENT OF ALTERNATIVE JET FUEL PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation, in consultation with the Secretary of the Air Force, shall establish a program related to developing jet fuel produced from clean coal and from alternative and unconventional domestic feedstocks. The program shall include participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology that process coal and alternative and unconventional domestic feedstocks into aviation fuel.

(b) PROGRAM REQUIREMENTS.—Any alternative jet fuel program established by a Federal agency, including the program established under subsection (a) and the Department of the Air Force alternative jet fuel program, may include grants, reimbursable agreements, long-term contracts, and other instruments authorized under section 106(l)(6) of title 49, United States Code. Such program may include long-term contracts or agreements for the acquisition of alternative jet fuel, but only if such contracts or agreements are—

(1) for a term of not more than 25 years;

(2) at a price that is competitive, throughout the term of the contract or agreement, with the market price of petroleum-derived aviation fuel of similar quality; and

(3) for a fuel that has lower lifecycle greenhouse gas emissions as compared to the lifecycle greenhouse gas emissions of the petroleum-based aviation fuel that was displaced.

(c) CLARIFICATION.—In the case of a Federal agency agreement for alternative jet fuel, the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel supplied under the contract shall be considered to be less than such emissions from the equivalent conventional fuel produced from conventional petroleum sources if such emissions are determined to be lower—

(1) by peer-reviewed research conducted or reviewed by a National Laboratory; or

(2) by the head of the Federal agency, based on available research and testing.

(d) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Not later than 180 days 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 for Excellence for Coal-to-Jet-Fuel Research.

(e) TAX CREDIT FOR ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL MIXTURE.—

(1) IN GENERAL.—Section 6426 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(i) ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL MIXTURE.—

''(1) IN GENERAL.—For purposes of this section, the alternative and unconventional aviation fuel mixture credit is the product of 50 cents and the number of gallons of alternative and unconventional aviation fuel used by the taxpayer in producing any alternative and unconventional aviation fuel mixture for sale or use in a trade or business of the taxpayer.

''(2) ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL MIXTURE.—For purposes of this subsection, the term 'alternative and unconventional aviation fuel mixture' means a mixture of alternative and unconventional aviation fuel and aviation-grade kerosene which—

''(A) is sold by the taxpayer producing such mixture to any person for use as a fuel, or

''(B) is used as a fuel by the taxpayer producing such mixture.

''(3) ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL.—For purposes of this subsection, the term 'alternative and unconventional aviation fuel' means aviation fuel that is produced from unconventional resources (including coal, natural gas, biomass, ethanol, butanol, and hydrogen) and is determined, through peer-reviewed research conducted or reviewed by a National Laboratory, or by the head of a Federal agency, would produce lower lifecycle greenhouse gas emissions, as compared to the lifecycle greenhouse gas emissions of the displaced aviation fuel.

''(4) TERMINATION.—This subsection shall not apply to any sale or use for any period after December 31, 2016.''.

(2) CONFORMING AMENDMENT.—Section 6426(a)(1) of the Internal Revenue Code of 1986 is amended by striking ''and (e)'' and inserting ''(e), and (i)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to any sale or use after the date of the enactment of this Act.

(f) SENSE OF THE SENATE.—It is the sense of the Senate that the Department of Transportation, Federal Aviation Administration, Department of the Air Force, and other Federal agencies should continue research, testing, evaluation, and use of alternative fuels as defined in this section with the goals of—

(1) reducing emissions;

(2) lowering the cost of aviation fuel; and

(3) increasing the performance, reliability, and security of aviation fuel production and supply.

SA 4697. Mr. HATCH (for himself, Mr. BENNETT, Mr. CRAIG, Mr. CRAPO, and Mr. BARRASSO) submitted, under authority of the order of the Senate of May 2, 2008, 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. ___. PRESERVATION AND EXPANSION OF ACCESS TO RONALD REAGAN WASHINGTON NATIONAL AIRPORT FOR SMALL COMMUNITIES.

(a) IN GENERAL.—Section 41718 is amended by adding at the end the following:

''(g) USE OF AIRPORT SLOTS FOR BEYOND PERIMETER FLIGHTS.—

''(1) IN GENERAL.—Notwithstanding section 49109 or any other provision of law, and subject to the approval of the Secretary under paragraph (2), an air carrier that holds or operates air carrier slots at Ronald Reagan Washington National Airport as of the date of the enactment of this subsection, pursuant to subparts K and S of part 93 of title 14, Code of Federal Regulations, that are being used as of that date for scheduled service between that Airport and a large hub airport (as defined in section 40102(a)(29)), may use not more than 2 of such slots for service between Ronald Reagan Washington National Airport and any large hub airport located outside of the perimeter restriction described in section 49109.

''(2) APPROVAL BY SECRETARY.—The Secretary shall approve the use of air carrier slots described in paragraph (1) if—

''(A) the use of such air carrier slots results in the provision of air transportation from Ronald Reagan Washington National Airport to small communities outside the perimeter restriction through the large hub airport with respect to which the air carrier slots are used; and

''(B) the Secretary determines that approving such use will not result in the reduction of nonstop air transportation between Ronald Reagan Washington National Airport and small or medium hub airports inside the perimeter restriction.''.

(b) AUDITS OF SLOT EXCHANGES.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Transportation shall conduct an audit of the use of air carrier slots at Ronald Reagan Washington National Airport for air transportation between that Airport and airports located outside of the perimeter restriction described in section 49109 of title 49, United States Code, authorized pursuant to the amendment made by subsection (a), to determine if small communities outside of the perimeter restriction are benefitting from the use of such air carrier slots.

SA 4698. Mr. BAUCUS (for himself and Mr. GRASSLEY) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to

be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER 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 end of subtitle A of title VIII, insert the following:

SEC. ___. 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.

SA 4699. Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. WEBB) submitted, under authority of the order of the Senate of May 2, 2008, 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 end of title VII, insert the following:

SEC. ___. NATIONAL CAPITAL TRANSPORTATION AMENDMENTS ACT OF 2007.

(a) SHORT TITLE; FINDINGS.—

(1) SHORT TITLE.—This section may be cited as the ''National Capital Transportation Amendments Act of 2007''.

(2) FINDINGS.—Congress finds as follows:

(A) Metro, the public transit system of the Washington metropolitan area, is essential for the continued and effective performance of the functions of the Federal Government, and for the orderly movement of people during major events and times of regional or national emergency.

(B) On 3 occasions, Congress has authorized appropriations for the construction and capital improvement needs of the Metrorail system.

(C) Additional funding is required to protect these previous Federal investments and ensure the continued functionality and viability of the original 103-mile Metrorail system.

(b) FEDERAL CONTRIBUTION FOR CAPITAL PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT SYSTEM.—The National Capital Transportation Act of 1969 (sec. 9–1111.01 et seq., D.C. Official Code) is amended by adding at the end the following:

''AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBUTION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS

''SEC. 18. (a) AUTHORIZATION.—Subject to the succeeding provisions of this section, the Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized under sections 3, 14, and 17, for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.

''(b) USE OF FUNDS.—The Federal grants made pursuant to the authorization under this section shall be subject to the following limitations and conditions:

''(1) The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the amendments to the Compact described in subsection (d)).

''(2) Each such Federal grant shall be for 50 percent of the net project cost of the project involved, and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Consistent with the terms of the amendment to the Compact described in subsection (d)(1), any funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

''(c) APPLICABILITY OF REQUIREMENTS FOR MASS TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS UNDER FEDERAL TRANSPORTATION LAW.—Except as specifically provided in this section, the use of any amounts appropriated pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds are provided under chapter 53 of title 49, United States Code, except to the extent that the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

''(d) AMENDMENTS TO COMPACT.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section until the Transit Authority notifies the Secretary of Transportation that each of the following amendments to the Compact (and any further amendments which may be required to implement such amendments) have taken effect:

''(1)(A) An amendment requiring that all payments by the local signatory governments for the Transit Authority for the purpose of matching any Federal funds appropriated in any given year authorized under subsection (a) for the cost of operating and maintaining the adopted regional system are made from amounts derived from dedicated funding sources.

''(B) For purposes of this paragraph, the term 'dedicated funding source' means any source of funding which is earmarked or required under State or local law to be used to match Federal appropriations authorized under this Act for payments to the Transit Authority.

''(2) An amendment establishing the Office of the Inspector General of the Transit Authority in accordance with section 3 of the National Capital Transportation Amendments Act of 2007.

''(3) An amendment expanding the Board of Directors of the Transit Authority to include 4 additional Directors appointed by the Administrator of General Services, of whom 2 shall be nonvoting and 2 shall be voting, and requiring one of the voting members so appointed to be a regular passenger and customer of the bus or rail service of the Transit Authority.

''(e) AMOUNT.—There are authorized to be appropriated to the Secretary of Transportation for grants under this section an aggregate amount not to exceed $1,500,000,000 to be available in increments over 10 fiscal years beginning in fiscal year 2009, or until expended.

''(f) AVAILABILITY.—Amounts appropriated pursuant to the authorization under this section—

''(1) shall remain available until expended; and

''(2) shall be in addition to, and not in lieu of, amounts available to the Transit Authority under chapter 53 of title 49, United States Code, or any other provision of law.

''(g) ACCESS TO WIRELESS SERVICES IN METRORAIL SYSTEM.—

''(1) REQUIRING TRANSIT AUTHORITY TO PROVIDE ACCESS TO SERVICE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that customers of the rail service of the Transit Authority have access within the rail system to services provided by any licensed wireless provider that notifies the Transit Authority (in accordance with such procedures as the Transit Authority may adopt) of its intent to offer service to the public, in accordance with the following timetable:

''(A) Not later than 1 year after the date of the enactment of the National Capital Transportation Amendments Act of 2007, in the 20 underground rail station platforms with the highest volume of passenger traffic.

''(B) Not later than 4 years after such date, throughout the rail system.

''(2) ACCESS OF WIRELESS PROVIDERS TO SYSTEM FOR UPGRADES AND MAINTENANCE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that each licensed wireless provider who provides service to the public within the rail system pursuant to paragraph (1) has access to the system on an ongoing basis (subject to such restrictions as the Transit Authority may impose to ensure that such access will not unduly impact rail operations or threaten the safety of customers or employees of the rail system) to carry out emergency repairs, routine maintenance, and upgrades to the service.

''(3) PERMITTING REASONABLE AND CUSTOMARY CHARGES.—Nothing in this subsection may be construed to prohibit the Transit Authority from requiring a licensed wireless provider to pay reasonable and customary charges for access granted under this subsection.

''(4) REPORTS.—Not later than 1 year after the date of the enactment of the National Capital Transportation Amendments Act of

2007, and each of the 3 years thereafter, the Transit Authority shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the implementation of this subsection.

''(5) DEFINITION.—In this subsection, the term 'licensed wireless provider' means any provider of wireless services who is operating pursuant to a Federal license to offer such services to the public for profit.''.

(c) WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY INSPECTOR GENERAL.—

(1) ESTABLISHMENT OF OFFICE.—

(A) IN GENERAL.—The Washington Metropolitan Area Transit Authority (referred to in this subsection as the ''Transit Authority'') shall establish in the Transit Authority the Office of the Inspector General (referred to in this subsection as the ''Office''), headed by the Inspector General of the Transit Authority (referred to in this subsection as the ''Inspector General'').

(B) DEFINITION.—In subparagraph (A), the ''Washington Metropolitan Area Transit Authority'' means the Authority established under Article III of the Washington Metropolitan Area Transit Authority Compact (Public Law 89–774).

(2) INSPECTOR GENERAL.—

(A) APPOINTMENT.—The Inspector General shall be appointed by the vote of a majority of the Board of Directors of the Transit Authority, and shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations, as well as familiarity or experience with the operation of transit systems.

(B) TERM OF SERVICE.—The Inspector General shall serve for a term of 5 years, and an individual serving as Inspector General may be reappointed for not more than 2 additional terms.

(C) REMOVAL.—The Inspector General may be removed from office prior to the expiration of his term only by the unanimous vote of all of the members of the Board of Directors of the Transit Authority, and the Board shall communicate the reasons for any such removal to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(3) DUTIES.—

(A) APPLICABILITY OF DUTIES OF INSPECTOR GENERAL OF EXECUTIVE BRANCH ESTABLISHMENT.—The Inspector General shall carry out the same duties and responsibilities with respect to the Transit Authority as an Inspector General of an establishment carries out with respect to an establishment under section 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4), under the same terms and conditions which apply under such section.

(B) CONDUCTING ANNUAL AUDIT OF FINANCIAL STATEMENTS.—The Inspector General shall be responsible for conducting the annual audit of the financial accounts of the Transit Authority, either directly or by contract with an independent external auditor selected by the Inspector General.

(C) REPORTS.—

(i) SEMIANNUAL REPORTS TO TRANSIT AUTHORITY.—The Inspector General shall prepare and submit semiannual reports summarizing the activities of the Office in the same manner, and in accordance with the same deadlines, terms, and conditions, as an Inspector General of an establishment under section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5). For purposes of applying section 5 of such Act to the Inspector General, the Board of Directors of the Transit Authority shall be considered the head of the establishment, except that the Inspector General shall transmit to the General Manager of the Transit Authority a copy of any report submitted to the Board pursuant to this paragraph.

(ii) ANNUAL REPORTS TO LOCAL SIGNATORY GOVERNMENTS AND CONGRESS.—Not later than January 15 of each year, the Inspector General shall prepare and submit a report summarizing the activities of the Office during the previous year, and shall submit such reports to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(D) INVESTIGATIONS OF COMPLAINTS OF EMPLOYEES AND MEMBERS.—

(i) AUTHORITY.—The Inspector General may receive and investigate complaints or information from an employee or member of the Transit Authority concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety.

(ii) NONDISCLOSURE.—The Inspector General shall not, after receipt of a complaint or information from an employee or member, disclose the identity of the employee or member without the consent of the employee or member, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

(iii) PROHIBITING RETALIATION.—An employee or member of the Transit Authority who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee or member as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(E) INDEPENDENCE IN CARRYING OUT DUTIES.—Neither the Board of Directors of the Transit Authority, the General Manager of the Transit Authority, nor any other member or employee of the Transit Authority may prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities assigned to the Inspector General under this subsection.

(4) POWERS.—

(A) IN GENERAL.—The Inspector General may exercise the same authorities with respect to the Transit Authority as an Inspector General of an establishment may exercise with respect to an establishment under section 6(a) of the Inspector General Act of 1978 (5 U.S.C. App. 6(a)), other than paragraphs (7), (8), and (9) of such section.

(B) STAFF.—

(i) ASSISTANT INSPECTOR GENERALS AND OTHER STAFF.—The Inspector General shall appoint and fix the pay of—

(I) an Assistant Inspector General for Audits, who shall be responsible for coordinating the activities of the Inspector General relating to audits;

(II) an Assistant Inspector General for Investigations, who shall be responsible for coordinating the activities of the Inspector General relating to investigations; and

(III) such other personnel as the Inspector General considers appropriate.

(ii) INDEPENDENCE IN APPOINTING STAFF.—No individual may carry out any of the duties or responsibilities of the Office unless the individual is appointed by the Inspector General, or provides services procured by the Inspector General, pursuant to this subparagraph. Nothing in this clause may be construed to prohibit the Inspector General from entering into a contract or other arrangement for the provision of services under this subsection.

(iii) APPLICABILITY OF TRANSIT SYSTEM PERSONNEL RULES.—None of the regulations governing the appointment and pay of employees of the Transit System shall apply with respect to the appointment and compensation of the personnel of the Office, except to the extent agreed to by the Inspector General. Nothing in the previous sentence may be construed to affect clauses (i) and (ii).

(C) EQUIPMENT AND SUPPLIES.—The General Manager of the Transit Authority shall provide the Office with appropriate and adequate office space, together with such equipment, supplies, and communications facilities and services as may be necessary for the operation of the Office, and shall provide necessary maintenance services for such office space and the equipment and facilities located therein.

(5) TRANSFER OF FUNCTIONS.—To the extent that any office or entity in the Transit Authority prior to the appointment of the first Inspector General under this subsection carried out any of the duties and responsibilities assigned to the Inspector General under this subsection, the functions of such office or entity shall be transferred to the Office upon the appointment of the first Inspector General under this subsection.

(d) STUDY AND REPORT BY COMPTROLLER GENERAL.—

(1) STUDY.—The Comptroller General shall conduct a study on the use of the funds provided under section 18 of the National Capital Transportation Act of 1969 (as added by this section).

(2) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the study conducted under paragraph (1).

TEXT OF AMENDMENTS

SA 4700. Mr. DeMINT 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. ___. CERTAIN PROVISION IS NULL AND VOID.

Section 831, and the amendments made by such section, are hereby null and void and shall have no effect.

SA 4701. Mrs. MURRAY 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:

On page 95, strike lines 7 through 21, and insert the following:

(b) FUNDING.—Subparagraph (E) of section 47124(b)(3) is amended—

(1) by striking ''and'' after ''2006,''; and

(2) by inserting ''$9,000,000 for fiscal year 2008, $9,500,000 for fiscal year 2009, $10,000,000 for fiscal year 2010, and $10,500,000 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) LIMITATION ON LOCAL SHARE.—Section 47124(b)(3) is amended by adding at the end the following:

''(F) LIMITATION ON LOCAL SHARE FOR CERTAIN AIRPORTS.—Notwithstanding any other provision of this section, in the case of an airport that is certified under part 139 of title 14, Code of Federal Regulations, and that has more than 10,000 but fewer than 50,000 passenger enplanements per year, the local share of the costs of carrying out the Contract Tower Program shall not exceed 20 percent.''.

SA 4702. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, after line 15, insert the following:

SEC. 33. MAXIMUM COVERAGE LIMITS.

Subsection (b) of section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)) is amended—

(1) in paragraph (2), by striking ''$250,000'' and inserting ''$335,000'';

(2) in paragraph (3), by striking ''$100,000'' and inserting ''$135,000''; and

(3) in paragraph (4)—

(A) by striking ''$500,000'' each place such term appears and inserting ''$670,000''; and

(B) by inserting before ''; and'' the following: ''; except that, in the case of any nonresidential property that is a structure containing more than one dwelling unit that is made available for occupancy by rental (notwithstanding the provisions applicable to the determination of the risk premium rate for such property), additional flood insurance in excess of such limits shall be made available to every insured upon renewal and every applicant for insurance so as to enable any such insured or applicant to receive coverage up to a total amount that is equal to the product of the total number of such rental dwelling units in such property and the maximum coverage limit per dwelling unit specified in paragraph (2); except that in the case of any such multi-unit, nonresidential rental property that is a pre-FIRM structure (as such term is defined in section 578(b) of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4014 note)), the risk premium rate for the first $500,000 of coverage shall be determined in accordance with section 1307(a)(2) and the risk premium rate for any coverage in excess of such amount shall be determined in accordance with section 1307(a)(1)''.

SA 4703. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 24, strike ''Any increase'' and all that follows through the second period on page 11, line 4, and insert the following: ''Any increase in the risk premium rate charged for flood insurance on any property that is covered by a flood insurance policy on the date of completion of the updating or remapping described in paragraph (1) that is a result of such updating or remapping shall be phased in over a 5-year period at the rate of 20 percent per year.''.

SA 4704. Mr. WICKER (for himself, Mr. COCHRAN, Mr. VITTER, Ms. LANDRIEU, and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

SEC. _____. MULTIPERIL COVERAGE FOR FLOOD AND WINDSTORM.

(a) IN GENERAL.—Section 1304 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

''(c) MULTIPERIL COVERAGE FOR DAMAGE FROM FLOOD OR WINDSTORM.—

''(1) IN GENERAL.—Subject to paragraph (8), the national flood insurance program established pursuant to subsection (a) shall enable the purchase of optional insurance against loss resulting from physical damage to or loss of real property or personal property related thereto located in the United States arising from any flood or windstorm, subject to the limitations in this subsection and section 1306(b).

''(2) COMMUNITY PARTICIPATION REQUIREMENT.—Multiperil coverage pursuant to this subsection may not be provided in any area (or subdivision thereof) unless an appropriate public body shall have adopted adequate mitigation measures (with effective enforcement provisions) which the Director finds are consistent with the criteria for construction described in the International Code Council building codes relating to wind mitigation.

''(3) PROHIBITION AGAINST DUPLICATIVE COVERAGE.—Multiperil coverage pursuant to this subsection may not be provided with respect to any structure (or the personal property related thereto) for any period during which such structure is covered, at any time, by flood insurance coverage made available under this title.

''(4) NATURE OF COVERAGE.—Multiperil coverage pursuant to this subsection shall—

''(A) cover losses only from physical damage resulting from flooding or windstorm; and

''(B) provide for approval and payment of claims under such coverage upon proof that such loss must have resulted from either windstorm or flooding, but shall not require for approval and payment of a claim that the specific cause of the loss, whether windstorm or flooding, be distinguished or identified.

''(5) ACTUARIAL RATES.—Multiperil coverage pursuant to this subsection shall be made available for purchase for a property only at chargeable risk premium rates that, based on consideration of the risks involved and accepted actuarial principles, and including operating costs and allowance and administrative expenses, are required in order to make such coverage available on an actuarial basis for the type and class of properties covered.

''(6) TERMS OF COVERAGE.—The Director shall, after consultation with persons and entities referred to in section 1306(a), provide by regulation for the general terms and conditions of insurability which shall be applicable to properties eligible for multiperil coverage under this subsection, subject to the provisions of this subsection, including—

''(A) the types, classes, and locations of any such properties which shall be eligible for such coverage, which shall include residential and nonresidential properties;

''(B) subject to paragraph (7), the nature and limits of loss or damage in any areas (or subdivisions thereof) which may be covered by such coverage;

''(C) the classification, limitation, and rejection of any risks which may be advisable;

''(D) appropriate minimum premiums;

''(E) appropriate loss deductibles; and

''(F) any other terms and conditions relating to insurance coverage or exclusion that may be necessary to carry out this subsection.

''(7) LIMITATIONS ON AMOUNT OF COVERAGE.—The regulations issued pursuant to paragraph (6) shall provide that the aggregate liability under multiperil coverage made available under this subsection shall not exceed the lesser of the replacement cost for covered losses or the following amounts, as applicable:

''(A) RESIDENTIAL STRUCTURES.—In the case of residential properties, which shall include structures containing multiple dwelling units that are made available for occupancy by rental (notwithstanding any treatment or classification of such properties for purposes of section 1306(b))—

''(i) for any single-family dwelling, $500,000;

''(ii) for any structure containing more than one dwelling unit, $500,000 for each separate dwelling unit in the structure, which limit, in the case of such a structure containing multiple dwelling units that are made available for occupancy by rental, shall be applied so as to enable any insured or applicant for insurance to receive coverage for the structure up to a total amount that is equal to the product of the total

number of such rental dwelling units in such property and the maximum coverage limit per dwelling unit specified in this clause; and

''(iii) $150,000 per dwelling unit for—

''(I) any contents related to such unit; and

''(II) any necessary increases in living expenses incurred by the insured when losses from flooding or windstorm make the residence unfit to live in.

''(B) NONRESIDENTIAL PROPERTIES.—In the case of nonresidential properties (including church properties)—

''(i) $1,000,000 for any single structure; and

''(ii) $750,000 for—

''(I) any contents related to such structure; and

''(II) in the case of any nonresidential property that is a business property, any losses resulting from any partial or total interruption of the insured's business caused by damage to, or loss of, such property from flooding or windstorm, except that for purposes of such coverage, losses shall be determined based on the profits the covered business would have earned, based on previous financial records, had the flood or windstorm not occurred.

''(8) EFFECTIVE DATE.—This subsection shall take effect on, and shall apply beginning on, June 30, 2008.''.

(b) PROHIBITION AGAINST DUPLICATIVE COVERAGE.—Chapter 1 of The National Flood Insurance Act of 1968 is amended by adding at the end the following:

''PROHIBITION AGAINST DUPLICATIVE COVERAGE

''SEC. 1325. Flood insurance under this title may not be provided with respect to any structure (or the personal property related thereto) for any period during which such structure is covered, at any time, by multiperil insurance coverage made available pursuant to section 1304(c).''.

(c) COMPLIANCE WITH STATE AND LOCAL LAW.—Section 1316 of the National Flood Insurance Act of 1968 (42 U.S.C. 4023) is amended—

(1) by inserting ''(a) FLOOD PROTECTION MEASURES.—'' before ''No new''; and

(2) by adding at the end the following new subsection:

''(b) WINDSTORM PROTECTION MEASURES.—No new multiperil coverage shall be provided under section 1304(c) for any property that the Director finds has been declared by a duly constituted State or local zoning authority, or other authorized public body to be in violation of State or local laws, regulations, or ordinances, which are intended to reduce damage caused by windstorms.''.

(d) CRITERIA FOR LAND MANAGEMENT AND USE.—Section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4102) is amended by adding at the end the following new subsection:

''(d) WINDSTORMS.—

''(1) STUDIES AND INVESTIGATIONS.—The Director shall carry out studies and investigations under this section to determine appropriate measures in wind events as to wind hazard prevention, and may enter into contracts, agreements, and other appropriate arrangements to carry out such activities. Such studies and investigations shall include laws, regulations, and ordinance relating to the orderly development and use of areas subject to damage from windstorm risks, and zoning building codes, building permits, and subdivision and other building restrictions for such areas.

''(2) CRITERIA.—On the basis of the studies and investigations pursuant to paragraph (1) and such other information as may be appropriate, the Direct shall establish comprehensive criteria designed to encourage, where necessary, the adoption of adequate State and local measures which, to the maximum extent feasible, will assist in reducing damage caused by windstorms, discourage density and intensity or range of use increases in locations subject to windstorm damage, and enforce restrictions on the alteration of wetlands coastal dunes and vegetation and other natural features that are known to prevent or reduce such damage.

''(3) COORDINATION WITH STATE AND LOCAL GOVERNMENTS.—The Director shall work closely with and provide any necessary technical assistance to State, interstate, and local governmental agencies, to encourage the application of criteria established under paragraph (2) and the adoption and enforcement of measures referred to in such paragraph.''.

(e) DEFINITIONS.—Section 1370 of the National Flood Insurance Act of 1968 (42 U.S.C. 4121) is amended—

(1) in paragraph (14), by striking ''and'' at the end;

(2) in paragraph (15) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(16) the term 'windstorm' means any hurricane, tornado, cyclone, typhoon, or other wind event.''.

SA 4705. Ms. LANDRIEU (for herself, Mr. PRYOR, and Mrs. LINCOLN) submitted an amendment intended to be proposed by her to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, strike line 20 and all that follows through page 10, line 9, and insert the following:

(c) STUDY ON MANDATORY PURCHASE REQUIREMENTS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall conduct and submit to Congress a study assessing the impact, effectiveness, and feasibility of amending the provisions of the Flood Disaster Protection Act of 1973 regarding the properties that are subject to the mandatory flood insurance coverage purchase requirements under such Act to extend such requirements to properties located in any area that would be designated as an area having special flood hazards but for the existence of a structural flood protection system.

(2) CONTENT OF REPORT.—In carrying out the study required under paragraph (1), the Comptroller General shall determine—

(A) the regulatory, financial and economic impacts of extending the mandatory purchase requirements described under paragraph (1) on the costs of homeownership, the actuarial soundness of the National Flood Insurance Program, the Federal Emergency Management Agency, local communities, insurance companies, and local land use;

(B) the effectiveness of extending such mandatory purchase requirements in protecting homeowners from financial loss and in protecting the financial soundness of the National Flood Insurance Program; and

(C) any impact on lenders of complying with or enforcing such extended mandatory requirements.

SA 4706. Ms. LANDRIEU (for herself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by her to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 31 and insert the following:

SEC. 31. FLOOD INSURANCE ADVOCATE.

Chapter II of the National Flood Insurance Act of 1968 is amended by inserting after section 1330 (42 U.S.C. 4041) the following new section:

"SEC. 1330A. OFFICE OF THE FLOOD INSURANCE ADVOCATE.

''(a) ESTABLISHMENT OF POSITION.—

''(1) IN GENERAL.—There shall be in the Federal Emergency Management Agency an Office of the Flood Insurance Advocate which shall be headed by the National Flood Insurance Advocate. The National Flood Insurance Advocate shall—

''(A) to the extent amounts are provided pursuant to subsection (n), be compensated at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code, or, if the Director so determines, at a rate fixed under section 9503 of such title;

''(B) be appointed by the Director without regard to political affiliation;

''(C) report to and be under the general supervision of the Director, but shall not report to, or be subject to supervision by, any other officer of the Federal Emergency Management Agency; and

''(D) consult with the Assistant Administrator for Mitigation or any successor thereto, but shall not report to, or be subject to the general supervision by, the Assistant Administrator for Mitigation or any successor thereto.

''(2) QUALIFICATIONS.—An individual appointed under paragraph (1)(B) shall have a background in customer service, accounting, auditing, financial analysis, law, management analysis, public administration, investigations, or insurance.

''(3) RESTRICTION ON EMPLOYMENT.—An individual may be appointed as the National Flood Insurance Advocate only if such individual was not an officer or employee of the Federal Emergency Management Agency with duties relating to the national flood insurance program during the 2-year period ending with such appointment and such individual agrees not to accept any employment with the Federal Emergency Management Agency for at least 2 years after ceasing to be the National Flood Insurance Advocate. Service as an employee of the National Flood Insurance Advocate shall not be taken into account in applying this paragraph.

''(4) STAFF.—To the extent amounts are provided pursuant to subsection (n), the National Flood Insurance Advocate may employ such personnel as may be necessary to carry out the duties of the Office.

''(5) INDEPENDENCE.—The Director shall not prevent or prohibit the National Flood Insurance Advocate from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena or summons during the course of any audit or investigation.

''(6) REMOVAL.—The President and the Director shall have the power to remove, discharge, or dismiss the National Flood Insurance Advocate. Not later than 15 days after the removal, discharge, or dismissal of the Advocate, the President or the Director shall report to the Committee on Banking of the Senate and the Committee on Financial Services of the House of Representatives on the basis for such removal, discharge, or dismissal.

''(b) FUNCTIONS OF OFFICE.—It shall be the function of the Office of the Flood Insurance Advocate to—

''(1) assist insureds under the national flood insurance program in resolving problems with the Federal Emergency Management Agency relating to such program;

''(2) identify areas in which such insureds have problems in dealings with the Federal

Emergency Management Agency relating to such program;

''(3) propose changes in the administrative practices of the Federal Emergency Management Agency to mitigate problems identified under paragraph (2);

''(4) identify potential legislative, administrative, or regulatory changes which may be appropriate to mitigate such problems;

''(5) conduct, supervise, and coordinate—

''(A) systematic and random audits and investigations of insurance companies and associated entities that sell or offer for sale insurance policies against loss resulting from physical damage to or loss of real property or personal property related thereto arising from any flood occurring in the United States, to determine whether such insurance companies or associated entities are allocating only flood losses under such insurance policies to the National Flood Insurance Program;

''(B) audits and investigations to determine if an insurance company or associated entity described under subparagraph (A) is negotiating on behalf of the National Flood Insurance Program with third parties in good faith;

''(C) examinations to ensure that insurance companies and associated entities are properly compiling and preserving documentation for independent biennial financial statement audits as required under section 62.23(l) of title 44, Code of Federal Regulations; and

''(D) any other audit, examination, or investigation that the National Flood Insurance Advocate determines necessary to ensure the effective and efficient operation of the national flood insurance program;

''(6) conduct, supervise, and coordinate investigations into the operations of the national flood insurance program for the purpose of—

''(A) promoting economy and efficiency in the administration of such program;

''(B) preventing and detecting fraud and abuse in the program; and

''(C) identifying, and referring to the Attorney General for prosecution, any participant in such fraud or abuse;

''(7) identify and investigate conflicts of interest that undermine the economy and efficiency of the national flood insurance program; and

''(8) investigate allegations of consumer fraud.

''(c) AUTHORITY OF THE NATIONAL FLOOD INSURANCE ADVOCATE.—The National Flood Insurance Advocate may—

''(1) have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to the Director which relate to administration or operation of the national flood insurance program with respect to which the National Flood Insurance Advocate has responsibilities under this section;

''(2) undertake such investigations and reports relating to the administration or operation of the national flood insurance program as are, in the judgment of the National Flood Insurance Advocate, necessary or desirable;

''(3) request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this section from any Federal, State, or local governmental agency or unit thereof;

''(4) require by subpoena the production of all information, documents, reports, answers, records (including phone records), accounts, papers, emails, hard drives, backup tapes, software, audio or visual aides, and any other data and documentary evidence necessary in the performance of the functions assigned to the National Flood Insurance Advocate by this section, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court, provided, that procedures other than subpoenas shall be used by the National Flood Insurance Advocate to obtain documents and information from any Federal agency;

''(5) issue a summons to compel the testimony of any person in the employ of any insurance company or associated entity, described under subsection (b)(5)(A), or any successor to such company or entity, including any member of the board of such company or entity, any trustee of such company or entity, any partner in such company or entity, or any agent or representative of such company or entity;

''(6) administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the functions assigned by this section, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office designated by the National Flood Insurance Advocate shall have the same force and effect as if administered or taken by or before an officer having a seal;

''(7) have direct and prompt access to the Director when necessary for any purpose pertaining to the performance of functions and responsibilities under this section;

''(8) select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

''(9) obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for the rate of basic pay for a position at level IV of the Executive Schedule; and

''(10) to the extent and in such amounts as may be provided in advance by appropriations Acts, enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this section.

''(d) ADDITIONAL DUTIES OF THE NFIA.—The National Flood Insurance Advocate shall—

''(1) monitor the coverage and geographic allocation of regional offices of flood insurance advocates;

''(2) develop guidance to be distributed to all Federal Emergency Management Agency officers and employees having duties with respect to the national flood insurance program, outlining the criteria for referral of inquiries by insureds under such program to regional offices of flood insurance advocates;

''(3) ensure that the local telephone number for each regional office of the flood insurance advocate is published and available to such insureds served by the office; and

''(4) establish temporary State or local offices where necessary to meet the needs of qualified insureds following a flood event.

''(e) OTHER RESPONSIBILITIES.—

''(1) ADDITIONAL REQUIREMENTS RELATING TO CERTAIN AUDITS.—Prior to conducting any audit or investigation relating to the allocation of flood losses under subsection (b)(5)(A), the National Flood Insurance Advocate shall—

''(A) consult with appropriate subject-matter experts to identify the data necessary to determine whether flood claims paid by insurance companies or associated entities on behalf the national flood insurance program reflect damages caused by flooding;

''(B) collect or compile the data identified in subparagraph (A), utilizing existing data sources to the maximum extent practicable; and

''(C) establish policies, procedures, and guidelines for application of such data in all audits and investigations authorized under this section.

''(2) ANNUAL REPORTS.—

''(A) ACTIVITIES.—Not later than December 31 of each calendar year, the National Flood Insurance Advocate shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the activities of the Office of the Flood Insurance Advocate during the fiscal year ending during such calendar year. Any such report shall contain a full and substantive analysis of such activities, in addition to statistical information, and shall—

''(i) identify the initiatives the Office of the Flood Insurance Advocate has taken on improving services for insureds under the national flood insurance program and responsiveness of the Federal Emergency Management Agency with respect to such initiatives;

''(ii) describe the nature of recommendations made to the Director under subsection (i);

''(iii) contain a summary of the most serious problems encountered by such insureds, including a description of the nature of such problems;

''(iv) contain an inventory of any items described in clauses (i), (ii), and (iii) for which action has been taken and the result of such action;

''(v) contain an inventory of any items described in clauses (i), (ii), and (iii) for which action remains to be completed and the period during which each item has remained on such inventory;

''(vi) contain an inventory of any items described in clauses (i), (ii), and (iii) for which no action has been taken, the period during which each item has remained on such inventory and the reasons for the inaction;

''(vii) identify any Flood Insurance Assistance Recommendation which was not responded to by the Director in a timely manner or was not followed, as specified under subsection (i);

''(viii) contain recommendations for such administrative and legislative action as may be appropriate to resolve problems encountered by such insureds;

''(ix) identify areas of the law or regulations relating to the national flood insurance program that impose significant compliance burdens on such insureds or the Federal Emergency Management Agency, including specific recommendations for remedying these problems;

''(x) identify the most litigated issues for each category of such insureds, including recommendations for mitigating such disputes;

''(xi) identify ways to promote the economy, efficiency, and effectiveness in the administration of the national flood insurance program;

''(xii) identify fraud and abuse in the national flood insurance program; and

''(xiii) include such other information as the National Flood Insurance Advocate may deem advisable.

''(B) DIRECT SUBMISSION OF REPORT.—Each report required under this paragraph shall be provided directly to the committees identified in subparagraph (A) without any prior review or comment from the Director, the Secretary of Homeland Security, or any other officer or employee of the Federal Emergency Management Agency or the Department of Homeland Security, or the Office of Management and Budget.

''(3) INFORMATION AND ASSISTANCE FROM OTHER AGENCIES.—

''(A) IN GENERAL.—Upon request of the National Flood Insurance Advocate for information or assistance under this section, the head of any Federal agency shall, insofar as is practicable and not in contravention of any statutory restriction or regulation of the Federal agency from which the information is requested, furnish to the National Flood Insurance Advocate, or to an authorized designee of the National Flood Insurance Advocate, such information or assistance.

''(B) REFUSAL TO COMPLY.—Whenever information or assistance requested under this subsection is, in the judgment of the National Flood Insurance Advocate, unreasonably refused or not provided, the National Flood Insurance Advocate shall report the circumstances to the Director without delay.

''(f) COMPLIANCE WITH GAO STANDARDS.—In carrying out the responsibilities established under this section, the National Flood Insurance Advocate shall—

''(1) comply with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions;

''(2) establish guidelines for determining when it shall be appropriate to use non-Federal auditors;

''(3) take appropriate steps to assure that any work performed by non-Federal auditors complies with the standards established by the Comptroller General as described in paragraph (1); and

''(4) take the necessary steps to minimize the publication of proprietary and trade secrets information.

''(g) PERSONNEL ACTIONS.—

''(1) IN GENERAL.—The National Flood Insurance Advocate shall have the responsibility and authority to—

''(A) appoint regional flood insurance advocates in a manner that will provide appropriate coverage based upon regional flood insurance program participation; and

''(B) hire, evaluate, and take personnel actions (including dismissal) with respect to any employee of any regional office of a flood insurance advocate described in subparagraph (A).

''(2) CONSULTATION.—The National Flood Insurance Advocate may consult with the appropriate supervisory personnel of the Federal Emergency Management Agency in carrying out the National Flood Insurance Advocate's responsibilities under this subsection.

''(h) OPERATION OF REGIONAL OFFICES.—

''(1) IN GENERAL.—Each regional flood insurance advocate appointed pursuant to subsection (d)—

''(A) shall report to the National Flood Insurance Advocate or delegate thereof;

''(B) may consult with the appropriate supervisory personnel of the Federal Emergency Management Agency regarding the daily operation of the regional office of the flood insurance advocate;

''(C) shall, at the initial meeting with any insured under the national flood insurance program seeking the assistance of a regional office of the flood insurance advocate, notify such insured that the flood insurance advocate offices operate independently of any other Federal Emergency Management Agency office and report directly to Congress through the National Flood Insurance Advocate; and

''(D) may, at the flood insurance advocate's discretion, not disclose to the Director contact with, or information provided by, such insured.

''(2) MAINTENANCE OF INDEPENDENT COMMUNICATIONS.—Each regional office of the flood insurance advocate shall maintain a separate phone, facsimile, and other electronic communication access.

''(i) FLOOD INSURANCE ASSISTANCE RECOMMENDATIONS.—

''(1) AUTHORITY TO ISSUE.—Upon application filed by a qualified insured with the Office of the Flood Insurance Advocate (in such form, manner, and at such time as the Director shall by regulation prescribe), the National Flood Insurance Advocate may issue a Flood Insurance Assistance Recommendation, if the Advocate finds that the qualified insured is suffering a significant hardship, such as a significant delay in resolving claims where the insured is incurring significant costs as a result of such delay, or where the insured is at risk of adverse action, including the loss of property, as a result of the manner in which the flood insurance laws are being administered by the Director.

''(2) TERMS OF A FLOOD INSURANCE ASSISTANCE RECOMMENDATION.—The terms of a Flood Insurance Assistance Recommendation may recommend to the Director that the Director, within a specified time period, cease any action, take any action as permitted by law, or refrain from taking any action, including the payment of claims, with respect to the qualified insured under any other provision of law which is specifically described by the National Flood Insurance Advocate in such recommendation.

''(3) DIRECTOR RESPONSE.—Not later than 15 days after the receipt of any Flood Insurance Assistance Recommendation under this subsection, the Director shall respond in writing as to—

''(A) whether such recommendation was followed;

''(B) why such recommendation was or was not followed; and

''(C) what, if any, additional actions were taken by the Director to prevent the hardship indicated in such recommendation.

''(4) RESPONSIBILITIES OF DIRECTOR.—The Director shall establish procedures requiring a formal response consistent with the requirements of paragraph (3) to all recommendations submitted to the Director by the National Flood Insurance Advocate under this subsection.

''(j) REPORTING OF POTENTIAL CRIMINAL VIOLATIONS.—In carrying out the duties and responsibilities established under this section, the National Flood Insurance Advocate shall report expeditiously to the Attorney General whenever the National Flood Insurance Advocate has reasonable grounds to believe there has been a violation of Federal criminal law.

''(k) COORDINATION.—

''(1) WITH OTHER FEDERAL AGENCIES.—In carrying out the duties and responsibilities established under this section, the National Flood Insurance Advocate—

''(A) shall give particular regard to the activities of the Inspector General of the Department of Homeland Security with a view toward avoiding duplication and insuring effective coordination and cooperation; and

''(B) may participate, upon request of the Inspector General of the Department of Homeland Security, in any audit or investigation conducted by the Inspector General.

''(2) WITH STATE REGULATORS.—In carrying out any investigation or audit under this section, the National Flood Insurance Advocate shall coordinate its activities and efforts with any State insurance authority that is concurrently undertaking a similar or related investigation or audit.

''(3) AVOIDANCE OF REDUNDANCIES IN THE RESOLUTION OF PROBLEMS.—In providing any assistance to a policyholder pursuant to paragraphs (1) and (2) of subsection (b), the National Flood Insurance Advocate shall consult with the Director to eliminate, avoid, or reduce any redundancies in actions that may arise as a result of the actions of the National Flood Insurance Advocate and the claims appeals process described under section 62.20 of title 44, Code of Federal Regulations.

''(l) AUTHORITY OF THE DIRECTOR TO LEVY PENALTIES.—In addition to any other action that may be taken by the Attorney General, upon a finding in any investigation or audit conducted by the Office of the National Flood Insurance Advocate under this section, that any insurance company or associated entity has willfully misappropriated funds under the national flood insurance program, the Director may levy a civil fine against such company or entity in an amount not to exceed 3 times the total amount of funds shown to be misappropriated.

''(m) DEFINITIONS.—For purposes of this subsection:

''(1) ASSOCIATED ENTITY.—The term 'associated entity' means any person, corporation, or other legal entity that contracts with the Director or an insurance company to provide adjustment services, benefits calculation services, claims services, processing services, or record keeping services in connection with standard flood insurance policies made available under the national flood insurance program.

''(2) INSURANCE COMPANY.—The term 'insurance company' refers to any property and casualty insurance company that is authorized by the Director to participate in the Write Your Own program under the national flood insurance program.

''(3) NATIONAL FLOOD INSURANCE ADVOCATE.—The term 'National Flood Insurance Advocate' includes any designee of the National Flood Insurance Advocate.

''(4) QUALIFIED INSURED.—The term 'qualified insured' means an insured under coverage provided under the national flood insurance program under this title.

''(n) FUNDING.—Pursuant to section 1310(a)(8), the Director may use amounts from the National Flood Insurance Fund to fund the activities of the Office of the Flood Advocate in each of fiscal years 2009 through 2014, except that the amount so used in each such fiscal year may not exceed $5,000,000 and shall remain available until expended. Notwithstanding any other provision of this title, amounts made available pursuant to this subsection shall not be subject to offsetting collections through premium rates for flood insurance coverage under this title.''.

SA 4707. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

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Sec. 102. Findings.
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Sec. 104. Extension of National Flood Insurance Program.
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TITLE I—FLOOD INSURANCE REFORM AND MODERNIZATION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Flood Insurance Reform and Modernization Act of 2008''.

SEC. 102. FINDINGS.

Congress finds that—

(1) the flood insurance claims resulting from the hurricane season of 2005 will likely exceed all previous claims paid by the National Flood Insurance Program;

(2) in order to pay the legitimate claims of policyholders from the hurricane season of 2005, the Federal Emergency Management Agency has borrowed over $20,000,000,000 from the Treasury;

(3) the interest alone on this debt, is almost $1,000,000,000 annually, and that the Federal Emergency Management Agency has indicated that it will be unable to pay back this debt;

(4) the flood insurance program must be strengthened to ensure it can pay future claims;

(5) while flood insurance is mandatory in the 100-year floodplain, substantial flooding occurs outside of existing special flood hazard areas;

(6) recent events throughout the country involving areas behind man-made structures, known as ''residual risk'' areas, have produced catastrophic losses;

(7) although such man-made structures produce an added element of safety and therefore lessen the probability that a disaster will occur, they are nevertheless susceptible to catastrophic loss, even though such areas at one time were not included within the 100-year floodplain; and

(8) voluntary participation in the National Flood Insurance Program has been minimal and many families residing outside the 100-year floodplain remain unaware of the potential risk to their lives and property.

SEC. 103. DEFINITIONS.

(a) IN GENERAL.—In this title, the following definitions shall apply:

(1) DIRECTOR.—The term ''Director'' means the Administrator of the Federal Emergency Management Agency.

(2) NATIONAL FLOOD INSURANCE PROGRAM.—The term ''National Flood Insurance Program'' means the program established under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

(3) 100-YEAR FLOODPLAIN.—The term ''100-year floodplain'' means that area which is subject to inundation from a flood having a 1 percent chance of being equaled or exceeded in any given year.

(4) 500-YEAR FLOODPLAIN.—The term ''500-year floodplain'' means that area which is subject to inundation from a flood having a 0.2 percent chance of being equaled or exceeded in any given year.

(5) WRITE YOUR OWN.—The term ''Write Your Own'' means the cooperative undertaking between the insurance industry and the Flood Insurance Administration which allows participating property and casualty insurance companies to write and service standard flood insurance policies.

(b) COMMON TERMINOLOGY.—Except as otherwise provided in this title, any terms used in this title shall have the meaning given to such terms under section 1370 of the National Flood Insurance Act of 1968 (42 U.S.C. 4121).

SEC. 104. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026), is amended by striking ''2008'' and inserting ''2013.''.

SEC. 105. AVAILABILITY OF INSURANCE FOR MULTIFAMILY PROPERTIES.

Section 1305 of the National Flood Insurance Act of 1968 (42 U.S.C. 4012) is amended by adding at the end the following:

''(d) AVAILABILITY OF INSURANCE FOR MULTIFAMILY PROPERTIES.—

''(1) IN GENERAL.—The Director shall make flood insurance available to cover residential properties of more than 4 units. Notwithstanding any other provision of law, the maximum coverage amount that the Director may make available under this subsection to such residential properties shall be equal to the coverage amount made available to commercial properties.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the ability of individuals residing in residential properties of more than 4 units to obtain insurance for the contents and personal articles located in such residences.''.

SEC. 106. REFORM OF PREMIUM RATE STRUCTURE.

(a) TO EXCLUDE CERTAIN PROPERTIES FROM RECEIVING SUBSIDIZED PREMIUM RATES.—

(1) IN GENERAL.—Section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4014) is amended—

(A) in subsection (a)—

(i) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(ii) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(4) the exclusion of prospective insureds from purchasing flood insurance at rates less than those estimated under paragraph (1), as required by paragraph (2), for certain properties, including for—

''(A) any property which is not the primary residence of an individual;

''(B) any severe repetitive loss property, as defined in section 1361A(b);

''(C) any property that has incurred flood-related damage in which the cumulative amounts of payments under this title equaled or exceeded the fair market value of such property;

''(D) any business property; and

''(E) any property which on or after the date of enactment of the Flood Insurance Reform and Modernization Act of 2008 has experienced or sustained—

''(i) substantial damage exceeding 50 percent of the fair market value of such property; or

''(ii) substantial improvement exceeding 30 percent of the fair market value of such property.''; and

(B) by adding at the end the following:

''(g) NO EXTENSION OF SUBSIDY TO NEW POLICIES OR LAPSED POLICIES.—The Director shall not provide flood insurance to prospective insureds at rates less than those estimated under subsection (a)(1), as required by paragraph (2) of that subsection, for—

''(1) any property not insured by the flood insurance program as of the date of enactment of the Flood Insurance Reform and Modernization Act of 2008; and

''(2) any policy under the flood insurance program that has lapsed in coverage, as a result of the deliberate choice of the holder of such policy.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall become effective 90 days after the date of the enactment of this title.

(b) INCREASE IN ANNUAL LIMITATION ON PREMIUM INCREASES.—Section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)) is amended—

(1) by striking ''under this title for any properties within any single'' and inserting the following: ''under this title for any properties—

''(1) within any single''; and

(2) by striking ''10 percent'' and inserting ''15 percent''; and

(3) by striking the period at the end and inserting the following: ''; and

''(2) described in section 1307(a)(4) shall be increased by 25 percent each year, until the average risk premium rate for such properties is equal to the average of the risk premium rates for properties described under paragraph (1).''.

SEC. 107. MANDATORY COVERAGE AREAS.

(a) SPECIAL FLOOD HAZARD AREAS.—Not later than 90 days after the date of enactment of this title, the Director shall issue final regulations establishing a revised definition of areas of special flood hazards for purposes of the National Flood Insurance Program.

(b) RESIDUAL RISK AREAS.—The regulations required by subsection (a) shall—

(1) include any area previously identified by the Director as an area having special flood hazards under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a); and

(2) require the expansion of areas of special flood hazards to include areas of residual risk, including areas that are located behind levees, dams, and other man-made structures.

(c) MANDATORY PARTICIPATION IN NATIONAL FLOOD INSURANCE PROGRAM.—

(1) IN GENERAL.—Any area described in subsection (b) shall be subject to the mandatory purchase requirements of sections 102 and 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a, 4106).

(2) LIMITATION.—The mandatory purchase requirement under paragraph (1) shall have no force or effect until the mapping of all residual risk areas in the United States that the Director determines essential in order to administer the National Flood Insurance Program, as required under section 119, are in the maintenance phase.

SEC. 108. PREMIUM ADJUSTMENT.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended by adding at the end the following:

''(g) PREMIUM ADJUSTMENT TO REFLECT CURRENT RISK OF FLOOD.—Notwithstanding subsection (f), and upon completion of the updating of any flood insurance rate map under this Act, the Flood Disaster Protection Act of 1973, or the Flood Insurance Reform and Modernization Act of 2008, any property located in an area that is participating in the national flood insurance program shall have the risk premium rate charged for flood insurance on such property adjusted to accurately reflect the current risk of flood to such property, subject to any other provision of this Act. Any increase in the risk premium rate charged for flood insurance on any property that is covered by a flood insurance policy on the date of completion of such updating or remapping that is a result of such updating or remapping shall be phased in over a 2-year period at the rate of 50 percent per year.''.

SEC. 109. STATE CHARTERED FINANCIAL INSTITUTIONS.

Section 1305(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4012(c)) is amended—

(1) in paragraph (1), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) given satisfactory assurance that by December 31, 2008, lending institutions chartered by a State, and not insured by the Federal Deposit Insurance Corporation, shall be subject to regulations by that State that are consistent with the requirements of section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a).''.

SEC. 110. ENFORCEMENT.

Section 102(f)(5) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(5)) is amended—

(1) in the first sentence, by striking ''$350'' and inserting ''$2,000''; and

(2) by striking the second sentence.

SEC. 111. ESCROW OF FLOOD INSURANCE PAYMENTS.

(a) IN GENERAL.—Section 102(d) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(d)) is amended—

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

''(1) REGULATED LENDING INSTITUTIONS.—

''(A) FEDERAL ENTITIES RESPONSIBLE FOR LENDING REGULATIONS.—Each Federal entity for lending regulation (after consultation and coordination with the Federal Financial Institutions Examination Council) shall, by regulation, direct that any premiums and fees for flood insurance under the National Flood Insurance Act of 1968, on any property for which a loan has been made for acquisition or construction purposes, shall be paid to the mortgage lender, with the same frequency as payments on the loan are made, for the duration of the loan. Upon receipt of any premiums or fees, the lender shall deposit such premiums and fees in an escrow account on behalf of the borrower. Upon receipt of a notice from the Director or the provider of the flood insurance that insurance premiums are due, the remaining balance of an escrow account shall be paid to the provider of the flood insurance.

''(B) STATE ENTITIES RESPONSIBLE FOR LENDING REGULATIONS.—In order to continue to participate in the flood insurance program, each State shall direct that its entity or agency with primary responsibility for the supervision of lending institutions in that State require that premiums and fees for flood insurance under the National Flood Insurance Act of 1968, on any property for which a loan has been made for acquisition or construction purposes shall be paid to the mortgage lender, with the same frequency as payments on the loan are made, for the duration of the loan. Upon receipt of any premiums or fees, the lender shall deposit such premiums and fees in an escrow account on behalf of the borrower. Upon receipt of a notice from such State entity or agency, the Director, or the provider of the flood insurance that insurance premiums are due, the remaining balance of an escrow account shall be paid to the provider of the flood insurance.''; and

(2) by adding at the end the following:

''(6) NOTICE UPON LOAN TERMINATION.—Upon final payment of the mortgage, a regulated lending institution shall provide notice to the policyholder that insurance coverage may cease with such final payment. The regulated lending institution shall also provide direction as to how the homeowner may continue flood insurance coverage after the life of the loan.''.

(b) APPLICABILITY.—The amendment made by subsection (a)(1) shall apply to any mortgage outstanding or entered into on or after the expiration of the 2-year period beginning on the date of enactment of this title.

SEC. 112. BORROWING AUTHORITY DEBT FORGIVENESS.

(a) IN GENERAL.—The Secretary of the Treasury relinquishes the right to any repayment of amounts due from the Director in connection with the exercise of the authority vested to the Director to borrow such sums under section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016), to the extent such borrowed sums were used to fund the payment of flood insurance claims under the National Flood Insurance Program for any damage to or loss of property resulting from the hurricanes of 2005.

(b) CERTIFICATION.—The debt forgiveness described under subsection (a) shall only take effect if the Director certifies to the Secretary of Treasury that all authorized resources or funds available to the Director to operate the National Flood Insurance Program—

(1) have been otherwise obligated to pay claims under the National Flood Insurance Program; and

(2) are not otherwise available to make payments to the Secretary on any outstanding notes or obligations issued by the Director and held by the Secretary.

(c) DECREASE IN BORROWING AUTHORITY.—The first sentence of subsection (a) of section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking ''; except that, through September 30, 2008, clause (2) of this sentence shall be applied by substituting '$20,775,000,000' for '$1,500,000,000' ''.

SEC. 113. MINIMUM DEDUCTIBLES FOR CLAIMS UNDER THE NATIONAL FLOOD INSURANCE PROGRAM.

Section 1312 of the National Flood Insurance Act of 1968 (42 U.S.C. 4019) is amended—

(1) by striking ''The Director is'' and inserting the following:

''(a) IN GENERAL.—The Director is''; and

(2) by adding at the end the following:

''(b) MINIMUM ANNUAL DEDUCTIBLE.—

''(1) PRE-FIRM PROPERTIES.—For any structure which is covered by flood insurance under this title, and on which construction or substantial improvement occurred on or before December 31, 1974, or before the effective date of an initial flood insurance rate map published by the Director under section 1360 for the area in which such structure is located, the minimum annual deductible for damage to such structure shall be—

''(A) $1,500, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount equal to or less than $100,000; and

''(B) $2,000, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount greater than $100,000.

''(2) POST-FIRM PROPERTIES.—For any structure which is covered by flood insurance under this title, and on which construction or substantial improvement occurred after December 31, 1974, or after the effective date of an initial flood insurance rate map published by the Director under section 1360 for the area in which such structure is located, the minimum annual deductible for damage to such structure shall be—

''(A) $750, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount equal to or less than $100,000; and

''(B) $1,000, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount greater than $100,000.''.

SEC. 114. CONSIDERATIONS IN DETERMINING CHARGEABLE PREMIUM RATES.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(b)) is amended—

(1) in subsection (a), by striking '', after consultation with'' and all that follows through ''by regulation'' and inserting ''prescribe, after providing notice'';

(2) in subsection (b)—

(A) in paragraph (1), by striking the period at the end and inserting a semicolon;

(B) in paragraph (2), by striking the comma at the end and inserting a semicolon;

(C) in paragraph (3), by striking '', and'' and inserting a semicolon;

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

(E) by adding at the end the following:

''(5) adequate, on the basis of accepted actuarial principles, to cover the average historical loss year obligations incurred by the National Flood Insurance Fund.''; and

(3) by adding at the end the following:

''(h) RULE OF CONSTRUCTION.—For purposes of this section, the calculation of an 'average historical loss year'—

''(1) includes catastrophic loss years; and

''(2) shall be computed in accordance with generally accepted actuarial principles.''.

SEC. 115. RESERVE FUND.

Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by inserting after section 1310 the following:

''SEC. 1310A. RESERVE FUND.

''(a) ESTABLISHMENT OF RESERVE FUND.—In carrying out the flood insurance program authorized by this chapter, the Director shall establish in the Treasury of the United States a National Flood Insurance Reserve Fund (in this section referred to as the 'Reserve Fund') which shall—

''(1) be an account separate from any other accounts or funds available to the Director; and

''(2) be available for meeting the expected future obligations of the flood insurance program.

''(b) RESERVE RATIO.—Subject to the phase-in requirements under subsection (d), the Reserve Fund shall maintain a balance equal to—

''(1) 1 percent of the sum of the total potential loss exposure of all outstanding flood insurance policies in force in the prior fiscal year; or

''(2) such higher percentage as the Director determines to be appropriate, taking into consideration any circumstance that may raise a significant risk of substantial future losses to the Reserve Fund.

''(c) MAINTENANCE OF RESERVE RATIO.—

''(1) IN GENERAL.—The Director shall have the authority to establish, increase, or decrease the amount of aggregate annual insurance premiums to be collected for any fiscal year necessary—

''(A) to maintain the reserve ratio required under subsection (b); and

''(B) to achieve such reserve ratio, if the actual balance of such reserve is below the amount required under subsection (b).

''(2) CONSIDERATIONS.—In exercising the authority granted under paragraph (1), the Director shall consider—

''(A) the expected operating expenses of the Reserve Fund;

''(B) the insurance loss expenditures under the flood insurance program;

''(C) any investment income generated under the flood insurance program; and

''(D) any other factor that the Director determines appropriate.

''(3) LIMITATIONS.—In exercising the authority granted under paragraph (1), the Director shall be subject to all other provisions of this Act, including any provisions relating to chargeable premium rates or annual increases of such rates.

''(d) PHASE-IN REQUIREMENTS.—The phase-in requirements under this subsection are as follows:

''(1) IN GENERAL.—Beginning in fiscal year 2008 and not ending until the fiscal year in which the ratio required under subsection (b) is achieved, in each such fiscal year the Director shall place in the Reserve Fund an amount equal to not less than 7.5 percent of the reserve ratio required under subsection (b).

''(2) AMOUNT SATISFIED.—As soon as the ratio required under subsection (b) is achieved, and except as provided in paragraph (3), the Director shall not be required to set aside any amounts for the Reserve Fund.

''(3) EXCEPTION.—If at any time after the ratio required under subsection (b) is achieved, the Reserve Fund falls below the required ratio under subsection (b), the Director shall place in the Reserve Fund for that fiscal year an amount equal to not less than 7.5 percent of the reserve ratio required under subsection (b).

''(e) LIMITATION ON RESERVE RATIO.—In any given fiscal year, if the Director determines that the reserve ratio required under subsection (b) cannot be achieved, the Director shall submit a report to Congress that—

''(1) describes and details the specific concerns of the Director regarding such consequences;

''(2) demonstrates how such consequences would harm the long-term financial soundness of the flood insurance program; and

''(3) indicates the maximum attainable reserve ratio for that particular fiscal year.''.

SEC. 116. REPAYMENT PLAN FOR BORROWING AUTHORITY.

Section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016) is amended by adding at the end the following:

''(c) Any funds borrowed by the Director under the authority established in subsection (a) shall include a schedule for repayment of such amounts which shall be transmitted to the—

''(1) Secretary of the Treasury;

''(2) Committee on Banking, Housing, and Urban Affairs of the Senate; and

''(3) Committee on Financial Services of the House of Representatives.

''(d) In addition to the requirement under subsection (c), in connection with any funds borrowed by the Director under the authority established in subsection (a), the Director, beginning 6 months after the date on which such borrowed funds are issued, and continuing every 6 months thereafter until such borrowed funds are fully repaid, shall submit a report on the progress of such repayment to the—

''(1) Secretary of the Treasury;

''(2) Committee on Banking, Housing, and Urban Affairs of the Senate; and

''(3) Committee on Financial Services of the House of Representatives.''.

SEC. 117. PAYMENT OF CONDOMINIUM CLAIMS.

Section 1312 of the National Flood Insurance Act of 1968 (42 U.S.C. 4019), as amended by section 113, is further amended by adding at the end the following:

''(c) PAYMENT OF CLAIMS TO CONDOMINIUM OWNERS.—The Director may not deny payment for any damage to or loss of property which is covered by flood insurance to condominium owners who purchased such flood insurance separate and apart from the flood insurance purchased by the condominium association in which such owner is a member, based, solely or in any part, on the flood insurance coverage of the condominium association or others on the overall property owned by the condominium association. Notwithstanding any regulations, rules, or restrictions established by the Director relating to appeals and filing deadlines, the Director shall ensure that the requirements of this subsection are met with respect to any claims for damages resulting from flooding in 2005 and 2006.''.

SEC. 118. TECHNICAL MAPPING ADVISORY COUNCIL.

(a) ESTABLISHMENT.—There is established a council to be known as the Technical Mapping Advisory Council (in this section referred to as the ''Council'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall consist of the Director, or the designee thereof, and 12 additional members to be appointed by the Director or the designee of the Director, who shall be—

(A) the Under Secretary of Commerce for Oceans and Atmosphere (or the designee thereof);

(B) a member of a recognized professional surveying association or organization

(C) a member of a recognized professional mapping association or organization;

(D) a member of a recognized professional engineering association or organization;

(E) a member of a recognized professional association or organization representing flood hazard determination firms;

(F) a representative of the United States Geological Survey;

(G) a representative of a recognized professional association or organization representing State geographic information;

(H) a representative of State national flood insurance coordination offices;

(I) a representative of the Corps of Engineers;

(J) the Secretary of the Interior (or the designee thereof);

(K) the Secretary of Agriculture (or the designee thereof); and

(L) a member of a recognized regional flood and storm water management organization.

(2) QUALIFICATIONS.—Members of the Council shall be appointed based on their demonstrated knowledge and competence regarding surveying, cartography, remote sensing, geographic information systems, or the technical aspects of preparing and using flood insurance rate maps.

(c) DUTIES.—The Council shall—

(1) recommend to the Director how to improve in a cost-effective manner the—

(A) accuracy, general quality, ease of use, and distribution and dissemination of flood insurance rate maps and risk data; and

(B) performance metrics and milestones required to effectively and efficiently map flood risk areas in the United States;

(2) recommend to the Director mapping standards and guidelines for—

(A) flood insurance rate maps; and

(B) data accuracy, data quality, data currency, and data eligibility;

(3) recommend to the Director how to maintain on an ongoing basis flood insurance rate maps and flood risk identification;

(4) recommend procedures for delegating mapping activities to State and local mapping partners;

(5) recommend to the Director and other Federal agencies participating in the Council—

(A) methods for improving interagency and intergovernmental coordination on flood mapping and flood risk determination; and

(B) a funding strategy to leverage and coordinate budgets and expenditures across Federal agencies; and

(6) submit an annual report to the Director that contains—

(A) a description of the activities of the Council;

(B) an evaluation of the status and performance of flood insurance rate maps and mapping activities to revise and update flood insurance rate maps, as required under section 119; and

(C) a summary of recommendations made by the Council to the Director.

(d) FUTURE CONDITIONS RISK ASSESSMENT AND MODELING REPORT.—

(1) IN GENERAL.—The Council shall consult with scientists and technical experts, other Federal agencies, States, and local communities to—

(A) develop recommendations on how to—

(i) ensure that flood insurance rate maps incorporate the best available climate science to assess flood risks; and

(ii) ensure that the Federal Emergency Management Agency uses the best available methodology to consider the impact of—

(I) the rise in the sea level; and

(II) future development on flood risk; and

(B) not later than 1 year after the date of enactment of this title, prepare written recommendations in a future conditions risk assessment and modeling report and to submit such recommendations to the Director.

(2) RESPONSIBILITY OF THE DIRECTOR.—The Director, as part of the ongoing program to review and update National Flood Insurance Program rate maps under section 119, shall incorporate any future risk assessment submitted under paragraph (1)(B) in any such revision or update.

(e) CHAIRPERSON.—The members of the Council shall elect 1 member to serve as the chairperson of the Council (in this section referred to as the ''Chairperson'').

(f) COORDINATION.—To ensure that the Council's recommendations are consistent, to the maximum extent practicable, with national digital spatial data collection and management standards, the Chairperson shall consult with the Chairperson of the Federal Geographic Data Committee (established pursuant to OMB Circular A–16).

(g) COMPENSATION.—Members of the Council shall receive no additional compensation by reason of their service on the Council.

(h) MEETINGS AND ACTIONS.—

(1) IN GENERAL.—The Council shall meet not less frequently than twice each year at the request of the Chairperson or a majority of its members, and may take action by a vote of the majority of the members.

(2) INITIAL MEETING.—The Director, or a person designated by the Director, shall request and coordinate the initial meeting of the Council.

(i) OFFICERS.—The Chairperson may appoint officers to assist in carrying out the duties of the Council under subsection (c).

(j) STAFF.—

(1) STAFF OF FEMA.—Upon the request of the Chairperson, the Director may detail, on a nonreimbursable basis, personnel of the Federal Emergency Management Agency to assist the Council in carrying out its duties.

(2) STAFF OF OTHER FEDERAL AGENCIES.—Upon request of the Chairperson, any other Federal agency that is a member of the Council may detail, on a non-reimbursable basis, personnel to assist the Council in carrying out its duties.

(k) POWERS.—In carrying out this section, the Council may hold hearings, receive evidence and assistance, provide information, and conduct research, as it considers appropriate.

(l) REPORT TO CONGRESS.—The Director, on an annual basis, shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives, and the Office of Management and Budget on the—

(1) recommendations made by the Council; and

(2) actions taken by the Federal Emergency Management Agency to address such recommendations to improve flood insurance rate maps and flood risk data.

SEC. 119. NATIONAL FLOOD MAPPING PROGRAM.

(a) REVIEWING, UPDATING, AND MAINTAINING MAPS.—The Director, in coordination with the Technical Mapping Advisory Council established under section 118, shall establish an ongoing program under which the Director shall review, update, and maintain National Flood Insurance Program rate maps in accordance with this section.

(b) MAPPING.—

(1) IN GENERAL.—In carrying out the program established under subsection (a), the Director shall—

(A) identify, review, update, maintain, and publish National Flood Insurance Program rate maps with respect to—

(i) all areas located within the 100-year floodplain;

(ii) all areas located within the 500-year floodplain;

(iii) areas of residual risk that have not previously been identified, including areas that are protected levees, dams, and other man-made structures; and

(iv) areas that could be inundated as a result of the failure of a levee, dam, or other man-made structure;

(B) establish or update flood-risk zone data in all such areas, and make estimates with respect to the rates of probable flood caused loss for the various flood risk zones for each such area; and

(C) use, in identifying, reviewing, updating, maintaining, or publishing any National Flood Insurance Program rate map required under this section or under the National Flood Insurance Act of 1968, the most accurate topography and elevation data available.

(2) MAPPING ELEMENTS.—Each map updated under this section shall:

(A) GROUND ELEVATION DATA.—Assess the accuracy of current ground elevation data used for hydrologic and hydraulic modeling of flooding sources and mapping of the flood hazard and wherever necessary acquire new ground elevation data utilizing the most up-to-date geospatial technologies in accordance with the existing guidelines and specifications of the Federal Emergency Management Agency.

(B) DATA ON A WATERSHED BASIS.—Develop National Flood Insurance Program flood data on a watershed basis—

(i) to provide the most technically effective and efficient studies and hydrologic and hydraulic modeling; and

(ii) to eliminate, to the maximum extent possible, discrepancies in base flood elevations between adjacent political subdivisions.

(3) OTHER INCLUSIONS.—In updating maps under this section, the Director shall include—

(A) any relevant information on coastal inundation from—

(i) an applicable inundation map of the Corps of Engineers; and

(ii) data of the National Oceanic and Atmospheric Administration relating to storm surge modeling;

(B) any relevant information of the United States Geological Survey on stream flows, watershed characteristics, and topography that is useful in the identification of flood hazard areas, as determined by the Director;

(C) any relevant information on land subsidence, coastal erosion areas, and other floor-related hazards;

(D) any relevant information or data of the National Oceanic and Atmospheric Administration and the United States Geological Survey relating to the best available climate science and the potential for future inundation from sea level rise, increased precipitation, and increased intensity of hurricanes due to global warming; and

(E) any other relevant information as may be recommended by the Technical Mapping Advisory Committee.

(c) STANDARDS.—In updating and maintaining maps under this section, the Director shall—

(1) establish standards to—

(A) ensure that maps are adequate for—

(i) flood risk determinations; and

(ii) use by State and local governments in managing development to reduce the risk of flooding; and

(B) facilitate identification and use of consistent methods of data collection and analysis by the Director, in conjunction with State and local governments, in developing maps for communities with similar flood risks, as determined by the Director; and

(2) publish maps in a format that is—

(A) digital geospatial data compliant;

(B) compliant with the open publishing and data exchange standards established by the Open Geospatial Consortium; and

(C) compliant with the North American Vertical Datum of 1998 for New Hydrologic and Hydraulic Engineering.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Director to carry out this section $400,000,000 for each of fiscal years 2008 through 2013.

SEC. 120. REMOVAL OF LIMITATION ON STATE CONTRIBUTIONS FOR UPDATING FLOOD MAPS.

Section 1360(f)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(f)(2)) is amended by striking ‘‘, but which may not exceed 50 percent of the cost of carrying out the requested revision or update’’.

SEC. 121. COORDINATION.

(a) INTERAGENCY BUDGET CROSSCUT REPORT.—

(1) IN GENERAL.—The Secretary of Homeland Security, the Director, the Director of the Office of Management and Budget, and the heads of each Federal department or agency carrying out activities under sections 118 and 119 shall work together to ensure that flood risk determination data and geospatial data are shared among Federal agencies in order to coordinate the efforts of the Nation to reduce its vulnerability to flooding hazards.

(2) REPORT.—Not later than 30 days after the submission of the budget of the United States Government by the President to Congress, the Director of the Office of Management and Budget, in coordination with the Federal Emergency Management Agency, the United States Geological Survey, the National Oceanic and Atmospheric Administration, the Corps of Engineers, and other Federal agencies, as appropriate, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report, certified by the Secretary or head of each such agency, an interagency budget crosscut report that displays the budget proposed for each of the Federal agencies working on flood risk determination data and digital elevation models, including any planned interagency or intraagency transfers.

(b) DUTIES OF THE DIRECTOR.—In carrying out sections 118 and 119, the Director shall—

(1) participate, pursuant to section 216 of Public Law 107–347 (116 Stat. 2945), in the establishment of such standards and common protocols as are necessary to assure the interoperability of geospatial data for all users of such information;

(2) coordinate with, seek assistance and cooperation of, and provide liaison to the Federal Geographic Data Committee pursuant to Office of Management and Budget Circular A–16 and Executive Order 12906 for the implementation of and compliance with such standards;

(3) integrate with, leverage, and coordinate funding of, to the maximum extent practicable, the current flood mapping activities of each unit of State and local government;

(4) integrate with, leverage, and coordinate, to the maximum extent practicable, the current geospatial activities of other Federal agencies and units of State and local government; and

(5) develop a funding strategy to leverage and coordinate budgets and expenditures, and to establish joint funding mechanisms with other Federal agencies and units of State and local government to share the collection and utilization of geospatial data among all governmental users.

SEC. 122. INTERAGENCY COORDINATION STUDY.

(a) IN GENERAL.—The Director shall enter into a contract with the National Academy of Public Administration to conduct a study on how the Federal Emergency Management Agency—

(1) should improve interagency and intergovernmental coordination on flood mapping, including a funding strategy to leverage and coordinate budgets and expenditures; and

(2) can establish joint funding mechanisms with other Federal agencies and units of State and local government to share the collection and utilization of data among all governmental users.

(b) TIMING.—Not later than 180 days after the date of enactment of this title, the National Academy of Public Administration shall report the findings of the study required under subsection (a) to the—

(1) Committee on Banking, Housing, and Urban Affairs of the Senate;

(2) Committee on Financial Services of the House of Representatives;

(3) Committee on Appropriations of the Senate; and

(4) Committee on Appropriations of the House of Representatives.

SEC. 123. NONMANDATORY PARTICIPATION.

(a) NONMANDATORY PARTICIPATION IN NATIONAL FLOOD INSURANCE PROGRAM FOR 500-YEAR FLOODPLAIN.—Any area located within the 500-year floodplain shall not be subject to the mandatory purchase requirements of sections 102 or 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a, 4106).

(b) NOTICE.—

(1) BY DIRECTOR.—In carrying out the National Flood Insurance Program, the Director shall provide notice to any community located in an area within the 500-year floodplain.

(2) TIMING OF NOTICE.—The notice required under paragraph (1) shall be made not later than 6 months after the date of completion of the initial mapping of the 500-year floodplain, as required under section 118.

(3) LENDER REQUIRED NOTICE.—

(A) REGULATED LENDING INSTITUTIONS.—Each Federal or State entity for lending regulation (after consultation and coordination with the Federal Financial Institutions Examination Council) shall, by regulation, require regulated lending institutions, as a condition of making, increasing, extending, or renewing any loan secured by property located in an area within the 500-year floodplain, to notify the purchaser or lessee (or obtain satisfactory assurances that the seller or lessor has notified the purchaser or lessee) and the servicer of the loan that such property is located in an area within the 500-year floodplain, in a manner that is consistent with and substantially identical to the notice required under section 1364(a)(1) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104a(a)(1)).

(B) FEDERAL OR STATE AGENCY LENDERS.—Each Federal or State agency lender shall, by regulation, require notification in the same manner as provided under subparagraph (A) with respect to any loan that is made by a Federal or State agency lender and secured by property located in an area within the 500-year floodplain.

(C) PENALTY FOR NONCOMPLIANCE.—Any regulated lending institution or Federal or State agency lender that fails to comply with the notice requirements established by this paragraph shall be subject to the penalties prescribed under section 102(f)(5) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(5)).

SEC. 124. NOTICE OF FLOOD INSURANCE AVAILABILITY UNDER RESPA.

Section 5(b) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604(b)) is amended—

(1) in paragraph (4), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (5), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(6) an explanation of flood insurance and the availability of flood insurance under the National Flood Insurance Program, whether or not the real estate is located in an area having special flood hazards.''.

SEC. 125. TESTING OF NEW FLOODPROOFING TECHNOLOGIES.

(a) PERMISSIBLE TESTING.—A temporary residential structure built for the purpose of testing a new flood proofing technology, as described in subsection (b), in any State or community that receives mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) may not be construed to be in violation of any flood risk mitigation plan developed by that State or community and approved by the Director of the Federal Emergency Management Agency.

(b) CONDITIONS ON TESTING.—Testing permitted under subsection (a) shall—

(1) be performed on an uninhabited residential structure;

(2) require dismantling of the structure at the conclusion of such testing; and

(3) require that all costs associated with such testing and dismantling be covered by the individual or entity conducting the testing, or on whose behalf the testing is conducted.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter, limit, or extend the availability of flood insurance to any structure that may employ, utilize, or apply any technology tested under subsection (b).

SEC. 126. PARTICIPATION IN STATE DISASTER CLAIMS MEDIATION PROGRAMS.

Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by inserting after section 1313 the following:

''SEC. 1314. PARTICIPATION IN STATE DISASTER CLAIMS MEDIATION PROGRAMS.

''(a) REQUIREMENT TO PARTICIPATE.—In the case of the occurrence of a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) that may have resulted in flood damage under the flood insurance program established under this chapter and other personal lines residential property insurance coverage offered by a State regulated insurer, upon request made by the insurance commissioner of a State (or such other official responsible for regulating the business of insurance in the State) for the participation of representatives of the Director in a program sponsored by such State for nonbinding mediation of insurance claims resulting from a major disaster, the Director shall cause representatives of the flood insurance program to participate in such a State program where claims under the flood insurance program are involved to expedite settlement of flood damage claims resulting from such disaster.

''(b) EXTENT OF PARTICIPATION.—In satisfying the requirements of subsection (a), the Director shall require that each representative of the Director—

''(1) be certified for purposes of the flood insurance program to settle claims against such program resulting from such disaster in amounts up to the limits of policies under such program;

''(2) attend State-sponsored mediation meetings regarding flood insurance claims resulting from such disaster at such times and places as may be arranged by the State;

''(3) participate in good faith negotiations toward the settlement of such claims with policyholders of coverage made available under the flood insurance program; and

''(4) finalize the settlement of such claims on behalf of the flood insurance program with such policyholders.

''(c) COORDINATION.—Representatives of the Director shall at all times coordinate their activities with insurance officials of the State and representatives of insurers for the purposes of consolidating and expediting settlement of claims under the national flood insurance program resulting from such disaster.

''(d) QUALIFICATIONS OF MEDIATORS.—Each State mediator participating in State-sponsored mediation under this section shall be—

''(1)(A) a member in good standing of the State bar in the State in which the mediation is to occur with at least 2 years of practical experience; and

''(B) an active member of such bar for at least 1 year prior to the year in which such mediator's participation is sought; or

''(2) a retired trial judge from any United States jurisdiction who was a member in good standing of the bar in the State in which the judge presided for at least 5 years prior to the year in which such mediator's participation is sought.

''(e) MEDIATION PROCEEDINGS AND DOCUMENTS PRIVILEGED.—As a condition of participation, all statements made and documents produced pursuant to State-sponsored mediation involving representatives of the Director shall be deemed privileged and confidential settlement negotiations made in anticipation of litigation.

''(f) LIABILITY, RIGHTS, OR OBLIGATIONS NOT AFFECTED.—Participation in State-sponsored mediation, as described in this section does not—

''(1) affect or expand the liability of any party in contract or in tort; or

''(2) affect the rights or obligations of the parties, as established—

''(A) in any regulation issued by the Director, including any regulation relating to a standard flood insurance policy;

''(B) under this Act; and

''(C) under any other provision of Federal law.

''(g) EXCLUSIVE FEDERAL JURISDICTION.—Participation in State-sponsored mediation shall not alter, change, or modify the original exclusive jurisdiction of United States courts, as set forth in this Act.

''(h) COST LIMITATION.—Nothing in this section shall be construed to require the Director or a representative of the Director to pay additional mediation fees relating to flood insurance claims associated with a State-sponsored mediation program in which such representative of the Director participates.

''(i) EXCEPTION.—In the case of the occurrence of a major disaster that results in flood damage claims under the national flood insurance program and that does not result in any loss covered by a personal lines residential property insurance policy—

''(1) this section shall not apply; and

''(2) the provisions of the standard flood insurance policy under the national flood insurance program and the appeals process established under section 205 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (42 U.S.C. 4011 note) and the regulations issued pursuant to such section shall apply exclusively.

''(j) REPRESENTATIVES OF THE DIRECTOR.—For purposes of this section, the term 'representatives of the Director' means representatives of the national flood insurance program who participate in the appeals process established under section 205 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (42 U.S.C. 4011 note).''.

SEC. 127. REITERATION OF FEMA RESPONSIBILITIES UNDER THE 2004 REFORM ACT.

(a) MINIMUM TRAINING AND EDUCATION REQUIREMENTS.—The Director shall continue to work with the insurance industry, State insurance regulators, and other interested parties to implement the minimum training and education standards for all insurance agents who sell flood insurance policies, as such standards were determined by the Director in the notice published in the Federal Register on September 1, 2005 (70 Fed. Reg. 52117) pursuant to section 207 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (42 U.S.C. 4011 note).

(b) REPORT ON THE OVERALL IMPLEMENTATION OF THE REFORM ACT OF 2004.—Not later than 3 months after the date of the enactment of this title, the Director shall submit a report to Congress—

(1) describing the implementation of each provision of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (Public Law 108–264; 118 Stat. 712);

(2) identifying each regulation, order, notice, and other material issued by the Director in implementing each provision of that Act;

(3) explaining any statutory or implied deadlines that have not been met; and

(4) providing an estimate of when the requirements of such missed deadlines will be fulfilled.

SEC. 128. ADDITIONAL AUTHORITY OF FEMA TO COLLECT INFORMATION ON CLAIMS PAYMENTS.

(a) IN GENERAL.—The Director shall collect, from property and casualty insurance

companies that are authorized by the Director to participate in the Write Your Own program any information and data needed to determine the accuracy of the resolution of flood claims filed on any property insured with a standard flood insurance policy obtained under the program that was subject to a flood.

(b) TYPE OF INFORMATION TO BE COLLECTED.—The information and data to be collected under subsection (a) may include—

(1) any adjuster estimates made as a result of flood damage, and if the insurance company also insures the property for wind damage—

(A) any adjuster estimates for both wind and flood damage;

(B) the amount paid to the property owner for wind and flood claims;

(C) the total amount paid to the policyholder for damages as a result of the event that caused the flooding and other losses;

(2) any amounts paid to the policyholder by the insurance company for damages to the insured property other than flood damages; and

(3) the total amount paid to the policyholder by the insurance company for all damages incurred to the insured property as a result of the flood.

SEC. 129. EXPENSE REIMBURSEMENTS OF INSURANCE COMPANIES.

(a) SUBMISSION OF BIENNIAL REPORTS.—

(1) TO THE DIRECTOR.—Not later than 20 days after the date of enactment of this title, each property and casualty insurance company that is authorized by the Director to participate in the Write Your Own program shall submit to the Director any biennial report prepared in the prior 5 years by such company.

(2) TO GAO.—Not later than 10 days after the submission of the biennial reports under paragraph (1), the Director shall submit all such reports to the Comptroller General of the United States.

(3) NOTICE TO CONGRESS OF FAILURE TO COMPLY.—The Director shall notify and report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on any property and casualty insurance company participating in the Write Your Own program that failed to submit its biennial reports as required under paragraph (1).

(b) FEMA RULEMAKING ON EXPENSES OF WYO PROGRAM.—Not later than 180 days after the date of enactment of this title, the Director shall conduct a rulemaking proceeding to devise a data collection methodology to allow the Federal Emergency Management Agency to collect consistent information on the expenses (including the operating and administrative expenses for adjustment of claims) of property and casualty insurance companies participating in the Write Your Own program for selling, writing, and servicing, standard flood insurance policies.

(c) SUBMISSION OF EXPENSE REPORTS.—Not later than 60 days after the effective date of the final rule established pursuant to subsection (b), each property and casualty insurance company participating in the Write Your Own program shall submit a report to the Director that details for the prior 5 years the expense levels of each such company for selling, writing, and servicing standard flood insurance policies based on the methodologies established under subsection (b).

(d) FEMA RULEMAKING ON REIMBURSEMENT OF EXPENSES UNDER THE WYO PROGRAM.—Not later than 15 months after the date of enactment of this title, the Director shall conduct a rulemaking proceeding to formulate revised expense reimbursements to property and casualty insurance companies participating in the Write Your Own program for their expenses (including their operating and administrative expenses for adjustment of claims) in selling, writing, and servicing standard flood insurance policies, including how such companies shall be reimbursed in both catastrophic and non-catastrophic years. Such reimbursements shall be structured to ensure reimbursements track the actual expenses, including standard business costs and operating expenses, of such companies as close as practicably possible.

(e) REPORT OF THE DIRECTOR.—Not later than 60 days after the effective date of any final rule established pursuant to subsection (b) or subsection (d), the Director shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report containing—

(1) the specific rationale and purposes of such rule;

(2) the reasons for the adoption of the policies contained in such rule; and

(3) the degree to which such rule accurately represents the true operating costs and expenses of property and casualty insurance companies participating in the Write Your Own program.

(f) GAO STUDY AND REPORT ON EXPENSES OF WYO PROGRAM.—

(1) STUDY.—Not later than 180 days after the effective date of the final rule established pursuant to subsection (d), the Comptroller General of the United States shall—

(A) conduct a study on the efficacy, adequacy, and sufficiency of the final rules established pursuant to subsections (b) and (d); and

(B) report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the findings of the study conducted under subparagraph (A).

(2) GAO AUTHORITY.—In conducting the study and report required under paragraph (1), the Comptroller General—

(A) may use any previous findings, studies, or reports that the Comptroller General previously completed on the Write Your Own program;

(B) shall determine if—

(i) the final rules established pursuant to subsections (b) and (d) allow the Federal Emergency Management Agency to access adequate information regarding the actual expenses of property and casualty insurance companies participating in the Write Your Own program; and

(ii) the actual reimbursements paid out under the final rule established in subsection (d) accurately reflect the expenses reported by property and casualty insurance companies participating in the Write Your Own program, including the standard business costs and operating expenses of such companies; and

(C) shall analyze the effect of such rules on the level of participation of property and casualty insurers in the Write Your Own program.

SEC. 130. EXTENSION OF PILOT PROGRAM FOR MITIGATION OF SEVERE REPETITIVE LOSS PROPERTIES.

(a) IN GENERAL.—Section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a) is amended—

(1) in subsection (k)(1)—

(A) in the first sentence, by striking ''in each of fiscal years 2005, 2006, 2007, 2008, and 2009'' and inserting ''in each fiscal year through fiscal year 2013''; and

(B) by adding at the end the following new sentence: ''For fiscal years 2008 through the 2013, the total amount that the Director may use to provide assistance under this section shall not exceed $240,000,000.''; and

(2) by striking subsection (l).

(b) REPORT TO CONGRESS ON IMPLEMENTATION STATUS.—Not later than 6 months after the date of enactment of this title, the Director shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the status of the implementation of the pilot program for severe repetitive loss properties authorized under section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a).

(c) RULEMAKING.—No later than 90 days after the date of enactment of this title, the Director shall issue final rules to carry out the severe repetitive loss pilot program authorized under section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a).

SEC. 131. FLOOD INSURANCE ADVOCATE.

Chapter II of the National Flood Insurance Act of 1968 is amended by inserting after section 1330 (42 U.S.C. 4041) the following new section:

''SEC. 1330A. OFFICE OF THE FLOOD INSURANCE ADVOCATE.

''(a) ESTABLISHMENT OF POSITION.—

''(1) IN GENERAL.—There shall be in the Federal Emergency Management Agency an Office of the Flood Insurance Advocate which shall be headed by the National Flood Insurance Advocate. The National Flood Insurance Advocate shall report directly to the Director and shall, to the extent amounts are provided pursuant to subsection (f), be compensated at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code, or, if the Director so determines, at a rate fixed under section 9503 of such title.

''(2) APPOINTMENT.—The National Flood Insurance Advocate shall be appointed by the Director and the flood insurance advisory committee established pursuant to section 1318 and without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service or the Senior Executive Service.

''(3) QUALIFICATIONS.—An individual appointed under paragraph (2) shall have—

''(A) a background in customer service as well as insurance; and

''(B) experience in representing individual insureds.

''(4) RESTRICTION ON EMPLOYMENT.—An individual may be appointed as the National Flood Insurance Advocate only if such individual was not an officer or employee of the Federal Emergency Management Agency with duties relating to the national flood insurance program during the 2-year period ending with such appointment and such individual agrees not to accept any employment with the Federal Emergency Management Agency for at least 2 years after ceasing to be the National Flood Insurance Advocate. Service as an employee of the National Flood Insurance Advocate shall not be taken into account in applying this paragraph.

''(5) STAFF.—To the extent amounts are provided pursuant to subsection (f), the National Flood Insurance Advocate may employ such personnel as may be necessary to carry out the duties of the Office.

''(b) FUNCTIONS OF OFFICE.—

''(1) IN GENERAL.—It shall be the function of the Office of the Flood Insurance Advocate to—

''(A) assist insureds under the national flood insurance program in resolving problems with the Federal Emergency Management Agency relating to such program;

''(B) identify areas in which such insureds have problems in dealings with the Federal Emergency Management Agency relating to such program;

''(C) propose changes in the administrative practices of the Federal Emergency Management Agency to mitigate problems identified under subparagraph (B); and

''(D) identify potential legislative, administrative, or regulatory changes which may be appropriate to mitigate such problems.

''(2) ANNUAL REPORTS.—

''(A) ACTIVITIES.—Not later than December 31 of each calendar year, the National Flood Insurance Advocate shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the activities of the Office of the Flood Insurance Advocate during the fiscal year ending during such calendar year. Any such report shall contain a full and substantive analysis of such activities, in addition to statistical information, and shall—

''(i) identify the initiatives the Office of the Flood Insurance Advocate has taken on improving services for insureds under the national flood insurance program and responsiveness of the Federal Emergency Management Agency with respect to such initiatives;

''(ii) describe the nature of recommendations made to the Director under subsection (e);

''(iii) contain a summary of the most serious problems encountered by such insureds, including a description of the nature of such problems;

''(iv) contain an inventory of any items described in clauses (i), (ii), and (iii) for which action has been taken and the result of such action;

''(v) contain an inventory of any items described in clauses (i), (ii), and (iii) for which action remains to be completed and the period during which each item has remained on such inventory;

''(vi) contain an inventory of any items described in clauses (i), (ii), and (iii) for which no action has been taken, the period during which each item has remained on such inventory and the reasons for the inaction;

''(vii) identify any Flood Insurance Assistance Recommendation which was not responded to by the Director in a timely manner or was not followed, as specified under subsection (e);

''(viii) contain recommendations for such administrative and legislative action as may be appropriate to resolve problems encountered by such insureds;

''(ix) identify areas of the law or regulations relating to the national flood insurance program that impose significant compliance burdens on such insureds or the Federal Emergency Management Agency, including specific recommendations for remedying these problems;

''(x) identify the most litigated issues for each category of such insureds, including recommendations for mitigating such disputes; and

''(xi) include such other information as the National Flood Insurance Advocate may deem advisable.

''(B) DIRECT SUBMISSION OF REPORT.—Each report required under this paragraph shall be provided directly to the committees identified in subparagraph (A) without any prior review or comment from the Director, the Secretary of Homeland Security, or any other officer or employee of the Federal Emergency Management Agency or the Department of Homeland Security, or the Office of Management and Budget.

''(3) OTHER RESPONSIBILITIES.—The National Flood Insurance Advocate shall—

''(A) monitor the coverage and geographic allocation of regional offices of flood insurance advocates;

''(B) develop guidance to be distributed to all Federal Emergency Management Agency officers and employees having duties with respect to the national flood insurance program, outlining the criteria for referral of inquiries by insureds under such program to regional offices of flood insurance advocates;

''(C) ensure that the local telephone number for each regional office of the flood insurance advocate is published and available to such insureds served by the office; and

''(D) establish temporary State or local offices where necessary to meet the needs of qualified insureds following a flood event.

''(4) PERSONNEL ACTIONS.—

''(A) IN GENERAL.—The National Flood Insurance Advocate shall have the responsibility and authority to—

''(i) appoint regional flood insurance advocates in a manner that will provide appropriate coverage based upon regional flood insurance program participation; and

''(ii) hire, evaluate, and take personnel actions (including dismissal) with respect to any employee of any regional office of a flood insurance advocate described in clause (i).

''(B) CONSULTATION.—The National Flood Insurance Advocate may consult with the appropriate supervisory personnel of the Federal Emergency Management Agency in carrying out the National Flood Insurance Advocate's responsibilities under this paragraph.

''(c) RESPONSIBILITIES OF DIRECTOR.—The Director shall establish procedures requiring a formal response consistent with the requirements of subsection (e)(3) to all recommendations submitted to the Director by the National Flood Insurance Advocate.

''(d) OPERATION OF REGIONAL OFFICES.—

''(1) IN GENERAL.—Each regional flood insurance advocate appointed pursuant to subsection (b)—

''(A) shall report to the National Flood Insurance Advocate or delegate thereof;

''(B) may consult with the appropriate supervisory personnel of the Federal Emergency Management Agency regarding the daily operation of the regional office of the flood insurance advocate;

''(C) shall, at the initial meeting with any insured under the national flood insurance program seeking the assistance of a regional office of the flood insurance advocate, notify such insured that the flood insurance advocate offices operate independently of any other Federal Emergency Management Agency office and report directly to Congress through the National Flood Insurance Advocate; and

''(D) may, at the flood insurance advocate's discretion, not disclose to the Director contact with, or information provided by, such insured.

''(2) MAINTENANCE OF INDEPENDENT COMMUNICATIONS.—Each regional office of the flood insurance advocate shall maintain a separate phone, facsimile, and other electronic communication access.

''(e) FLOOD INSURANCE ASSISTANCE RECOMMENDATIONS.—

''(1) AUTHORITY TO ISSUE.—Upon application filed by a qualified insured with the Office of the Flood Insurance Advocate (in such form, manner, and at such time as the Director shall by regulation prescribe), the National Flood Insurance Advocate may issue a Flood Insurance Assistance Recommendation, if the Advocate finds that the qualified insured is suffering a significant hardship, such as a significant delay in resolving claims where the insured is incurring significant costs as a result of such delay, or where the insured is at risk of adverse action, including the loss of property, as a result of the manner in which the flood insurance laws are being administered by the Director.

''(2) TERMS OF A FLOOD INSURANCE ASSISTANCE RECOMMENDATION.—The terms of a Flood Insurance Assistance Recommendation may recommend to the Director that the Director, within a specified time period, cease any action, take any action as permitted by law, or refrain from taking any action, including the payment of claims, with respect to the qualified insured under any other provision of law which is specifically described by the National Flood Insurance Advocate in such recommendation.

''(3) DIRECTOR RESPONSE.—Not later than 15 days after the receipt of any Flood Insurance Assistance Recommendation under this subsection, the Director shall respond in writing as to—

''(A) whether such recommendation was followed;

''(B) why such recommendation was or was not followed; and

''(C) what, if any, additional actions were taken by the Director to prevent the hardship indicated in such recommendation.

''(4) DEFINITIONS.—For purposes of this subsection:

''(A) NATIONAL FLOOD INSURANCE ADVOCATE.—The term 'National Flood Insurance Advocate' includes any designee of the National Flood Insurance Advocate.

''(B) QUALIFIED INSURED.—The term 'qualified insured' means an insured under coverage provided under the national flood insurance program under this title.

''(f) FUNDING.—Pursuant to section 1310(a)(8), the Director may use amounts from the National Flood Insurance Fund to fund the activities of the Office of the Flood Advocate in each of fiscal years 2008 through 2013, except that the amount so used in each such fiscal year may not exceed $5,000,000 and shall remain available until expended. Notwithstanding any other provision of this title, amounts made available pursuant to this subsection shall not be subject to offsetting collections through premium rates for flood insurance coverage under this title.''.

SEC. 132. STUDIES AND REPORTS.

(a) REPORT ON EXPANDING THE NATIONAL FLOOD INSURANCE PROGRAM.—Not later than 1 year after the date of the enactment of this title, the Comptroller General of the United States shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, on—

(1) the number of flood insurance policy holders currently insuring—

(A) a residential structure up to the maximum available coverage amount, as established in section 61.6 of title 44, Code of Federal Regulations, of—

(i) $250,000 for the structure; and

(ii) $100,000 for the contents of such structure; or

(B) a commercial structure up to the maximum available coverage amount, as established in section 61.6 of title 44, Code of Federal Regulations, of $500,000;

(2) the increased losses the National Flood Insurance Program would have sustained during the 2004 and 2005 hurricane season if the National Flood Insurance Program had insured all policyholders up to the maximum conforming loan limit for fiscal year 2006 of $417,000, as established under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2));

(3) the availability in the private marketplace of flood insurance coverage in amounts that exceed the current limits of coverage amounts established in section 61.6 of title 44, Code of Federal Regulations; and

(4) what effect, if any—

(A) raising the current limits of coverage amounts established in section 61.6 of title 44, Code of Federal Regulations, would have on the ability of private insurers to continue providing flood insurance coverage; and

(B) reducing the current limits of coverage amounts established in section 61.6 of title 44, Code of Federal Regulations, would have on the ability of private insurers to provide sufficient flood insurance coverage to effectively replace the current level of flood insurance coverage being provided under the National Flood Insurance Program.

(b) REPORT OF THE DIRECTOR ON ACTIVITIES UNDER THE NATIONAL FLOOD INSURANCE PROGRAM.—

(1) IN GENERAL.—The Director shall, on an annual basis, submit a full report on the operations, activities, budget, receipts, and expenditures of the National Flood Insurance Program for the preceding 12-month period to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(2) TIMING.—Each report required under paragraph (1) shall be submitted to the committees described in paragraph (1) not later than 3 months following the end of each fiscal year.

(3) CONTENTS.—Each report required under paragraph (1) shall include—

(A) the current financial condition and income statement of the National Flood Insurance Fund established under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017), including—

(i) premiums paid into such Fund;

(ii) policy claims against such Fund; and

(iii) expenses in administering such Fund;

(B) the number and face value of all policies issued under the National Flood Insurance Program that are in force;

(C) a description and summary of the losses attributable to repetitive loss structures;

(D) a description and summary of all losses incurred by the National Flood Insurance Program due to—

(i) hurricane related damage; and

(ii) nonhurricane related damage;

(E) the amounts made available by the Director for mitigation assistance under section 1366(e)(5) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(e)(5)) for the purchase of properties substantially damaged by flood for that fiscal year, and the actual number of flood damaged properties purchased and the total cost expended to purchase such properties;

(F) the estimate of the Director as to the average historical loss year, and the basis for that estimate;

(G) the estimate of the Director as to the maximum amount of claims that the National Flood Insurance Program would have to expend in the event of a catastrophic year;

(H) the average—

(i) amount of insurance carried per flood insurance policy;

(ii) premium per flood insurance policy; and

(iii) loss per flood insurance policy; and

(I) the number of claims involving damages in excess of the maximum amount of flood insurance available under the National Flood Insurance Program and the sum of the amount of all damages in excess of such amount.

(c) GAO STUDY ON PRE-FIRM STRUCTURES.—Not later than 1 year after the date of the enactment of this title, the Comptroller General of the United States shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, on the—

(1) composition of the remaining pre-FIRM structures that are explicitly receiving discounted premium rates under section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104), including the historical basis for the receipt of such subsidy and whether such subsidy has outlasted its purpose;

(2) number and fair market value of such structures;

(3) respective income level of each owner of such structure;

(4) number of times each such structure has been sold since 1968, including specific dates, sales price, and any other information the Secretary determines appropriate;

(5) total losses incurred by such structures since the establishment of the National Flood Insurance Program compared to the total losses incurred by all structures that are charged a nondiscounted premium rate;

(6) total cost of foregone premiums since the establishment of the National Flood Insurance Program, as a result of the subsidies provided to such structures;

(7) annual cost to the taxpayer, as a result of the subsidies provided to such structures;

(8) the premium income collected and the losses incurred by the National Flood Insurance Program as a result of such explicitly subsidized structures compared to the premium income collected and the losses incurred by such Program as result of structures that are charged a nondiscounted premium rate, on a State-by-State basis; and

(9) the most efficient way to eliminate the subsidy to such structures.

(d) GAO REVIEW OF FEMA CONTRACTORS.—The Comptroller General of the United States, in conjunction with the Department of Homeland Security's Inspectors general Office, shall—

(1) conduct a review of the 3 largest contractors the Director uses in administering the National Flood Insurance Program; and

(2) not later than 18 months after the date of enactment of this title, submit a report on the findings of such review to the Director, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

TITLE II—COMMISSION ON NATURAL CATASTROPHE RISK MANAGEMENT AND INSURANCE

SEC. 201. SHORT TITLE.

This title may be cited as the ''Commission on Natural Catastrophe Risk Management and Insurance Act of 2008''.

SEC. 202. FINDINGS.

Congress finds that—

(1) Hurricanes Katrina, Rita, and Wilma, which struck the United States in 2005, caused, by some estimates, in excess of $200,000,000,000 in total economic losses;

(2) many meteorologists predict that the United States is in a period of increased hurricane activity;

(3) the Federal Government and State governments have provided billions of dollars to pay for losses from natural catastrophes, including hurricanes, earthquakes, volcanic eruptions, tsunamis, tornados, flooding, wildfires, droughts, and other natural catastrophes;

(4) many Americans are finding it increasingly difficult to obtain and afford property and casualty insurance coverage;

(5) some insurers are not renewing insurance policies, are excluding certain risks, such as wind damage, and are increasing rates and deductibles in some markets;

(6) the inability of property and business owners in vulnerable areas to obtain and afford property and casualty insurance coverage endangers the national economy and public health and safety;

(7) almost every State in the United States is at risk of a natural catastrophe, including hurricanes, earthquakes, volcanic eruptions, tsunamis, tornados, flooding, wildfires, droughts, and other natural catastrophes;

(8) building codes and land use regulations play an indispensable role in managing catastrophe risks, by preventing building in high risk areas and ensuring that appropriate mitigation efforts are completed where building has taken place;

(9) several proposals have been introduced in Congress to address the affordability and availability of natural catastrophe insurance across the United States, but there is no consensus on what, if any, role the Federal Government should play; and

(10) an efficient and effective approach to assessing natural catastrophe risk management and insurance is to establish a nonpartisan commission to study the management of natural catastrophe risk, and to require such commission to timely report to Congress on its findings.

SEC. 203. ESTABLISHMENT.

There is established a nonpartisan Commission on Natural Catastrophe Risk Management and Insurance (in this title referred to as the ''Commission'').

SEC. 204. MEMBERSHIP.

(a) APPOINTMENT.—The Commission shall be composed of 16 members, of whom—

(1) 2 members shall be appointed by the majority leader of the Senate;

(2) 2 members shall be appointed by the minority leader of the Senate;

(3) 2 members shall be appointed by the Speaker of the House of Representatives;

(4) 2 members shall be appointed by the minority leader of the House of Representatives;

(5) 2 members shall be appointed by the Chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate;

(6) 2 members shall be appointed by the Ranking Member of the Committee on Banking, Housing, and Urban Affairs of the Senate;

(7) 2 members shall be appointed by the Chairman of the Committee on Financial Services of the House of Representatives; and

(8) 2 members shall be appointed by the Ranking Member of the Committee on Financial Services of the House of Representatives.

(b) QUALIFICATION OF MEMBERS.—

(1) IN GENERAL.—Members of the Commission shall be appointed under subsection (a) from among persons who—

(A) have expertise in insurance, reinsurance, insurance regulation, policyholder concerns, emergency management, risk management, public finance, financial markets, actuarial analysis, flood mapping and planning, structural engineering, building standards, land use planning, natural catastrophes, meteorology, seismology, environmental issues, or other pertinent qualifications or experience; and

(B) are not officers or employees of the United States Government or of any State government.

(2) DIVERSITY.—In making appointments to the Commission—

(A) every effort shall be made to ensure that the members are representative of a broad cross section of perspectives within the United States; and

(B) each member of Congress described in subsection (a) shall appoint not more than 1 person from any single primary area of expertise described in paragraph (1)(A) of this subsection.

(c) PERIOD OF APPOINTMENT.—

(1) IN GENERAL.—Each member of the Commission shall be appointed for the duration of the Commission.

(2) VACANCIES.—A vacancy on the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) QUORUM.—

(1) MAJORITY.—A majority of the members of the Commission shall constitute a quorum, but a lesser number, as determined by the Commission, may hold hearings.

(2) APPROVAL ACTIONS.—All recommendations and reports of the Commission required by this title shall be approved only by a majority vote of all of the members of the Commission.

(e) CHAIRPERSON.—The Commission shall, by majority vote of all of the members, select 1 member to serve as the Chairperson of the Commission (in this title referred to as the ''Chairperson'').

(f) MEETINGS.—The Commission shall meet at the call of its Chairperson or a majority of the members.

SEC. 205. DUTIES OF THE COMMISSION.

The Commission shall examine the risks posed to the United States by natural catastrophes, and means for mitigating those risks and for paying for losses caused by natural catastrophes, including assessing—

(1) the condition of the property and casualty insurance and reinsurance markets prior to and in the aftermath of Hurricanes Katrina, Rita, and Wilma in 2005, and the 4 major hurricanes that struck the United States in 2004;

(2) the current condition of, as well as the outlook for, the availability and affordability of insurance in all regions of the country;

(3) the current ability of States, communities, and individuals to mitigate their natural catastrophe risks, including the affordability and feasibility of such activities;

(4) the ongoing exposure of the United States to natural catastrophes, including hurricanes, earthquakes, volcanic eruptions, tsunamis, tornados, flooding, wildfires, droughts, and other natural catastrophes;

(5) the catastrophic insurance and reinsurance markets and the relevant practices in providing insurance protection to different sectors of the American population;

(6) implementation of a catastrophic insurance system that can resolve key obstacles currently impeding broader implementation of catastrophic risk management and financing with insurance;

(7) the financial feasibility and sustainability of a national, regional, or other pooling mechanism designed to provide adequate insurance coverage and increased underwriting capacity to insurers and reinsurers, including private-public partnerships to increase insurance capacity in constrained markets;

(8) methods to promote public insurance policies to reduce losses caused by natural catastrophes in the uninsured sectors of the American population;

(9) approaches for implementing a public or private insurance scheme for low-income communities, in order to promote risk reduction and insurance coverage in such communities;

(10) the impact of Federal and State laws, regulations, and policies (including rate regulation, market access requirements, reinsurance regulations, accounting and tax policies, State residual markets, and State catastrophe funds) on—

(A) the affordability and availability of catastrophe insurance;

(B) the capacity of the private insurance market to cover losses inflicted by natural catastrophes;

(C) the commercial and residential development of high-risk areas; and

(D) the costs of natural catastrophes to Federal and State taxpayers;

(11) the present and long-term financial condition of State residual markets and catastrophe funds in high-risk regions, including the likelihood of insolvency following a natural catastrophe, the concentration of risks within such funds, the reliance on post-event assessments and State funding, and the adequacy of rates;

(12) the role that innovation in financial services could play in improving the affordability and availability of natural catastrophe insurance, specifically addressing measures that would foster the development of financial products designed to cover natural catastrophe risk, such as risked-linked securities;

(13) the need for strengthened land use regulations and building codes in States at high risk for natural catastrophes, and methods to strengthen the risk assessment and enforcement of structural mitigation and vulnerability reduction measures, such as zoning and building code compliance;

(14) the benefits and costs of proposed Federal natural catastrophe insurance programs (including the Federal Government providing reinsurance to State catastrophe funds, private insurers, or other entities), specifically addressing the costs to taxpayers, tax equity considerations, and the record of other government insurance programs (particularly with regard to charging actuarially sound prices);

(15) the ability of the United States private insurance market—

(A) to cover insured losses caused by natural catastrophes, including an estimate of the maximum amount of insured losses that could be sustained during a single year and the probability of natural catastrophes occurring in a single year that would inflict more insured losses than the United States insurance and reinsurance markets could sustain; and

(B) to recover after covering substantial insured losses caused by natural catastrophes;

(16) the impact that demographic trends could have on the amount of insured losses inflicted by future natural catastrophes;

(17) the appropriate role, if any, for the Federal Government in stabilizing the property and casualty insurance and reinsurance markets; and

(18) the role of the Federal, State, and local governments in providing incentives for feasible risk mitigation efforts.

SEC. 206. REPORT.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this title, the Commission shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a final report containing—

(1) a detailed statement of the findings and assessments conducted by the Commission pursuant to section 205; and

(2) any recommendations for legislative, regulatory, administrative, or other actions at the Federal, State, or local levels that the Commission considers appropriate, in accordance with the requirements of section 205.

(b) EXTENSION OF TIME.—The Commission may request Congress to extend the period of time for the submission of the report required under subsection (a) for an additional 3 months.

SEC. 207. POWERS OF THE COMMISSION.

(a) MEETINGS; HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers necessary to carry out the purposes of this title. Members may attend meetings of the Commission and vote in person, via telephone conference, or via video conference.

(b) AUTHORITY OF MEMBERS OR AGENTS OF THE COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this title.

(c) OBTAINING OFFICIAL DATA.—

(1) AUTHORITY.—Notwithstanding any provision of section 552a of title 5, United States Code, the Commission may secure directly from any department or agency of the United States any information necessary to enable the Commission to carry out this title.

(2) PROCEDURE.—Upon request of the Chairperson, the head of such department or agency shall furnish to the Commission the information requested.

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

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, any administrative support services necessary for the Commission to carry out its responsibilities under this title.

(f) ACCEPTANCE OF GIFTS.—The Commission may accept, hold, administer, and utilize gifts, donations, and bequests of property, both real and personal, for the purposes of aiding or facilitating the work of the Commission. The Commission shall issue internal guidelines governing the receipt of donations of services or property.

(g) VOLUNTEER SERVICES.—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Commission may 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 of title 5, United States Code.

(h) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—Subject to the Federal Property and Administrative Services Act of 1949, the Commission may enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activities necessary to the discharge of its duties and responsibilities.

(i) LIMITATION ON CONTRACTS.—A contract or other legal agreement entered into by the Commission may not extend beyond the date of the termination of the Commission.

SEC. 208. COMMISSION PERSONNEL MATTERS.

(a) TRAVEL EXPENSES.—The members 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.

(b) SUBCOMMITTEES.—The Commission may establish subcommittees and appoint members of the Commission to such subcommittees as the Commission considers appropriate.

(c) STAFF.—Subject to such policies as the Commission may prescribe, the Chairperson may appoint and fix the pay of such additional personnel as the Chairperson considers appropriate to carry out the duties of the Commission. The Commission shall confirm the appointment of the executive director by majority vote of all of the members of the Commission.

(d) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—Staff of the Commission may be—

(1) appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(2) 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 so appointed may not receive pay in excess of the annual rate of basic pay prescribed for GS–15 of the General Schedule under section 5332 of that title.

(e) EXPERTS AND CONSULTANTS.—In carrying out its objectives, the Commission may procure temporary and intermittent services of consultants and experts under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for GS–15 of the General Schedule under section 5332 of that title.

(f) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Chairperson, any Federal Government employee may be detailed to the Commission to assist in carrying out the duties of the Commission—

(1) on a reimbursable basis; and

(2) such detail shall be without interruption or loss of civil service status or privilege.

SEC. 209. TERMINATION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 206.

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission, such sums as may be necessary to carry out this title, to remain available until expended.

SA 4708. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 2, strike ''including for—'' and all that follows through the period on line 21 and insert the following: ''including for any property which is not the primary residence of an individual.''

SA 4709. Mr. NELSON of Florida (for himself, Mrs. CLINTON, Mr. MARTINEZ, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the floor insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION B—HOMEOWNERS' DEFENSE ACT

SEC. 101. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Homeowners' Defense Act of 2008''.

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

DIVISION B—HOMEOWNERS' DEFENSE ACT

Sec. 101. Short title; table of contents.
Sec. 102. Findings and purposes.
Sec. 103. Qualified reinsurance programs.
Sec. 104. Definitions.
Sec. 105. Regulations.

TITLE I—NATIONAL CATASTROPHE RISK CONSORTIUM

Sec. 111. Establishment; status; principal office; membership.
Sec. 112. Functions.
Sec. 113. Powers.
Sec. 114. Nonprofit entity; conflicts of interest; audits.
Sec. 115. Management.
Sec. 116. Staff; experts and consultants.
Sec. 117. Federal liability.
Sec. 118. Authorization of appropriations.

TITLE II—NATIONAL HOMEOWNERS' INSURANCE STABILIZATION PROGRAM

Sec. 201. Establishment.
Sec. 202. Liquidity loans and catastrophic loans for State and regional reinsurance programs.
Sec. 203. Reports and audits.
Sec. 204. Funding.

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the United States has a history of catastrophic natural disasters, including hurricanes, tornadoes, flood, fire, earthquakes, and volcanic eruptions;

(2) although catastrophic natural disasters occur infrequently, they will continue to occur and are predictable;

(3) such disasters generate large economic losses and a major component of those losses comes from damage and destruction to homes;

(4) for the majority of Americans, their investment in their home represents their single biggest asset and the protection of that investment is paramount to economic and social stability;

(5) historically, when a natural disaster eclipses the ability of the private industry and a State to manage the loss, the Federal Government has stepped in to provide the funding and services needed for recovery;

(6) the cost of such Federal ''bail-outs'' are borne by all taxpayers equally, as there is no provision to repay the money and resources provided, which thereby unfairly burdens citizens who live in lower risk communities;

(7) as the risk of catastrophic losses grows, so do the risks that any premiums collected by private insurers for extending coverage will be insufficient to cover future catastrophes (known as timing risk), and private insurers, in an effort to protect their shareholders and policyholders (in the case of mutually-owned companies), have thus significantly raised premiums and curtailed insurance coverage in States exposed to major catastrophes;

(8) such effects on the insurance industry have been harmful to economic activity in States exposed to major catastrophes and have placed significant burdens on existing residents of such States;

(9) Hurricanes Katrina, Rita, and Wilma struck the United States in 2005, causing over $200,000,000,000 in total economic losses, and insured losses to homeowners in excess of $50,000,000,000;

(10) since 2004, the Congress has appropriated more than $58,000,000,000 in disaster relief to the States affected by natural catastrophes;

(11) the Federal Government has provided and will continue to provide resources to pay for losses from future catastrophes;

(12) when Federal assistance is provided to the States, accountability for Federal funds disbursed is paramount;

(13) the Government Accountability Office or other appropriate agencies must have the means in place to confirm that Federal funds for catastrophe relief have reached the appropriate victims and have contributed to the recovery effort as efficiently as possible so that taxpayer funds are not wasted and citizens are enabled to rebuild and resume productive activities as quickly as possible;

(14) States that are recipients of Federal funds must be responsible to account for and provide an efficient means for distribution of funds to homeowners to enable the rapid rebuilding of local economies after a catastrophic event without unduly burdening taxpayers who live in areas seldom affected by natural disasters;

(15) State insurance and reinsurance programs can provide a mechanism for States to exercise that responsibility if they appropriately underwrite and price risk, and if they pay claims quickly and within established contractual terms; and

(16) State insurers and reinsurers, if appropriately backstopped themselves, can absorb catastrophic risk borne by private insurers without bearing timing risk, and thus enable all insurers (whether State-operated or privately owned) to underwrite and price insurance without timing risk and in such a way to encourage property owners to pay for the appropriate insurance to protect themselves and to take steps to mitigate against the risks of disaster by locally appropriate methods.

(b) PURPOSES.—The purposes of this division are to establish a program to provide a Federal backstop for State-sponsored insurance programs to help homeowners prepare for and recover from the damages caused by natural catastrophes, to encourage mitigation and prevention for such catastrophes, to promote the use of private market capital as a means to insure against such catastrophes, to expedite the payment of claims and better assist in the financial recovery from such catastrophes.

SEC. 103. QUALIFIED REINSURANCE PROGRAMS.

(a) IN GENERAL.—For purposes of this division only, a program shall be considered to be a qualified reinsurance program if the program—

(1) is authorized by State law for the purposes described in this section;

(2) is an entity in which the authorizing State maintains a material, financial interest;

(3) provides reinsurance or retrocessional coverage to underlying primary insurers or reinsurers for losses arising from all personal residential lines of insurance, as defined in the Uniform Property & Casualty Product Coding Matrix published and maintained by the National Association of Insurance Commissioners;

(4) has a governing body, a majority of whose members are public officials;

(5) provides reinsurance or retrocessional coverage to underlying primary insurers or reinsurers for losses in excess of such amount that the Secretary has determined represents a catastrophic event in that particular State;

(6) is authorized by a State that has in effect such laws, regulations, or other requirements, as the Secretary shall by regulation provide, that—

(A) ensure, to the extent that reinsurance coverage made available under the qualified reinsurance program results in any cost savings in providing insurance coverage for risks in such State, such cost savings are reflected in premium rates charged to consumers for such coverage;

(B) require that any new construction, substantial rehabilitation, and renovation insured or reinsured by the program complies with applicable State or local government building, fire, and safety codes;

(C) require State authorized insurance entities within that State to establish an insurance rate structure that takes into account measures to mitigate insurance losses;

(D) require State authorized insurance and reinsurance entities within that State to establish rates at a level that annually produces expected premiums that shall be sufficient to pay the expected annualized cost of all claims, loss adjustment expenses, and all administrative costs of reinsurance coverage offered; and

(E) encourage State authorized insurance and reinsurance entities within that State to establish rates that do not involve cross-subsidization between any separate property

and casualty lines covered under the State authorized insurance or reinsurance entity; and

(7) complies with such additional organizational, underwriting, and financial requirements as the Secretary shall, by regulation, provide to carry out the purposes of this division.

(b) TRANSITIONAL MECHANISMS.—For the 5-year period beginning on the date of enactment of this division, in the case of a State that does not have a qualified reinsurance program for the State, a State residual insurance market entity for such State shall be considered to be a qualified reinsurance program, but only if such State residual insurance market entity was in existence before such date of enactment.

(c) PRECERTIFICATION.—The Secretary shall establish procedures and standards for State and regional reinsurance programs and the State residual insurance market entities described in subsection (b) to apply to the Secretary at any time for certification (and recertification) as qualified reinsurance programs.

(d) REINSURANCE TO COVER EXPOSURE.—This section may not be construed to limit or prevent any insurer from obtaining reinsurance coverage for insured losses retained by insurers pursuant to this section, nor shall the obtaining of such coverage affect the calculation of the amount of any loan under this division.

SEC. 104. DEFINITIONS.

For purposes of this division, the following definitions shall apply:

(1) CEILING COVERAGE LEVEL.—The term ''ceiling coverage level'' means, with respect to a qualified reinsurance program, the maximum liability, under law, that could be incurred at any time by the qualified reinsurance program.

(2) COMMISSION.—The term ''Commission'' means the National Commission on Natural Catastrophe Preparation and Protection established under title II.

(3) CONSORTIUM.—The term ''Consortium'' means the National Catastrophic Risk Consortium established under title I.

(4) INSURED LOSS.—The term ''insured loss'' means any loss insured by a qualified reinsurance program.

(5) QUALIFIED REINSURANCE PROGRAM.—The term ''qualified reinsurance program'' means a State or regional program that meets the requirements of section 103.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(7) STATE.—The term ''State'' includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and American Samoa.

SEC. 105. REGULATIONS.

The Secretary shall issue such regulations as may be necessary to carry out this division.

TITLE I—NATIONAL CATASTROPHE RISK CONSORTIUM

SEC. 111. ESTABLISHMENT; STATUS; PRINCIPAL OFFICE; MEMBERSHIP.

(a) ESTABLISHMENT.—There is established an entity to be known as the ''National Catastrophe Risk Consortium''.

(b) STATUS.—The Consortium is not a department, agency, or instrumentality of the United States Government.

(c) PRINCIPAL OFFICE.—The principal office and place of business of the Consortium shall be such location within the United States determined by the Board of Directors to be the most advantageous for carrying out the purpose and functions of the Consortium.

(d) MEMBERSHIP.—Any State that has established a reinsurance fund or has authorized the operation of a State residual insurance market entity shall be eligible to participate in the Consortium.

SEC. 112. FUNCTIONS.

The Consortium shall—

(1) work with all States, particularly those participating in the Consortium, to gather and maintain an inventory of catastrophe risk obligations held by State reinsurance funds and State residual insurance market entities;

(2) at the discretion of the affected members and on a conduit basis, issue securities and other financial instruments linked to the catastrophe risks insured or reinsured through members of the Consortium in the capital markets;

(3) coordinate reinsurance contracts between participating, qualified reinsurance funds and private parties;

(4) act as a centralized repository of State risk information that can be accessed by private-market participants seeking to participate in the transactions described in paragraphs (2) and (3) of this section;

(5) use a catastrophe risk database to perform research and analysis that encourages standardization of the risk-linked securities market;

(6) perform any other functions, other than assuming risk or incurring debt, that are deemed necessary to aid in the transfer of catastrophe risk from participating States to private parties; and

(7) submit annual reports to Congress describing the activities of the Consortium for the preceding year.

SEC. 113. POWERS.

The Consortium—

(1) may make and perform such contracts and other agreements with any individual or other private or public entity however designated and wherever situated, as may be necessary for carrying out the functions of the Consortium; and

(2) shall have such other powers, other than the power to assume risk or incur debt, as may be necessary and incident to carrying out this division.

SEC. 114. NONPROFIT ENTITY; CONFLICTS OF INTEREST; AUDITS.

(a) NONPROFIT ENTITY.—The Consortium shall be a nonprofit entity and no part of the net earnings of the Consortium shall inure to the benefit of any member, founder, contributor, or individual.

(b) CONFLICTS OF INTEREST.—No director, officer, or employee of the Consortium shall in any manner, directly or indirectly, participate in the deliberation upon or the determination of any question affecting his or her personal interests or the interests of any Consortium, partnership, or organization in which he or she is directly or indirectly interested.

(c) AUDITS.—

(1) ANNUAL AUDIT.—The financial statements of the Consortium shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants.

(2) REPORTS.—The report of each annual audit pursuant to paragraph (1) shall be included in the annual report submitted in accordance with section 112(7).

SEC. 115. MANAGEMENT.

(a) BOARD OF DIRECTORS; MEMBERSHIP; DESIGNATION OF CHAIRPERSON.—

(1) BOARD OF DIRECTORS.—The management of the Consortium shall be vested in a board of directors (referred to in this title as the ''Board'') composed of not fewer than 3 members.

(2) CHAIRPERSON.—The Secretary, or the designee of the Secretary, shall serve as the chairperson of the Board.

(3) MEMBERSHIP.—The members of the Board shall include—

(A) the Secretary of Homeland Security and the Secretary of Commerce, or the designees of such Secretaries, respectively, but only during such times as there are fewer than 2 States participating in the Consortium; and

(B) a member from each State participating in the Consortium, who shall be appointed by such State.

(b) BYLAWS.—The Board may prescribe, amend, and repeal such bylaws as may be necessary for carrying out the functions of the Consortium.

(c) COMPENSATION, ACTUAL, NECESSARY, AND TRANSPORTATION EXPENSES.—

(1) NON-FEDERAL EMPLOYEES.—A member of the Board who is not otherwise employed by the Federal Government shall be entitled to receive the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, as in effect from time to time, for each day (including travel time) during which such member is engaged in the actual performance of duties of the Consortium.

(2) FEDERAL EMPLOYEES.—A member of the Board who is an officer or employee of the Federal Government shall serve without additional pay (or benefits in the nature of compensation) for service as a member of the Consortium.

(3) TRAVEL EXPENSES.—Members of the Consortium shall be entitled to receive travel expenses, including per diem in lieu of subsistence, equivalent to those set forth in subchapter I of chapter 57 of title 5, United States Code.

(d) QUORUM.—A majority of the Board shall constitute a quorum.

(e) EXECUTIVE DIRECTOR.—The Board shall appoint an executive director of the Consortium, on such terms as the Board may determine.

SEC. 116. STAFF; EXPERTS AND CONSULTANTS.

(a) STAFF.—

(1) APPOINTMENT.—The Board of the Consortium may appoint and terminate such other staff as are necessary to enable the Consortium to perform its duties.

(2) COMPENSATION.—The Board of the Consortium may fix the compensation of the executive director and other staff.

(b) EXPERTS AND CONSULTANTS.—The Board shall procure the services of experts and consultants as the Board considers appropriate.

SEC. 117. FEDERAL LIABILITY.

The Federal Government and the Consortium shall not bear any liabilities arising from the actions of the Consortium. Participating States shall retain all catastrophe risk until the completion of a transaction described in paragraphs (2) and (3) of section 112.

SEC. 118. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $20,000,000 for each of fiscal years 2009 through 2014.

TITLE II—NATIONAL HOMEOWNERS' INSURANCE STABILIZATION PROGRAM

SEC. 201. ESTABLISHMENT.

The Secretary shall carry out a program under this title to make liquidity loans and catastrophic loans under section 202 to qualified reinsurance programs to ensure the solvency of such programs, to improve the availability and affordability of homeowners' insurance, to provide incentive for risk transfer to the private capital and reinsurance markets, and to spread the risk of catastrophic financial loss resulting from natural disasters and catastrophic events.

SEC. 202. LIQUIDITY LOANS AND CATASTROPHIC LOANS FOR STATE AND REGIONAL REINSURANCE PROGRAMS.

(a) CONTRACTS.—The Secretary may enter into a contract with a qualified reinsurance

program to carry out this title, as the Secretary may deem appropriate. The contract shall include, at a minimum, the conditions for loan eligibility set forth in this section.

(b) CONDITIONS FOR LOAN ELIGIBILITY.—A loan under this section may be made only to a qualified reinsurance program and only if—

(1) before the loan is made—

(A) the State or regional reinsurance program submits to the Secretary a report setting forth, in such form and including such information as the Secretary shall require, how the program plans to repay the loan; and

(B) based upon the report of the program, the Secretary determines that the program can meet its repayment obligation under the loan and certifies that the program can meet such obligation;

(2) the program cannot access capital in the private market, including through catastrophe bonds and other securities sold through the facility created in title I of this division, as determined by the Secretary, and a loan may be made to such a qualified reinsurance program only to the extent that such program cannot access capital in the private market;

(3) the Secretary determines that an event has resulted in insured losses in a State with a qualified reinsurance program;

(4) the loan complies with the requirements under subsection (d) and or (e), as applicable; and

(5) the loan is afforded the full faith and credit of the State and the State demonstrates to the Secretary that it has the ability to repay the loans.

(c) MANDATORY ASSISTANCE FOR QUALIFIED REINSURANCE PROGRAMS.—The Secretary shall, upon the request of a qualified reinsurance program and subject to subsection (b), make a loan under subsection (d) or (e) for such program in the amount requested by such program (subject to the limitations under subsections (d)(2) and (e)(2), respectively).

(d) LIQUIDITY LOANS.—A loan under this subsection for a qualified reinsurance program shall be subject to the following requirements:

(1) PRECONDITIONS.—The Secretary shall have determined that the qualified reinsurance program—

(A) has a capital liquidity shortage, in accordance with regulations that the Secretary shall establish; and

(B) cannot access capital markets at effective rates of interest lower than those provided in paragraph (3).

(2) AMOUNT.—The principal amount of the loan may not exceed the ceiling coverage level for the qualified reinsurance program.

(3) RATE OF INTEREST.—The loan shall bear interest at an annual rate 3 percentage points higher than marketable obligations of the Treasury having the same term to maturity as the loan and issued during the most recently completed month, as determined by the Secretary, or such higher rate as may be necessary to ensure that the amounts of interest paid under such loans exceed the sum of the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loans, the administrative costs involved in carrying out a program under this title for such loans, and any incidental effects on governmental receipts and outlays.

(4) TERM.—The loan shall have a term to maturity of not less than 5 years and not more than 10 years.

(e) CATASTROPHIC LOANS.—A loan under this subsection for a qualified reinsurance program shall be subject to the following requirements:

(1) PRECONDITIONS.—The Secretary shall have determined that an event has resulted in insured losses in a State with a qualified reinsurance program and that such insured losses in such State are in excess of 150 percent of the aggregate amount of direct written premium for privately issued property and casualty insurance, for risks located in that State, over the calendar year preceding such event, in accordance with regulations that the Secretary shall establish.

(2) AMOUNT.—The principal amount of the loan made pursuant to an event referred to in paragraph (1) may not exceed the amount by which the insured losses sustained as a result of such event exceed the ceiling coverage level for the qualified reinsurance program.

(3) RATE OF INTEREST.—The loan shall bear interest at an annual rate 0.20 percentage points higher than marketable obligations of the United States Treasury having a term to maturity of not less than 10 years and issued during the most recently completed month, as determined by the Secretary, or such higher rate as may be necessary to ensure that the amounts of interest paid under such loans exceed the sum of the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loans, the administrative costs involved in carrying out a program under this title for such loans, and any incidental effects on governmental receipts and outlays.

(4) TERM.—The loan shall have a term to maturity of not less than 10 years.

(f) USE OF FUNDS.—Amounts from a loan under this section shall only be used to provide reinsurance or retrocessional coverage to underlying primary insurers or reinsurers for losses arising from all personal real property or homeowners' lines of insurance, as defined in the Uniform Property & Casualty Product Coding Matrix published and maintained by the National Association of Insurance Commissioners. Such amounts shall not be used for any other purpose.

SEC. 203. REPORTS AND AUDITS.

The Secretary shall submit a report to the President and the Congress annually that identifies and describes any loans made under this title during such year and any repayments during such year of loans made under this title, and describes actions taken to ensure accountability of loan funds. The Secretary shall provide for regular audits to be conducted for each loan made under this title, and shall make the results of such audits publicly available.

SEC. 204. FUNDING.

(a) PROGRAM FEE.—

(1) IN GENERAL.—The Secretary may establish and collect, from qualified reinsurance programs that are precertified pursuant to section 103(c), a reasonable fee, as may be necessary to offset the expenses of the Secretary in connection with carrying out the responsibilities of the Secretary under this title, including—

(A) costs of developing, implementing, and carrying out the program under this title; and

(B) costs of providing for precertification pursuant to section 103(c) of State and regional reinsurance programs as qualified reinsurance programs.

(2) ADJUSTMENT.—The Secretary may, from time to time, adjust the fee under paragraph (1) as appropriate based on expenses of the Secretary referred to in such paragraph.

(3) USE.—Any fees collected pursuant to this subsection shall be credited as offsetting collections of the Department of the Treasury and shall be available to the Secretary only for expenses referred to in paragraph (1).

(b) COSTS OF LOANS; ADMINISTRATIVE COSTS.—To the extent that amounts of negative credit subsidy are received by the Secretary in any fiscal year pursuant to loans made under this title, such amounts shall be available for costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loans and for costs of carrying out the program under this title for such loans.

(c) FULL TAXPAYER REPAYMENT.—The Secretary shall require the full repayment of all loans made under this title. If the Secretary determines at any time that such full repayment will not made, or is likely not to be made, the Secretary shall promptly submit a report to the Congress explaining why such full repayment will not be made or is likely not to be made.

SA 4710. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, line 6, strike ''and''.

On page 8, line 9, strike ''policy.''.'' and insert the following: ''policy; and

''(3) any property purchased on or after the date of enactment of the Flood Insurance Reform and Modernization Act of 2007.''.

SA 4711. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _____. REPORT ON INCLUSION OF BUILDING CODES IN FLOODPLAIN MANAGEMENT CRITERIA.

Not later than 6 months after the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall conduct a study and 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 regarding the impact, effectiveness, and feasibility of amending section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4102) to include widely used and nationally recognized building codes as part of the floodplain management criteria developed under such section, and shall determine—

(1) the regulatory, financial, and economic impacts of such a building code requirement on homeowners, States and local communities, local land use policies, and the Federal Emergency Management Agency;

(2) the resources required of State and local communities to administer and enforce such a building code requirement;

(3) the effectiveness of such a building code requirement in reducing flood-related damage to buildings and contents;

(4) the impact of such a building code requirement on the actuarial soundness of the National Flood Insurance Program;

(5) the effectiveness of nationally recognized codes in allowing innovative materials and systems for flood-resistant construction; and

(6) the feasibility and effectiveness of providing an incentive in lower premium rates for flood insurance coverage under such Act for structures meeting whichever of such widely used and nationally recognized building code or any applicable local building code provides greater protection from flood damage.

SA 4712. Mr. REID (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 5493, 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; as follows:

At the end of the bill, insert the following:

SEC. ___. TECHNICAL AMENDMENT RELATING TO SENATE PAY PERIODS.

(a) TITLE 18.—Section 207(e)(7) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking ''at least 60 days'' and inserting ''more than 2 months''; and

(2) in subparagraph (B), by striking ''at least 60 days'' and inserting ''more than 2 months''.

(b) SENATE RULES.—Paragraph 9(c) of rule XXXVII of the Standing Rules of the Senate is amended by striking ''more than 60 days in a calendar year'' and inserting ''more than 2 months, in the aggregate, during the 1-year period before that former officer's or employee's service as such officer or employee was terminated''.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Thursday, May 15, 2008, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to receive testimony on development of oil shale resources.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Gina_Weinstock@energy.Senate.gov.

For further information, please contact Patty Beneke at 202–224–5451 or Gina Weinstock at 202–224–5684.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources will hold a business meeting on Wednesday, May 7, at 9:45 a.m., in room 366 of the Dirksen Senate Office Building to consider pending bills on its shortlist of Agenda items.

For further information, please contact Sam Fowler at (202) 224–7571 or Rosemarie Calabro at (202) 224–5039.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROCKEFELLER. 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, May 6, 2008, at 10 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. ROCKEFELLER. 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, May 6, 2008 at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, ''Perchlorate and TCE in Water.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, May 6, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Seizing the New Opportunity for Health Reform''.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 6, 2008, at 2:30 p.m. to hold a hearing on Holocaust era insurance restitution.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 6, 2008, at 2:30 p.m. to hold a hearing on the nomination of Michael E. Leiter to be Director of the National Counterterrorism Center, Office of the Director of National Intelligence.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Policing Lenders and Protecting Homeowners: Is Misconduct in Bankruptcy Fueling the Foreclosure Crisis?'' on Tuesday, May 6, 2008, at 2 p.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent that Ryan Davis, an intern with the Republican Conference, be granted floor privileges for the remainder of the month.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent that Kim Allen, a staffer for the Republican Conference, be granted floor privileges for the remainder of this Congress.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. I ask unanimous consent that David Greenwald, of my Finance Committee staff, be granted the privileges of the floor during the month of May.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Maria Honeycutt, a Congressional Science Fellow in the office of Senator BILL NELSON, be granted floor privileges for the duration of the Senate's consideration of S. 2284, the Flood Insurance Reform and Modernization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR PAYMENT OF SALARIES IN OR UNDER THE HOUSE OF REPRESENTATIVES

Mr. REID. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H.R. 5493 and the Senate now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5493) 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.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, the amendment that I am offering on behalf of myself and Senator MCCONNELL addresses technical issues with respect to the ''cooling-off period'' for senior staff members.

Under title 18 and the Senate rules, staff members whose salary is above a certain threshold are prohibited from lobbying the Senate for a period of 1 year. One of the reforms in S. 1, the ethics reform bill we enacted last year, was to broaden the scope of the ban—senior staff members who were previously prohibited from lobbying individual Senate offices for a year are now prohibited from lobbying the entire Senate.

However, we have been made aware of an unintended consequence of the law: some junior staff members who receive salary bonuses over a period of 2 months are inadvertently covered by the lobbying ban, which is now even more sweeping. The Reid-McConnell amendment addresses this problem by providing that a staff member whose

salary is above the threshold for only 2 months will not be covered by the ban, even if those 2 months—for example, July and August—have an aggregate of more than 60 days.

Our amendment also makes the criminal law and Senate Rule XXXVII consistent. Both the law and the rule will now look back over the same time period, i.e., 1 year before an employee's termination, and the threshold will be the same, i.e., more than 2 months. Post-employment restrictions will thus be clearer to staff and the public, as well as easier to administer.

Under 2 U.S.C. 60c–1, Members, officers, and employees of the Senate are paid on a semimonthly basis: generally, the 20th of every month for the period of the 1st through the 15th and the 5th of the succeeding month for the period of the 16th through the end of the month. Thus, the language ''two months'' is intended and shall mean in the Senate equal to four pay periods. If an employee were to be paid above the threshold amount for more than four pay periods, for example, for four and any part of a fifth pay period, he or she would be covered by the restrictions of both the law and the rule.

Mr. President, the amendment is at the desk, and I ask unanimous consent that the amendment be considered and agreed to, the bill, as amended, be read a third time and passed, and the motions to reconsider be laid upon the table; that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4712) was agreed to, as follows:

(Purpose: To propose a technical amendment relating to Senate pay periods)

At the end of the bill, insert the following:

SEC. ___. TECHNICAL AMENDMENT RELATING TO SENATE PAY PERIODS.

(a) TITLE 18.—Section 207(e)(7) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking ''at least 60 days'' and inserting ''more than 2 months''; and

(2) in subparagraph (B), by striking ''at least 60 days'' and inserting ''more than 2 months''.

(b) SENATE RULES.—Paragraph 9(c) of rule XXXVII of the Standing Rules of the Senate is amended by striking ''more than 60 days in a calendar year'' and inserting ''more than 2 months, in the aggregate, during the 1-year period before that former officer's or employee's service as such officer or employee was terminated''.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 5493), as amended, was passed.

RECOGNIZING THE 150TH ANNIVERSARY OF THE STATE OF MINNESOTA

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 552.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 552) recognizing the 150th anniversary of the State of Minnesota.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 552) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 552

Whereas Minnesota was established as a territory on March 2, 1849, and became the 32nd State on May 11, 1858;

Whereas Minnesota is also known as the ''Gopher State'', the ''North Star State'', and the ''Land of 10,000 Lakes'';

Whereas Minnesota's name comes from the Dakota word ''minesota'', meaning ''water that reflects the sky'', and Native Americans continue to play a defining role in Minnesota's proud heritage;

Whereas the cities of Minneapolis and St. Paul were established after the completion of nearby Fort Snelling, a frontier outpost and training center for Civil War soldiers;

Whereas more than 338,000,000 tons of Minnesota iron ore were shipped between 1940 and 1945 that contributed to the United States military victory in World War II, and an additional 648,000,000 tons of iron ore were shipped between 1945 and 1955 that boosted post-war economic expansion in the United States;

Whereas, in 1889, the Saint Mary's Hospital, now known as the Mayo Clinic, opened its doors to patients in Rochester, Minnesota, and is now known worldwide for its cutting-edge care;

Whereas Minnesota continues to be a leader in innovation and is currently home to more than 35 Fortune 500 companies;

Whereas Minnesota houses over 30 institutions of higher education, including the University of Minnesota, a world-class research university where the first open heart surgery and first bone marrow transplant were performed in the United States;

Whereas farmland spans over half of Minnesota's 54,000,000 acres and the agriculture industry is Minnesota's 2nd largest job market, employing nearly 80,000 farmers;

Whereas Minnesota is the Nation's number one producer of sugarbeets and turkeys;

Whereas Minnesota is a national leader in the production and use of renewable energy, which helps our Nation reduce its dependency on foreign sources of oil;

Whereas the Mall of America located in Bloomington, Minnesota, is the Nation's largest retail and entertainment complex, spanning 9,500,000 square feet and providing more than 11,000 jobs;

Whereas Minnesota has 90,000 miles of lake and river shoreline, which includes the coast of Lake Superior, the largest of North America's Great Lakes;

Whereas the Minneapolis-St. Paul area is nationally recognized for its parks, museums, and cultural events; and

Whereas the people of Minnesota have a timeless reputation of compassion, strength, and determination: Now, therefore, be it

Resolved, That the Senate congratulates the State of Minnesota on its 150th anniversary and the contributions it continues to make to America's economy and heritage.

CONGRATULATING CHARLES COUNTY, MARYLAND

Mr. REID. Mr. President, I ask unanimous consent that we proceed now to S. Res. 553.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 553) congratulating Charles County, Maryland, on the occasion of its 350th anniversary.

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, that there be no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 553) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 553

Whereas 2008 marks the 350th anniversary of the establishment of Charles County, Maryland, a historic and memorable event that will be commemorated throughout the year;

Whereas Charles County was chartered in 1658 and named after Charles Calvert, a royal proprietor of the colony of Maryland;

Whereas citizens of Charles County have played an important role in the history of Maryland and our Nation, including Thomas Stone, whose home is maintained by the National Park Service in Port Tobacco and who served as a Continental Congressman, a framer of the Articles of Confederation, and a signer of the Declaration of Independence;

Whereas, under the Articles of Confederation, John Hanson, born in Port Tobacco, served as the President of the United States in Congress Assembled;

Whereas Josiah Henson escaped slavery and fled from Charles County to Canada, where he wrote his autobiography, a narrative that later inspired Harriet Beecher Stowe's famous novel ''Uncle Tom's Cabin'';

Whereas Josiah Henson's grandnephew, Matthew Henson, left Charles County farmland to become an arctic explorer, venturing to the North Pole and going on to receive international acclaim;

Whereas, following the Civil War, the house of Dr. Samuel A. Mudd in Waldorf was where John Wilkes Booth stopped to have Dr. Mudd reset his leg, broken after he fatally shot President Abraham Lincoln and jumped off the balcony of Ford's Theater in Washington, DC;

Whereas today Charles County has roughly 120,000 residents;

Whereas, while farming and small town life still flourish, particularly along the banks of the Potomac River, the population of the county is growing; and

Whereas the county is home to workers in the National Capital region as well as the

county's largest employer, a Department of Defense Energetics Center, the Indian Head Division, Naval Surface Warfare Center: Now, therefore, be it

Resolved, That the Senate—

(a) commends and congratulates Charles County, Maryland, on the occasion of its 350th anniversary; and

(b) requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Charles County Anniversary Committee as an expression of the Senate's best wishes for a glorious year of celebration.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 110–17

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on May 6 of this year by the President of the United States:

Tax Convention with Iceland (Treaty Document No. 110–17).

I further ask that the treaty be considered as having been read the first time; that it be referred, with the accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Convention Between the Government of the United States of America and the Government of Iceland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, and accompanying Protocol, signed on October 23, 2007, at Washington, D.C. (the ''proposed Treaty''). The proposed Treaty would replace the existing income tax Convention with Iceland that was concluded in 1975 (the ''existing Treaty''). Also transmitted for the information of the Senate is the report of the Department of State with respect to the proposed Treaty.

The proposed Treaty contains a comprehensive provision designed to prevent so-called treaty shopping. The existing Treaty contains no such protections, resulting in substantial abuse of the existing Treaty's provisions by third-country investors. The proposed Treaty also reflects changes to U.S. and Icelandic law and tax treaty policy since 1975.

I recommend that the Senate give early and favorable consideration to the proposed Treaty and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 6, 2008*.

ORDERS FOR WEDNESDAY, MAY 7, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time of the two leaders be reserved for their use later in the day; that there be a period of morning business for up to 1 hour 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 second half; and that following morning business, the Senate resume consideration of the motion to proceed to S. 2284, the flood insurance legislation, and that all time during the adjournment, recess, or period of morning business count against cloture; I further ask that the Senate recess from 12:30 to 2:15 p.m. to allow for the weekly caucus luncheons to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, we expect to be in a position tomorrow to work on the flood insurance bill, as I indicated. In the morning there will be a unanimous consent asked immediately upon coming in so we can start legislating on this matter.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate tonight, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:12 p.m., adjourned until Wednesday, May 7, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

SECURITIES AND EXCHANGE COMMISSION

TROY A. PAREDES, OF MISSOURI, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2013, VICE PAUL S. ATKINS, RESIGNED.

FEDERAL ELECTION COMMISSION

CYNTHIA L. BAUERLY, OF MINNESOTA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011, VICE ROBERT D. LENHARD.

CAROLINE C. HUNTER, OF FLORIDA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2013, VICE MICHAEL E. TONER, RESIGNED.

DONALD F. MCGAHN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2009, VICE DAVID M. MASON, TERM EXPIRED.

WITHDRAWALS

Executive Message transmitted by the President to the Senate on May 6, 2008, withdrawing from further Senate consideration the following nominations:

DAVID M. MASON, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2009, (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

ROBERT D. LENHARD, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011, VICE DANNY LEE MCDONALD, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

ROBERT J. BATTISTA, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2009, VICE DENNIS P. WALSH, WHICH WAS SENT TO THE SENATE ON JANUARY 25, 2008.

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO LYNN MARLETT

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor Mrs. Lynn Marlett 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 honor Mrs. Lynn Marlett for her distinguished and devoted service to her profession and to our community as a registered nurse.

Mrs. Marlett has worked in the Las Vegas area as a Certified Nurse Practitioner since 1999, specializing in gastroenterology. Mrs. Marlett has also closely worked with patients on treatment and collecting data regarding Chronic Hepatitis C.

Mrs. Marlett has extensive knowledge in treating patients with Hepatitis C as well as Cirrhosis and Liver Cancer. Recently, Ms. Marlett has worked with the Health District of Nevada as an Educational Liaison. Her research and knowledge were an invaluable resource for the Health District and her colleagues as a whole. Lynn's professionalism and compassion have earned her the respect of her colleagues and have made her invaluable to her patients.

Mrs. Marlett resides in Las Vegas, Nevada with her husband and two daughters.

Madam Speaker, I am proud to honor Lynn Marlett. Her commitment, passion, and dedication to nursing have improved the lives of countless patients in Las Vegas. I thank her for her dedication and commitment to the community and wish her the best in her future endeavors.

RECOGNIZING THE CONTRIBUTIONS OF HALEY WHATLEY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. BURGESS. Madam Speaker, I rise today to congratulate and honor a young student from my district who has achieved national recognition for exemplary volunteer service in her community. Haley Whatley of North Richland Hills has just been named one of the top two honorees in Texas by The 2008 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state and the District of Columbia.

Haley, a seventh-grader, was nominated by Smithfield Middle School in North Richland Hills. In honor of this achievement, Haley will receive a $1,000 reward and an engraved silver medallion. She also won a trip to Washington D.C. this May to join the other top nominees from around the country. All the honorees will attend several national recognition events and ten of the participants will be named America's top youth volunteers for 2008.

Haley's passion for volunteering began at a young age. When she was six-years-old, Haley saw a television commercial about kids with cancer, and wanted to do something to cheer up the young patients. She began collecting stuffed bunnies during an Easter campaign, and collected 600 bunnies her first year. Since then, she has found several corporate sponsors, spoken to more than 50 civic groups, and enlisted the help of more than 30 "bunny ambassadors" to help collect bunnies from the community each year. Her tireless efforts have yielded more than 13,000 bunnies for sick children in the last 7 years.

The Prudential Spirit of Community Awards was created by Prudential Financial in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. Over the past 12 years, the program has become the nation's largest youth recognition effort based solely on community service, and has honored more than 80,000 young volunteers at the local, state, and national level.

Ms. Whatley should be extremely proud to have been selected from the thousands of dedicated volunteers who participated in this year's program. I sincerely thank Haley for her initiative in seeking to make her community a better place to live, and for the positive impact she has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. It is an honor to represent such an extraordinary young person in the 26th district of Texas, and I earnestly look forward to seeing the present and future results of her tremendous promise.

PERSONAL EXPLANATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. HELLER of Nevada. Madam Speaker, on rollcall No. 243, Motion to Table, had I been present, I would have voted "nay."

ZACHARY PATTERSON OF ST. PETERSBURG, FLORIDA NAMED BRIGGS & STRATTON DIAMOND IN THE ROUGH REGIONAL CHAMPION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. YOUNG of Florida. Madam Speaker, baseball is the great American pastime, but for twelve-year-old Zachary Patterson of St. Petersburg, baseball provided one of the greatest American lessons.

He learned that with the confidence he gained on the ball field, he could overcome the greatest of obstacles including bullying by his classmates at school. Zachary, a seventh-grader at Admiral Farragut Academy, wrote an essay about his experiences for Briggs and Stratton's "Diamonds in the Rough" competition. The essay was to relate how baseball helped players find the power within to overcome great challenges on and off the baseball field.

Zachary's essay earned him first place in the Tampa Bay region and $5,000, and a variety of lawn equipment to help the Azalea Little League, in which he has played for eight years. Following my remarks, I will include an article from The St. Petersburg Times about Zachary's experience and also a copy of his winning essay.

Madam Speaker, last October, this House approved legislation with my support calling attention to the serious problem of bullying in our Nation's schools and commending schools for promoting greatest public awareness about bullying and bullying prevention activities. Zachary Patterson has taken his own initiative to call attention to this national problem by reflecting on the impact bullying has had on his life. Please join me in congratulating Zachary for being honored for his efforts and in thanking him for his willingness to tackle this problem head on at the age of twelve.

[From the St. Petersburg Times, April 4, 2008]

BASEBALL CHANGED HIS LIFE

(By Michael Maharrey)

ST. PETERSBURG.—Laughter drifted across the dusty baseball diamond as Zachary Patterson tossed the ball back and forth with a coach. Joy lit up his face, even in the bright afternoon sun.

Baseball has not only provided Zachary with fun times that will one day become fond childhood memories, but life lessons that make him wise beyond his 12 years.

Now his wisdom has translated to much-needed financial help for the cash-strapped Azalea Little League.

Zachary placed first in the Tampa Bay region in the Briggs and Stratton Diamonds in the Rough competition, winning $5,000 and lawn equipment for his league.

The victory earned him the opportunity to compete against 19 other regional winners for another $5,000 prize and a trip for four to watch the Yankees play in their final season at Yankee Stadium.

Online voting will determine the final winner.

Baseball players ranging from 7 to 14 wrote essays explaining how baseball helped them find the ''power within'' to overcome challenges on or off the field. Entrants came from within 30 miles of 20 select cities, including Tampa.

Zachary wrote about how kids at the military school he attends used to make fun of him, calling him a nerd and a dork. He said playing baseball gave him the confidence to deal with the taunting.

''Our coach, Joel, always says, 'We have to have confidence in ourselves before we have confidence on the field.' Wow, was he right. After playing baseball for a few years I have come to realize that kids made fun of me because I wasn't confident in myself. I ignored what others said but continued to be respectful to them,'' he wrote.

The seventh-grader at Admiral Farragut Academy said kids teased him because he's smart, but the confidence he gained on the baseball field taught him to be proud of all of his accomplishments, and that confidence changed his relationship with his classmates.

''Instead of people making fun of me, they are friends with me now. Everything has changed,'' he said.

Natasha Patterson said she has seen the transformation in her son.

''Now he is willing to try things that he wanted to do but wouldn't because he was picked on,'' she said. ''He's really come out of his shell. Now he's proud of himself academically and strives to do better.''

Zachary gets to help decide how the league will use the $5,000 prize money. He said it needs a new tractor for field maintenance, clay to fill in holes in the diamonds, and chalk for lining the playing area.

If he wins the grand prize, he wants the league to install a handicapped-accessible water fountain.

''That way not just regular players can get a drink, but Challenger players, too,'' he said.

Azalea is one of only two Little League organizations in Pinellas County to feature a Challenger division. More than 100 special-needs children participate in the program, and one of Azalea's fields consists of a special rubber surface that allows kids to play baseball from wheelchairs.

Dana Hess, the league's treasurer, said the prize money couldn't have come at a better time.

Azalea's fields were built in 1969, and all of the structures and fences are original.

''We really need the money. We maintain what we can as good as we can, but everything is so old,'' Hess said.

But for those involved with the league, the excitement is not just about money.

''To have someone so young to write something from the heart really means a lot,'' Carol Vallee, a league volunteer and past president, said. ''This is a well-deserved honor for him.''

Zachary's mother said she hopes area residents will go online and vote for him, not only for his benefit but because of the good the prize money will do for the league.

''Voting for Zach not only helps children here and now; it will help children in the future,'' she said.

Voting began March 26 and continues through April 20.

ESSAY BY ZACHARY PATTERSON

I attend a small military school. Military school can be tough and the kids can be very mean. Confidence was my challenge in school. ''Dork'' and ''Nerd'' are words people used to call me everyday. I would get very angry and come home sad. I didn't have a lot of friends at school. I didn't understand why people made fun of me for doing well. I never joined a sports team at school. I never did anything to draw any more attention to myself. I felt if I did, they would make fun of me more. Luckily, I have played baseball for Azalea Little League for 8 years. None of the kids at baseball go to my school. I am never made fun of while I am there. Every year my teammates become my friends. We treat each other with respect and work together as a team. Our Coach Joel always says ''we have to have confidence in ourselves before we have confidence on the field''. Wow, was he right! After playing baseball for a few years I have come to realize that kids made fun of me because I wasn't confident in myself. I ignored what others said but continued to be respectful to them. I remembered what Coach always says and built up confidence to join football, soccer, basketball, track and cross country. This year I even joined our school's elite baseball team. I'm the starting pitcher. Throughout time, my confidence in myself has outweighed the teasing of others. They now respect me and don't make fun of me. The kids who made fun of me in the past, now ''high five'' me! If I win, I'd help repair our field we play on. It needs a lot of work!

INTERNATIONAL GAY AND LESBIAN HUMAN RIGHTS COMMISSION HONORS THE MEMORY OF TOM LANTOS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. FRANK of Massachusetts. Madam speaker, on Monday, April 28th, the International Gay and Lesbian Human Rights Commission, an organization that fights against prejudice based on sexual orientation and gender expression throughout the world, announced its posthumous recognition of our late colleague Tom Lantos for his extraordinary work on behalf of lesbian, gay, bisexual and transgender victims of bigotry. The IGLHRC awarded our late colleague its OUTSPOKEN Award, in recognition of ''the leadership of a global ally to gay, lesbian, bisexual, transgender and intersex community whose outspokenness . . . contributed substantially to advancing the rights and understanding of LGBTI people everywhere.''

Madam Speaker, I know how well deserved this award is, because I frequently turned to our greatly respected and much missed friend for help in combating anti-LGBT prejudice whenever such matters came to my attention in various other countries. Much of the time when I came to him I found that he was already hard at work in trying to address the particular injustice because no one here did more to fight for fair treatment in this regard internationally. Drawing on his considerable prestige throughout the world, and his unmatched record as a fierce defender of human rights everywhere, Tom Lantos was an invaluable ally in our fight against prejudice.

Madam Speaker, I ask in recognition of just one aspect of the extraordinary work of this extraordinary man with whom we had the pleasure and honor of serving be printed here.

[April 28, 2008]

IGLHRC HONORS THE LATE REPRESENTATIVE TOM LANTOS

The International Gay and Lesbian Human Rights Commission (IGLHRC) announced today that it is presenting a posthumous OUTSPOKEN Award to Representative Tom Lantos, the 14-term Congressman who lost his life to cancer on February 11, 2008. IGLHRC's OUTSPOKEN Award recognizes the leadership of a global ally to the lesbian, gay, bisexual, transgender and intersex (LGBTI) community whose outspokenness has contributed substantially to advancing the rights and understanding of LGBTI people everywhere.

''We are so deeply grateful for Representative Lantos's unwavering commitment to human rights,'' said Paula Ettelbrick, IGLHRC's executive director. ''Throughout his life, Representative Lantos waged a steadfast fight against injustice. His voice, vision and compassion will be sorely missed by all of us in the LGBTI community.''

During his fourteen terms as a member of Congress, Representative Lantos, who rose among the ranks to chair the House Committee on Foreign Affairs, was a strong and consistent voice for the rights of the disenfranchised. As the founding co-chairman of the Congressional Human Rights Caucus, Lantos used his prestige as an internationally respected leader on human rights to hold the very first congressional briefing about the global persecution of sexual minorities. He was the author of the International Human Rights Equality Resolution, which he introduced in the 106th and 107th Congress, condemning human rights violations against lesbian, gay, bisexual, and transgender people throughout the world.

Representative Lantos regularly challenged the abuses meted out by individual countries to their LGBTI citizens. For instance, along with key congressional colleagues, he protested the arrests of allegedly gay men in the United Arab Emirates, and the stoning to death of a Nigerian gay man. He also asked Congress to ''withhold any support for a U.S.-Egypt Free Trade Agreement'' in light of the roundup, conviction and re-conviction of reportedly gay Egyptian men, and issued a strongly worded statement asking the Nigerian Government to consider the implications of passing the Same-Sex Prohibition Act, which would have severely compromised the rights of the LGBTI community in that country.

Congressman Lantos was also a staunch ally of LGBTI Americans. He opposed a Constitutional Amendment banning gay marriage, worked to amend the Immigration and Nationality Act to allow U.S. citizens and lawful permanent residents to sponsor their ''permanent partners'' for U.S. residency, and introduced a bill, with Representative Baldwin, to extend basic employment rights to same-sex partners of federal employees. He campaigned for adoption rights and marriage equality for gay and lesbian couples, and supported hate-crimes legislation and anti-discrimination protections in the workplace. This is only a small part of his astounding legacy of work in support of LGBTI rights.

Born in Budapest in 1928, Congressman Lantos was the only Holocaust survivor to serve in the United States Congress. He was a teenager when the Nazi's invaded Hungary in 1944 and started rounding up Jews. After being sent to a labor camp, and escaping twice, he returned to Budapest where he joined the resistance, lived in a safe house established by Swedish diplomat Raoul Wallenberg and secretly distributed food to other Jews in hiding. At the war's end, he discovered that most of his own family had perished in the Nazi death camps. Miraculously, he managed to locate his childhood

friend, Annette Tillemann, whom he later married. He first came to the United States on an academic scholarship in 1947. He earned a Master's Degree in economics from the University of Washington in Seattle and a Ph.D. in economics from the University of California at Berkeley, teaching economics at San Francisco State University for several years before being elected to Congress in 1980.

''Representative Lantos's legacy has meant so much to our community,'' said Ettelbrick. ''We are truly grateful for his unwavering commitment to human rights. We send our deepest condolences to his wife and family, and are honored to pay tribute to his extraordinary legacy on LGBTI rights by posthumously presenting him with our OUTSPOKEN Award.''

SUPPORTING THE GOALS AND IDEALS OF NATIONAL SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today in support Concurrent Resolution 330, supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

I am proud to be a cosponsor of this resolution, which urges national and community organizations, private businesses, colleges and universities to promote awareness of sexual violence and encourage strategies to decrease the incidence of sexual assault.

We have heard the frightening statistics too many times: 1 in 6 women and 1 in 33 men have been victims of rape or attempted rape; a person in the United States is sexually assaulted every two-and-a-half minutes; one in four college-aged women has been sexually assaulted. These numbers do not even take into account the assaults that go unreported by victims too scared to notify law enforcement or too far from sexual assault victim centers.

National Sexual Assault Awareness and Prevention Month is a time to educate the American public about the unacceptable extent to which this form of violence has become common in the United States. But this month must also be a time to focus on the solutions so that come next April we can instead announce statistics measuring the progress we have made in bringing an end to sexual violence.

In communities throughout the United States, women and men are working tirelessly to develop and implement innovative programs critical to the prevention and treatment of sexual assault. In Minnesota's Fourth District, Ramsey County developed the Runaway Intervention Project, which provides counseling and support for girls who have run away—or are at risk of running away—to reduce their danger of being sexual victimized. The County also reached out to men by creating the Men's Line hotline for men to call and receive guidance on practicing healthy, peaceful relationships. According to the National Network to End Domestic Violence, in one day, over 53,000 American men, women and children use sexual assault services like these and others.

During Sexual Assault Awareness and Prevention Month, I encourage my colleagues to learn about and promote organizations in their Districts that work to prevent sexual assault, treat its survivors and prosecute its perpetrators to bring an end to this violent crisis. Madam Speaker, I urge my colleagues to join me in supporting this resolution and honoring those working across the country to bring an end to violence in our communities.

HONORING THE LIFE AND WORKS OF NANCI BURTON

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Ms. WOOLSEY. Madam Speaker, it is with great sadness that I rise today to recognize the passing of one of our notable local officials and a pioneer in public service, former Santa Rosa Mayor Nanci Burton. Mayor Burton died of cancer last month, at the age of 65, leaving a legacy of goodwill and good works throughout the area.

Nanci was the second woman to serve on the Santa Rosa City Council when she won her first election in 1984. She was elected mayor in 1986 and again in 1991. She once said she entered public life at a time when women were asked such questions as, ''Sweetheart, do you really understand how a business operates?'' As the bookkeeper for her husband's business, she could answer with an honest and resounding, ''Yes.''

Nanci started her two decades of public service on the Santa Rosa planning commission and other boards. She believed that if you want change, you have to get involved.

''She was a fierce advocate for the city, the neighborhoods and all its citizens,'' said Dan Galvin, a friend who served on her first election campaign. ''She left her mark on projects and causes throughout the city.''

Nanci was not only effective, with an impressive resume of accomplishments, but she was fun. ''What many people will remember most about Burton,'' notes the Press Democrat editorial, ''was her spirited participation in the job at hand, her hometown pride, the joy she took in her children and grandchildren—and her infectious laugh, which livened many dull meetings.''

Madam Speaker, Nanci Burton was a treasure to the city of Santa Rosa and its surrounding areas. She will be greatly missed.

IN RECOGNITION OF SANDY LUCAS

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. CARDOZA. Madam Speaker, it is with the greatest pleasure that I rise today to honor a woman who has become a fixture in local politics in my District. Sandy Lucas is not an elected official or a paid political operative, but has become what can only be described as the voice of common sense in our community.

After graduating from the University of Arizona, with a bachelor's degree in history, Sandy began her career in public service in 1974 as Director of the Counseling Job Corps in San Jose. In 1975, she became Director of Polydrug Abuse and Heroin Detox for Santa Clara County. By 1976, Sandy had obtained her license as a Marriage and Family Therapist. She currently serves as the Director of Family and Probate for Stanislaus County.

While Sandy's list of professional achievements is lengthy, it is her accomplishments as a volunteer on local government boards that make her the ''go to'' person when gauging the pulse of the community. As a member of the Modesto School Bond Committee, she worked to successfully pass much needed school bonds. She has served for 6 years on the Stanislaus County Commission on Aging, and most recently acted as a member of the Modesto City Charter Review Committee, working hard to update antiquated rules governing a city of more than 200,000.

Sandy Lucas has also been active on a statewide level with the Democratic Party. She spent several years as a California Democratic Party Regional Director, ensuring the voice of California's Central Valley was heard by party leaders.

Being heard has never been a problem for Sandy Lucas. Her quick wit, tempered reactions, and oh so colorful responses to various occurrences in our community have garnered the respect of area leaders. Sandy's training as a mediator has served her well in politics and given her the ability to see highly divisive issues from every angle, thus bringing workable solutions to the table.

On May 2, 2008, Sandy will receive the coveted Liberty Bell Award from the Stanislaus County Bar Association for all of the aforementioned reasons. Sandy has been a gem to our community, and I am honored, Madam Speaker, to have this opportunity to thank her for her selfless service and wish her the very best in continued community involvement.

A TRIBUTE TO JAN SCHORI

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Ms. MATSUI. Madam Speaker, I rise today in recognition of Jan Schori's 14 years of service as general manager of the Sacramento Municipal Utility District. Ms. Schori leaves a lasting legacy in Sacramento and her leadership and expertise will be deeply missed. I ask all my colleagues to join me in honoring one of Sacramento's finest public servants.

After earning her bachelor's degree in political science from the University of California, Berkley, and her law degree from the University of California, Davis, Ms. Schori has spent nearly the last three decades advocating for environmentally friendly and affordable energy in Sacramento. She began her career with SMUD in 1979 as an attorney; and spent 15 years on the utility's legal staff, five of which were as their general council. In February of 1994 she was appointed as SMUD's general manager. During her time with SMUD, Ms. Schori has held various other leadership positions in the utility industry. She has served as chair on the boards of the American Public

Power Association, the Large Public Power Council, the California Municipal Utilities Association and the National Business Council for Sustainable Energy. In addition, she has been a tireless advocate for clean energy and is on the board of the California Climate Action Registry and the National Alliance to Save Energy.

Under her leadership, SMUD has made many significant improvements in lowering their rates, improving their reliability, increasing their renewable energy programs and their overall customer satisfaction. Ms. Schori helped keep rates 20 to 30 percent below private energy companies, and earned bond rating upgrades from the major credit rating agencies. During her tenure, Ms. Schori worked to establish and expand SMUD solar programs, new energy efficiency goals, and a Greenergy program that has become one of the largest in the nation. SMUD is now a leader in renewable energy and energy efficiency. Due to these efforts, SMUD has been ranked by JD Power and Associates as one of the top providers in California for residential customers and one of the top in the nation for commercial customers.

Ms. Schori's 14 years as general manager of SMUD is the longest of any general manager in SMUD's 61 year history. Her dedication to our community is apparent through her work both with SMUD and with other local non-profits. She serves on the board and is treasurer of Valley Vision. She also actively supports the United Way California Capitol Region's Foster Youth Initiative and was the 2006 recipient of the DeTocqueville philanthropy award. Personally, Ms. Schori has been a pleasure to work with. Her thoughtfulness and intelligence has empowered employees to work diligently with an open door policy. She has also routinely testified in front of Congressional committees on energy issues.

Madam Speaker, I am honored to pay tribute to Jan Schori's distinguished commitment to Sacramento and our energy needs. Ms. Schori's outstanding leadership and dedication to SMUD, has helped promote the use of clean, renewable energy resources that not only benefits our community, but also sets an example for other providers across the state nation. We all are thankful for her efforts. As Ms. Schori's husband Case Butterman, colleagues, family and friends gather to honor her service, I ask all my colleagues to join me in wishing her continued good fortune in her future endeavors.

PERSONAL EXPLANATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. HELLER of Nevada. Madam Speaker on rollcall No. 244, motion to adjourn, had I been present, I would have voted "nay".

IN MEMORIAL OF SGT. STEPHEN LICZBINSKI

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Ms. SCHWARTZ. Madam Speaker, I rise today with a heavy heart. On Saturday May 3, 2008, Sgt. Stephen Liczbinski, a 12-year veteran of the Philadelphia Police Department and a constituent of the 13th Congressional District, was shot and killed while responding to a bank robbery.

Sgt. Liczbinski, who would have turned 40 today, left behind a wife, Michelle, and three children, Matt, Steven, and Amber. He was known to his friends and colleagues as "the real deal," "a great family man," and "a hero."

Sgt. Liczbinski spent most of his career working South Philadelphia as a beat cop in the Fourth District. In November 2007, he moved to the 24th District where he was promoted to Sergeant and became a valuable asset to his fellow officers. He was known as a great supervisor who treated all of his colleagues equally.

When he wasn't on the clock, Sgt. Liczbinski was known as a dedicated father who would bring his entire family with him to police barbecues.

His last words, according to the brave Northeast Philadelphia residents who ran out of their homes to provide him with comfort and assistance was "Tell my wife I'll miss her."

Like many in Philadelphia, I'm hurt and shocked that we've lost yet another courageous, outstanding officer. Unfortunately this is not an isolated incident. The lack of respect for our law enforcement officers and the failure to respect the life of any human is appalling and intolerable.

Our city owes Sgt. Liczbinski its eternal gratitude for the sacrifice he made to protect the public from these heinous criminals.

In respect of that sacrifice, I ask that the whole House of Representatives extend its condolences to Michelle Liczbinski, her family, and the Philadelphia Police Department for their loss.

May our thoughts and prayers ease their grief and help sustain the dedicated men and women of the Philadelphia Police Department who put themselves in harms way every day to protect the safety of our families and communities.

THE CINCO DE MAYO HOLIDAY

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. AL GREEN of Texas. Madam Speaker, I am proud to commemorate Cinco de Mayo, the historic celebration of Mexican heritage and pride.

On May 5th, 1862, Mexican General Ignacio Zaragoza Seguin led 4,000 Mexican troops into battle against the French in the Battle of Puebla, just 100 miles from Mexico City. General Seguin led his brave troops to a spirited victory in spite of being badly outnumbered and lacking the modern weaponry possessed by the French.

The Mexican effort in the Battle of Puebla epitomized courage, as the outmanned troops survived three bloody French assaults and finally achieved resounding success. Numerous Mexicans gave their lives not solely for their country, but also for the timeless values of freedom and justice. The tremendous fight put up by the Mexican troops at the Battle of Puebla also had a substantial impact on the United States' history, as the French defeat provided President Lincoln with crucial support as the Civil War descended into chaos.

There can be no doubting the bravery, spirit or patriotism of the thousands of Mexican troops who fought and, all too frequently, gave their lives at the Battle of Puebla. In the spirit of remembering the sacrifices of those troops, Cinco de Mayo provides us with a perfect opportunity to recognize the sacrifice for sovereignty, the importance of courage and, above all, the universal yearning for freedom.

Cinco de Mayo is celebrated throughout Mexico and the United States with a joyous mixture of food, music and dancing. It has also taken on great significance in the United States as a day to celebrate broadly the culture and ancestry of Americans of Mexican heritage.

The Mexican forces who won the Battle of Puebla should not and will not ever be forgotten, nor will the values for which they fought. I commend those forces for their spirit and courage and I wish all those celebrating the holiday across Mexico and the United States a happy Cinco de Mayo.

ON THE PASSING OF YOSSI HAREL

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. BERMAN. Madam Speaker, I rise today with great sadness to note the recent passing of Yossi Harel, the legendary Haganah commander responsible for shepherding thousands of Jewish refugees through British blockades and to safety in the nascent Jewish homeland.

Harel was perhaps best known for commanding the ship Exodus 1947, which was intercepted off the coast of Haifa by British warships in July 1947, carrying 4,553 Jewish refugees from Europe.

The unconscionable decision by the British authorities to send these Holocaust survivors aboard the Exodus back to Germany focused the world's attention on the plight of Jewish refugees and their desire to leave the fetid displaced persons camps in Europe for a new life in soon to be sovereign Israel.

Members of the United Nations Special Commission on Palestine saw first hand as these refugees, with their meager possessions, were unloaded from the ramshackle Exodus 1947 in the port of Haifa and prepared for their return to Europe—all just precious feet away from the land they had so desperately yearned to reach.

Incredibly these refugees—just two years removed from the horrors of the Holocaust—were held by the British in a former S.S. concentration camp after their return to Germany. This shocked the conscious of much of the world and further galvanized opinion against the British blockage and in favor of the establishment of a Jewish state in Mandate-era Palestine.

The story of those aboard the Exodus 1947 and their harrowing journey to Haifa was immortalized in Leon Uris's novel Exodus and subsequent film featuring the character Ari Ben-Canaan based on Harel himself and played by Paul Newman.

Though Harel is best known for commanding Exodus 1947, he also led three other ships to the shores of Israel, helping 24,000 refugees find safe harbor in the Promised Land—all by the time he was 28.

Today we mourn the loss of a great hero, who not only touched the lives of these 24,000 refugees and won the admiration of millions of people worldwide, but also came to symbolize the determination and pluck of the modern state of Israel.

IN MEMORY OF CHARLES MEADERS

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. PICKERING. Madam Speaker, A man name Charles Meaders from Newton, Mississippi had a soldier's heart, a soldier's honor, and responded to our Nation's call with a soldier's duty. He passed away last month but due to a twist of fate, he did not receive soldier's burial.

Mr. Meaders was in the United States Armed Forces during the Korean conflict. However, he contracted a serious case of pneumonia and was shipped home and discharged, short of the time required to be recognized for veterans' benefits. I've known the Meaders family for a long time and they are educators, soldiers, and hard working Mississippians. Mrs. Bobbie Meaders, who dearly loved her husband Charles, is an active and feisty 72-year-old former nurse.

Madam Speaker, it is my honor to recognize the memory of Charles Meaders and for my office to deliver to his wife her only request, a proper American flag that memorializes her husband's service to the American armed forces. I hope Congress joins me and remembering this patriot and will hold Mrs. Bobbie Meaders in your thoughts during her time of grief.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately last night, May 5, 2008, I was unable to cast my votes on H. Res. 952, the vote to table the motion to reconsider H. Res. 952, H.Res. 1011, the vote to table the motion to reconsider H. Res. 1011, and the motion to adjourn and wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall #240 on suspending the rules and passing H. Res. 952, to establish a National Teacher's Day, I would have voted "aye."

Had I been present for rollcall #241 on tabling the motion to reconsider the vote on H. Res. 952, I would have voted "nay."

Had I been present for rollcall #242 on suspending the rules and passing H. Res. 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 peace and good governance in Chad, I would have voted "aye."

Had I been present for rollcall #243 on tabling the motion to reconsider the vote on H. Res. 1011, I would have voted "nay."

Had I been present for rollcall #244 on the motion to adjourn, I would have voted "aye."

CONGRATULATIONS TO THE 2008 SERVICE ACADEMY APPOINTEES

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. SMITH of Texas. Madam Speaker, today I want to congratulate the 2008 Service Academy appointees from the 21st Congressional District. The following individuals have accepted academy appointments:

Harrison Michael Green, Believers Academy, Air Force Academy; Blair William Kessler, Boerne High School, Air Force Academy; Robert Francis Belz, Health Careers High School, Air Force Academy; Lucas Samuel Johnson, Boerne High School, Air Force Academy; Philip Nicholas Valenzo, MacArthur High School, Air Force Academy; David Kirby Ford, Antonian College Preparatory High School, Military Academy; Nicholas Enrique Ocegueda, New Braunfels High School/US Military Prep School, Military Academy; Thomas Reagan Schiller, Vista Ridge High School, Military Academy; Raymond Anthony Gonzales II, Reagan High School, Military Academy; Karen Elaine Gilkey, MacArthur High School, Merchant Marine Academy; and Padraig G. O'Hara, Fredericksburg High School, Merchant Marine Academy.

PERSONAL EXPLANATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. HELLER of Nevada. Madam Speaker, on rollcall No. 240, H. Res. 952—Expressing the sense of the House of Representatives that there should be established a National Teacher Day to honor and celebrate teachers in the United States, had I been present, I would have voted "yea."

HONORING THOMAS S. CONLEY, SR. OF DADE CITY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor an American soldier who was wounded in service to our Nation during the conflict in Vietnam. Mr. Thomas S. Conley, Sr. is a Marine who served with honor and distinction on the battlefield. It is truly an honor to present this brave patriot with his long overdue Purple Heart Medal.

Born in Wheeling, West Virginia, Mr. Conley's family moved to Pittsburgh when he was in ninth grade. Enlisting in the Marine Corps at the age of eighteen, Mr. Conley was one of about seventy-eight enlistees dubbed the "Pittsburgh Pirate Platoon" when, all gathered around home plate for the ceremony, they were sworn into the Marines in the 7th inning of a baseball game at Forbes Field.

After completing his basic training at Parris Island, South Carolina, Mr. Conley went on to attend radio operator school in California and then served as the 2531 Field Radio Operator with the 9th Marines in Vietnam. Near the end of his tour of duty, his unit was near the Rock Pile in the Northern Eye Core of Vietnam when a mortar round landed between Mr. Conley and another soldier. The other man was thrown twenty-three feet and killed, while Mr. Conley ended up with shrapnel throughout his body.

A third generation soldier whose grandfather served in World War I and his father in World War II, Mr. Conley's wounds sadly forced him to leave the military. He had planned to make a career in the Marines, but after the blast injured him in Vietnam he returned to Bethesda Naval Hospital where he remained for thirteen months prior to being discharged. Continuing the tradition of military service, Mr. Conley's three sons have all served in the Marine Corps, and one has had four tours of duty in Iraq.

Madam Speaker, it is soldiers like Thomas S. Conley, Sr. who joined the military to protect the freedoms that all Americans hold dear. While brave men like Mr. Conley were wounded fighting for freedom and liberty, his family, friends and loved ones know that this Congress will always remember his bravery and commitment in battle.

PAYING TRIBUTE TO THE LIFE OF DONALD L. ROBINSON

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. NEAL of Massachusetts. Madam Speaker, I would like to use this opportunity today to pay tribute to a great American who just recently and unexpectedly passed away.

Donald Robinson worked in the Office of Naval Intelligence and as a Chief of Staff and Staff Director on Capitol Hill in his younger years, but he is perhaps remembered best as a mentor to the hundreds of young people who came to Washington, DC to pursue an internship on Capitol Hill or with the Federal Government.

For 25 years, Donald L. Robinson worked with his wife, Sara Robinson, as a Director of the Boston University Washington Internship Program.

Madam Speaker, I pay tribute to the contribution he and his wife Sara made to enrich the lives of young people in who came to Washington to try out public service. He will be missed greatly. I would like to take the opportunity to submit his obituary in the Congressional Record today and to thank him for

assisting in launching many successful, meaningful careers.

[May 2, 2008.]

DONALD L. ''ROBBIE'' ROBINSON, PH.D., 71, CONGRESSIONAL STAFFER; B.U. POLITICAL SCIENCE PROFESSOR

WELLFLEET.—Donald Louis ''Robbie'' Robinson, Ph.D., 71, a retired congressional staffer and political science professor at Boston University, died in his sleep at his home in Wellfleet, on Tuesday, April 29, 2008.

Robbie is survived by his wife of 45 years, Sara Moore Robinson. He is also survived by his daughter, Moore, his son, Marshall, his daughter-in-law, Jennifer, and his granddaughter, Aila.

Robbie was born in Ottawa, Ill., in 1936. In his youth, he was a talented trumpet player and tap dancer, who won numerous prizes. He received an academic scholarship to Northwestern University, from which he earned a Bachelor of Arts degree in 1958, and a Master of Arts degree in 1959. While at Northwestern, he earned spending money playing trumpet in a dance band, and was a member of the Alpha Tau Omega fraternity.

Robbie joined the Navy in the Officer Training Program, and moved to Washington, D.C., where he served in the Office of Naval Intelligence for 3½ years. During his tenure in the Navy, he began a doctoral program in International Relations at American University in Washington, D.C. He left the Navy in 1962 and received his Ph.D. in 1963.

It was at a friend's Sunday brunch, over bagels, where he met his future wife, Sara Moore, a congressional staffer. The two fell in love and were married in 1962. They had two children, a son, Marshall, in 1969, and a daughter, Margaret ''Moore,'' born in 1971.

Dr. Robinson worked as a congressional staffer for 13 years, before retiring on disability in 1976 after being diagnosed with Crohn's disease. He was then hired by Boston University to develop a Washington, D.C., Internship Program, which he ran for 25 years. In addition, he developed internship programs for Case Western Reserve and the University of Houston. He was appointed by President Bill Clinton to be a member of the National Commission on Libraries and Information Science. Dr. Robinson and his wife, an attorney, retired together and moved from Washington, D.C., to Wellfleet in 2001.

Robbie was deeply involved with the Episcopal Church in Washington, D.C., first at St. Stephen and the Incarnation, and then at St. Columba's Church, where he was a lay minister. After retirement, he was a lector, lay minister and administrator of the healing rite at St. Mary of the Harbor, Provincetown.

At the time of his death, he was president of the Wellfleet Historical Society, treasurer of the Cape Cod Opera, the only nonsinging member of the board of the Outer Cape Chorale, a Freemason and a Shriner. Last year, he and his wife joined dear friends on a guided tour through the Baltic States and Russia.

Robbie loved his family very much, and was delighted to meet his adored first grandchild, Aila, in January. Despite his history of chronic illness, his death came suddenly and unexpectedly, and is a great loss for all who knew him for his indomitable good cheer, his delight of conversation and his sheer enjoyment of life. He will be missed tremendously.

A memorial celebration will be held on Saturday, May 17, 2008, at 3 p.m., at St. Mary of the Harbor in Provincetown.

In lieu of flowers, donations may be sent to Wellfleet Historical Society (Please note: Attention Robbie Robinson Fund) at 266 Main St., Welifleet, MA 02667.

HONORING MAJOR BERNARD WARRINGTON

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mrs. CHRISTENSEN. Madam Speaker, I rise to commend a soldier from my district, the U.S. Virgin Islands, Major Bernard Warrington, Jr., who will be promoted today to lieutenant colonel. Bernard Warrington, Jr., was born in Christiansted, St. Croix, U.S. Virgin Islands in 1970. He attended public school there and graduated from Central High School in 1988. Since that time, he has distinguished himself as a soldier and a scholar, working his way up in the military, first as an infantry officer in 1992, in the 2nd Battalion, 18th Infantry Regiment, 3rd Brigade, 24th Infantry Division at Ft. Benning, Georgia. While assigned to the 3rd Brigade, he deployed to Kuwait in support of Operation Southern Watch.

In 1996, he relocated to Ft. Hood, Texas, where he served with the 1st Cavalry Division Support Command, (DISCOM), as its Plans Officer and Assistant Brigade Operations Officer. He was then reassigned to 615th Aviation Support Battalion (ASB) to command its Headquarters and Supply Company (HSC) and deployed with the 1st Cavalry Division to Bosnia, Herzegovina, in support of Operation Stabilization Forces Four (SPOR4).

Major Warrington then served as the Combat Service Support (CSS) Team Chief for the 348th Training Support Brigade (TSB) Ft. Buchanan, Puerto Rico, responsible for training U.S. Army Reserve and National Guard Forces. He was next assigned within the U.S. Army Forces Command (FORSCOM) as a G4 Power Projection Logistics Planner and Crisis Action Team member for CENTCOM during Operation Enduring Freedom.

He was deployed in 2003 to meet the 101st Corps Support Group (CSG) in Mosul, Iraq, where he served as its Brigade Operations Planner, Deputy Brigade S3 during Operation Iraqi Freedom I during its reconstitution at Ft. Campbell.

From July 2004 to December 2006, he served as both the Battalion Executive Officer and Support Operations Officer for 8th Battalion, 101st Aviation Regiment, during which time he redeployed in 2005, with the battalion to Tikrit, Iraq, in support of Operation Iraqi Freedom IV.

Since December 2006, Major Warrington has been assigned as a plans officer to HQDA DCS g-3/5/7. He also served as an Army Congressional Associate within the office of Senator CLAIRE G. MCCASKILL. He currently serves on the Army Staff in the Army Transformation Office.

During his time in the military, Major Warrington has earned an associate of arts degree in business administration and military science from Georgia Military College, a bachelor of business administration from Georgia College and State University, a masters of business administration in industrial operations management from InterAmerican University in Puerto Rico and has graduated from the Command and General Staff College with the Combined Logistics Officer Advance Course and the Infantry Officer Basic Course.

His awards and decorations include the Bronze Star Medal, the Meritorious Service Medal, the Army Commendation Medal, the Army Achievement Medal, the Meritorious Unit Citation, the Army Superior Unit Award Badge, the U.S. Army Staff Badge, the Honorable Order of St. Michael, and the Honorable Order of St. Martin.

Major Warrington is married to the former TaMekii Clark of Conyers, Georgia, and they have two children, Naomi and Claude Nigel.

Madam Speaker, on behalf of the people of the U.S. Virgin Islands and the 110th Congress, I am pleased to recognize the achievements of Bernard Warrington, Jr., as he is promoted from Major to lieutenant colonel and I wish him continued success in his illustrious military career.

HONORING JERRY PRIETO, JR.

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. RADANOVICH. Madam Speaker, I rise today to honor Jerry Prieto, Jr. upon being honored with the ''Fresno County Farm Bureau Distinguished Service Award'' at the Fresno County Farm Bureau's Annual Banquet to be held on Thursday, May 8, 2008.

Jerry Prieto, Jr. is a native of Corcoran, California. He is the son of a former migrant farm worker and was raised in a small town with a small family. Mr. Prieto attended California State University, Fresno and obtained his Bachelor's of Science degree in Plant Science. In 1974 he began working for the Fresno County Department of Agriculture and six years later he obtained the position of Deputy Agricultural Commissioner. After nine years he went to work for Fresno County Personnel Department as a Senior Personnel Analyst. In 1993, Mr. Prieto was appointed Fresno County Resource Manager. He was responsible for solid waste issues throughout the county and operated the American Avenue Regional Landfill, the Southeast Regional Landfill and the Coalinga Landfill. He was also responsible for providing road maintenance, street lighting, garbage collection, parks, sewer and water services to ninety special districts.

In 1999, Mr. Prieto was appointed to the position of Fresno County Agricultural Commissioner/Sealer of Weight and Measures exactly twenty-five years after he began working for the department. He was responsible for promoting and regulating the nation's number one agriculture producing area. Mr. Prieto also served as a member of Governor Gray Davis' State Committee on Terrorism and the Western Weights and Measures Association Board

of Directors. He served as the first Chairman of the California Agriculture Commissioners and Sealers Association's Food Safety and Agriculture Security Committee. For four years he served as Chairman of the Fresno County Department Heads Council. Currently, Mr. Prieto is a member of the Fresno County Farm Bureau, the Fresno County Council of Governments Farmland Conservation Steering Committee, Chairman of the Fresno County Council of Governments Farmland Preservation Advisory Committee, and the Fresno County Land Conservation Committee. He is the immediate President of the California Agricultural Commissioners and Sealers Association and was the first Agricultural Commissioner to serve two terms as President. Mr. Prieto is the Chairman of Secretary Kawamura's AB 771 Honeybee/Seedless Mandarin Co-Existence Working Group.

Madam Speaker, I rise today to commend and congratulate Jerry Prieto upon being awarded with the "Fresno County Farm Bureau Distinguished Service Award." I invite my colleagues to join me in wishing Mr. Prieto many years of continued success.

IN RECOGNITION OF JEWISH AMERICAN HERITAGE MONTH

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. EMANUEL. Madam Speaker, I rise today in recognition of Jewish American Heritage Month.

In 2006, Congress unanimously passed H. Con. Res. 315, a resolution urging the President to issue a proclamation for the observance of an American Jewish History Month. I was an original co-sponsor of that important legislation, and following our action, President Bush proclaimed May as Jewish American Heritage Month as a means of celebrating the Jewish community's history in America in addition to their contributions to American culture. On April 29, 2008, President Bush reaffirmed his commitment of celebrating Jewish American heritage by making May 2008 Jewish American Heritage Month.

Since 1654, the American Jews have contributed to American life and society in all walks of life. The achievements of American Jews span all fields including medicine, law, entertainment, public service, technology, and literature. I take this time to celebrate those who have served our nation and propelled it successfully into the 21st century.

Throughout more than 350 years, American Jewish culture has become intertwined with American culture. The Jewish faith and spirit in combination with Jewish history and culture serve as an integral part of what this nation is today.

Madam Speaker, I am proud to commemorate Jewish American Heritage Month and hope that my colleagues will join me in celebrating the American Jewish community and its commitment to enriching American society and culture.

TRIBUTE TO RITA AND JACK SINDER

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. SHERMAN. Madam Speaker, I rise today to honor and congratulate my dear friends Rita and Jack Sinder for their invaluable and outstanding service to Valley Beth Shalom Temple.

Jack and Rita have been two of the most productive members of the Valley Beth Shalom community, bringing guidance, spirituality and joy to the congregation. Jack, a former bond chair for the State of Israel Bonds, served as construction chair for the synagogue during its expansion in 1986. As construction chair, Jack planned and oversaw construction of the sanctuary, classrooms, administrative offices, chapel and the parking center. The parking center is now dedicated to the Sinders. Rita is a past president of the San Fernando Valley's Women Division of Israel Bonds and a past president of the Women's Alliance for Israel, and she continues to serve on its executive board. Jack and Rita are also founding members of the American Jewish University Wagner Program and patrons of the Wiesenthal Center.

Valley Beth Shalom continues to make extraordinary contributions to the San Fernando Valley through innovative programs that promote tolerance, increase learning, develop leadership skills, and foster social justice. Valley Beth Shalom has demonstrated a longstanding commitment to developing the community's understanding of the connection between religion and education. The temple empowers individuals, allowing their voices to be heard in our community and around the world.

Madam Speaker, I am proud to recognize Jack and Rita Sinder for their outstanding service to the Valley Beth Shalom community.

PERSONAL EXPLANATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. HELLER of Nevada. Madam Speaker, on rollcall no. 241, Motion to Table, had I been present, I would have voted "nay."

SALUTING BLOOMINGTON, MINNESOTA, ON ITS 150TH BIRTHDAY AND REMARKABLE ROLE IN MINNESOTA HISTORY

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. RAMSTAD. Madam Speaker, I rise to pay tribute to a truly great community in Minnesota's 3rd Congressional District which has played a crucial role in the history and development of our region and State.

Bloomington is our State's 5th largest city and this special city will celebrate its 150th birthday on May 11, the same day the State of Minnesota was admitted to the Union.

Madam Speaker, we salute Bloomington for its remarkable success, pioneering spirit, record of public service to help people in need and role in positioning both Minnesota and the U.S. for a prosperous future in the global economy.

Bloomington is a place of historic importance situated near the confluence of the Mississippi and the Minnesota Rivers, and in close proximity to Historic Fort Snelling, completed in 1825. The soldiers of Fort Snelling mediated disputes between Minnesota's Dakota and Ojibwe Indians. In 1843, the first European settlers built a cabin near the current 10th Avenue Circle and taught farming methods to Dakota Indians. The territory to the west opened to settlers in 1851.

Bloomington is a city with tremendous historical pride and patriotism and we honor all of Bloomington's courageous members of our armed forces who have fought for freedom. Bloomington was also the home of Tom Burnett, Jr., one of the heroes of Flight 93 on September 11, 2001.

Madam Speaker, Bloomington is home to 85,172 wonderful people and it has been my pleasure to represent all of them in Washington the past 18 years. Bloomington natives have been leaders in commerce, technology, environmental awareness, sports and the arts. Control Data was born in Bloomington and was one of the pioneering supercomputer firms. For most of the 1960s, it built the fastest computers in the world.

It has been my great pleasure to work with the Bloomington Art Center on the 3rd Congressional District High School Arts Competition every year. Bloomington's public schools have produced some of our Nation's best and brightest. Bloomington is also home to the Minnesota Valley National Wildlife Refuge, which has been so critical to preserving water quality throughout the Midwest and the Mississippi River Valley all the way to the Gulf of Mexico.

Madam Speaker, you could travel this entire Nation and not find a more caring, committed, hard-working and innovative community. Bloomington is home to Minnesota's first major league baseball and football teams and the world famous Mall of America, and it is adjacent to Minneapolis-St. Paul International Airport. Bloomington has been the face of Minnesota to many all across this great land. For that we thank all the people of Bloomington for helping boost Minnesota's image in the eyes of the world.

Madam Speaker, in recognition of the historic significance of the Sesquicentennial Celebration to the Community of Bloomington, to the State of Minnesota, and to the United States of America, we are pleased to dedicate May 11, 2008, as the Bloomington Sesquicentennial Day in Minnesota. Happy 150th birthday, Bloomington, Minnesota!

SENSE OF HOUSE OF ESTABLISHING A NATIONAL TEACHER DAY

SPEECH OF

HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mrs. BOYDA of Kansas. Mr. Speaker, this week (May 4–May 10) we celebrate Teacher

Appreciation Week, and Tuesday, May 6, as National Teacher Day. These days have been set aside as a time for honoring teachers and recognizing the lasting contributions they make to our lives.

Last year, the National Education Association (NEA) conducted an online poll asking teachers what kind of gift would most make them feel appreciated. The answer? A simple ''thank you, '' according to nearly half (48 percents) of all respondents.

Such humility comes as no surprise. My mother was a public school teacher, so I know firsthand how many sacrifices teachers make both with their own money, their time and their heart. They work long hours and are often underappreciated. Yet, few other professionals touch as many people as teachers do. I bet many of us learned life lessons that we carry with us today because of a special teacher. I don't know that we can ever say ''thank-you'' enough times to teachers who have made a difference in our lives. This week, I hope we'll all take a minute to tell a special teacher ''thank you''—a simple thank you card, a quick phone call—it means a lot.

I recognize that these are small ways to honor teachers, and that we have to put our money where our mouth is. Teachers give so much to support Kansas students—it's high time that Congress repays the favor. Here are some of the ways I have made a commitment to helping teachers:

Providing tax relief for teachers. I co-sponsored H.R. 549, the Teacher Tax Relief Act to increase and make permanent a tax deduction of up to $400 for elementary and secondary school teachers. I am also a co-sponsor of H.R. 3605, introduced after H.R. 549, which will increase the deduction to $500. This deduction would help teachers recoup expenses when they use their own money to buy classroom supplies.

Funding Continuing Education for Teachers. I voted for the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education and Science (COMPETES) Act, which became law in August, 2007. The act provides professional development for teachers, ensures more highly qualified classroom teachers in mathematics, science, engineering, and technology, and provides funding to improve laboratory equipment and facilities.

Student Loan Assistance. The College Cost Reduction and Access Act, which I voted for and was signed into law by the President in September, 2007, includes a tuition assistance program for public school teachers who commit to working in impoverished areas or in high-need subjects.

Public schools are at the heart of any community and I believe we all have to work together to make our schools the best that they can be. That means everyone in the community—parents, business owners, retirees, local government and students must pitch in.

This week is an opportunity for all of us to get involved. That apple on the desk or a thank you card is an important first step. But, let's use this week to learn about and advocate for high standards for our public schools and appropriate compensation for teachers. A community's active support of the work that teachers do, combined with that ''thank-you,'' can make changes that will last for generations to come.

HONORING CAREER OF DR. SARAH N. DENMAN

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. RAHALL. Madam Speaker, I rise today to pay tribute to Dr. Sarah N. Denman and her 33 years of service to the students and faculty of Marshall University. Marshall University is home to 14,000 of West Virginia's best and brightest students and one of the finest public universities in the Nation. For the last 9 years, Sarah has served as the Provost and Senior Vice President for Academic Affairs at Marshall University and is now set to retire on May 10, 2008, with Marshall's 171st Commencement.

Born and raised in Kenova, West Virginia, Sarah has devoted her life to improving our State's educational opportunities. She earned both her bachelor's and master's degrees from Marshall University and her doctorate in higher education administration from West Virginia University. She then taught for 6 years at Ceredo-Kenova High School before joining Marshall's faculty. At Marshall, she has served as Coordinator of the Communications Program, Associate Dean for the Community College, Higher Learning Commission Consultant Evaluator, Associate Vice President for Academic Affairs, Vice President of Academic Affairs, and since 1999, Provost and Senior Vice President for Academic Affairs.

During her tenure, Sarah has been a godsend to Marshall University, helping it expand and flourish, and has played a powerful role in transforming a once humble Marshall College into the internationally renowned university it is today. From Associate Professor to Provost, Sarah has left her mark on virtually every aspect of the University and touched countless lives of those around her.

Marshall's academic programs have been blessed by her guidance and, in turn, southern West Virginia has been blessed by Marshall. Thanks to her hard work and dedication at Marshall, the best and brightest of West Virginia's students have access to the higher education they need—without leaving the home they love—to succeed in the global economy.

Sarah's list of accomplishments far exceeds her years of service. She has nurtured generations of young minds and helped shape the higher education system in West Virginia. Her dedication to her work and commitment to helping others are examples to us all.

I again congratulate Sarah for her 33 years of dedicated service at Marshall University and wish her continued success in retirement and all her future endeavors.

NATIONAL FUNERAL DIRECTOR AND MORTICIAN RECOGNITION DAY

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in strong support of H. Res. 892, a resolution that designates March 11 as ''National Funeral Director and Mortician Recognition Day.''

Funeral directors and morticians are vitally important in helping families mourn death, celebrate a life, and begin the process of closure. They also give advice on the decisions one needs to make as a caretaker and as a provider of a funeral service. According to the Minnesota Funeral Directors Association, ''The funeral ritual is helpful and valuable for all who feel the loss of the deceased. It validates life and allows us to go on living. The ritual aspect is important for closure and social reasons. Attending the funeral allows us to deal with the loss, says goodbye, and reaffirms the importance of living.''

Mayor Bill Sandberg of North Saint Paul, who died on April 20, 2007, was one of my mentors. He spent his career as a funeral director in the St. Paul area and was active in the Minnesota Funeral Directors Association and a Heritage Club member of the National Funeral Directors Association (NFDA). NFDA was established in 1882 in order to better serve the public and its members. Today, it is the oldest and largest national funeral service organization in the world.

I want to thank funeral directors and morticians for their dedication to this profession and urge my colleagues to support this resolution.

IN SUPPORT OF H. RES. 981—RECOGNIZING MARCH 6, 2008, AS THE FIRST-EVER WORLD GLAUCOMA DAY, ESTABLISHED TO INCREASE AWARENESS OF GLAUCOMA, A LEADING CAUSE OF PREVENTABLE BLINDNESS IN THE UNITED STATES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. RANGEL. Mr. Speaker, I rise today in support of H. Res. 981, recognizing March 6, 2008, as the first-ever World Glaucoma Day, established to increase awareness of glaucoma, a leading cause of preventable blindness. I want to congratulate my colleagues Congresswoman TAMMY BALDWIN for introducing this important resolution and together with Congressman PETE SESSIONS for bringing this measure forward. As a cosponsor of this resolution, I am proud to speak out in favor of adequate Federal funding, legislation when indicated, greater support for glaucoma education and awareness, screenings, regular eye examinations, follow-up, treatment and research. Raising the level of awareness about the effects of this devastating eye disease, and drawing attention toward taking the necessary steps to preserve sight has been of great importance to me, and a special mission for many years.

The resolution expands awareness by calling attention to this dreadful disease that can rob individuals of the priceless gift of sight. Glaucoma, an eye disorder that damages the optic nerve, is a leading cause of irreversible blindness, and affects more than 3 million people. It is often referred to as the ''sneak thief of sight,'' as many are not aware that they have the disease because it has no noticeable early warning signs, symptoms or

pain. It is estimated that 1.5 million Americans are losing their sight because they do not know that they have the disease and are not getting the treatment they need.

The resolution also supports early detection of glaucoma for those at risk, enhanced treatment for those affected, and expanded research. Those groups at highest risk for glaucoma include African Americans, Hispanics, people with a family history of glaucoma, as well as individuals with diabetes and/or hypertension. Senior citizens, in general, are also at high risk for glaucoma. Compelling studies and data show that glaucoma is 6 to 8 times more common in African Americans than in Caucasians, and that African Americans between 45 and 65 are 14 to 17 times more likely to go blind from glaucoma than Caucasians in the same age group. Glaucoma is also the most common cause of blindness in Hispanics, the fastest growing ethnic minority in the country, and they too are at particular risk of being blinded by the disease.

I am proud to support the resolution and underscore the use of legislation as a vehicle when necessary, support adequate Federal funding for early detection, treatment, research, annual screenings and comprehensive eye examinations for individuals over 40, and those at highest risk for glaucoma.

I applaud and support the mission and service of those agencies and organizations such as the National Institutes of Health, National Eye Institute, Glaucoma Research Foundation, glaucoma specialists at teaching hospitals, clinics, colleges and universities across the country who demonstrate on a daily basis, their dedication and commitment toward combating this devastating disease.

I am particularly proud of the work of the Friends of the Congressional Glaucoma Caucus Foundation, a non-profit organization and the affiliation that I share with my colleague and friend Congressman ED TOWNS, as founding members of the Congressional Glaucoma Caucus, a non-partisan body of more than 90 congressional members in the House and Senate. I urge my colleagues who are not members of the caucus to join to promote free glaucoma screenings, education and awareness within your districts.

Finally, I join in with my colleague Congressman ED TOWNS of New York and urge the Energy and Commerce Committee to hold a speedy hearing on H.R. 3005, the Glaucoma Screening Act of 2007, a worthy and important bill introduced by our colleagues, Representatives SERRANO and BOOZMAN.

PERSONAL EXPLANATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. HELLER of Nevada. Madam Speaker, on rollcall No. 242, H. Res. 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 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—had I been present, I would have voted "yea."

CELEBRATING TEN YEARS AT ALLIANCE OPPORTUNITY CENTER

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. BURGESS. Madam Speaker, I rise today to recognize the anniversary of the Alliance Opportunity Center, which has served North Texas for 10 years.

The Alliance Opportunity Center, a non-profit organization supervised by Hillwood, Tarrant County College, Tarrant County Workforce Development Board, Texas Workforce Commission and the Fort Worth Chamber of Commerce, has long been committed to economic growth in Tarrant and Denton Counties, and their impact on the area is certainly cause for celebration.

The Alliance Opportunity Center's main goal is to shorten employee turnaround time, reduce job recruitment costs, and enhance employee skills and retention. This objective is achieved through the many services the AOC offers to the community. The Alliance Opportunity Center advertises Alliance job listings nationwide, maintains a current job-applicant database to best match open positions with available candidates, provides companies with the resumes of candidates best suited for open positions, and screens applicants for qualified referrals.

The organization also hosts the Annual Alliance Texas Hiring fair and coordinates and conducts job fairs for individual companies. The Alliance Opportunity Center staff keeps the interests of the community in mind, allowing area companies more time to focus on their core work and, in the process, making Alliance businesses an even greater success.

Madam Speaker, it is with great honor that I rise today to honor Alliance Opportunity Center for its commitment to playing an active role in the development, improvement and success of the North Texas community. I am proud to represent such a prestigious organization in Texas' 26th Congressional District.

TRIBUTE TO MARTHA KRUETZMANN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. LATHAM. Madam Speaker, I rise today to congratulate Martha Kruetzmann on the celebration of her 100th birthday on April 2, 2008.

Martha was born on April 2, 1908 to Peter and Lydia Wigand in Sheboygan, Wisconsin. She was one of four brothers and three sisters. Martha was married to the late Reverend A.I. Kruetzmann and has three children, Eileen, Evelyn, and Edith; eight grandchildren; and 13 great-grandchildren. She currently lives at the Hubbard Care Center in Hubbard, Iowa.

There have been many changes that have occurred during the past one hundred years. Since Martha's birth we have revolutionized air travel and walked on the moon. We have invented the television and the Internet. We have fought in wars overseas, seen the rise and fall of Soviet communism and the birth of new democracies. Martha has lived through eighteen United States Presidents and twenty-four Governors of Iowa. And, in her lifetime, the population of the United States has more than tripled.

I congratulate Martha Kruetzmann for reaching this milestone of a birthday. I am extremely honored to represent Martha in the United States Congress and I wish her happiness and health for many years to come.

FILIPINO WORLD WAR II VETERANS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mrs. MALONEY of New York. Madam Speaker, I rise to pay recognition to the Filipino veterans who so bravely served under the U.S. flag during World War II.

The Philippine Islands were a U.S. territory from 1902–1946. On July 16, 1941, President Franklin D. Roosevelt called over 200,000 Filipinos to service under the command of General Douglas MacArthur. They courageously fought side-by-side with soldiers from the United States, under the American flag and for a common goal to protect all nations from aggressive governments.

Madam Speaker, despite their patriotism, sacrifice, and service to this nation, the Filipino veterans of World War II have still not received the full benefits they were promised 62 years ago.

The average age of these heroes is 84. Congress has a moral obligation to provide for the Filipino veterans who fought as part of the United States during World War II before it is too late. We must restore dignity and honor to these proud veterans.

HONORING THE PUBLIC SERVICE OF SGT. RICHARD J. "RICK" KASPER

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. GERLACH. Madam Speaker, I rise today to honor a dedicated public servant from Chester County, Pennsylvania, who is retiring after a nearly 30-year career with the West Whiteland Township Police Department.

Sgt. Richard J. "Rick" Kasper joined the West Whiteland Police as a patrol officer in 1978. He became one of the first members on the force to be promoted to the rank of sergeant in 1988.

As a patrol shift supervisor for 25 years, Sgt. Kasper earned the respect of his colleagues for his ability to think on his feet and his sound judgment at times when officers' lives and the safety of the community were on the line.

Whether it was safely disarming a knife-wielding suspect or responding to a threat of violence at a local mall, the members of the West Whiteland Township Police Department

knew they could always depend on the steady hand of Sgt. Kasper to guide them through the tension-filled moments.

In addition to pinning on a badge for work each day, Sgt. Kasper passed on his knowledge about police work as one of the Department's original firearms instructors. Sgt. Kasper's dedication to the Department was surpassed only by his devotion to his family. In a testament to just how well Sgt. Kasper juggled the demands of police work and the needs of his family, his daughter, Heather, followed in her father's footsteps to become a police officer with a department in Florida.

Rick's career and accomplishments will be celebrated on Friday, May 9, 2008 during a dinner at the Downingtown Country Club.

Madam Speaker, I ask that my colleagues join me today in praising the outstanding service of Sgt. Richard J. Kasper, and all those who take an oath to serve and protect their communities.

HONORING THE LIFE OF GILBERT GUY FRANCIS

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Gilbert Guy Francis upon the occasion of his 80th birthday.

Gilbert Francis dedicated his life to selflessly serving our community and country. Following service in the Air Force, Mr. Francis graduated with a Bachelor of Science Degree in Business Education and subsequently taught for 10 years at Southwestern High School in Detroit. Many happily remember his efforts as he found the time to teach typing and accounting to the continuing education school at night and the regular students during the day.

Gil has many hobbies as well. He faithfully studies the genealogy of the Francis family, tracing their roots back to Wales. Gill also excels at stamp collecting, roller-skate dancing, and playing the piano. As well as being an expert keyboardist, Gil has along the way done much to further the study and appreciation level for pipe organs. Not the first book he has put pen to paper for, ''Michigan Pipe Organ Theaters'' is his latest anticipated forthcoming publication. He has distinguished himself serving as the Treasurer and then President of the Detroit Theater Organ Society for a number of successful years. These days, lucky listeners can happen upon the organ historian playing the pipe organ at the famed Redford Theatre for classic old films.

Gilbert Francis is a man of integrity, devoted to his family, who has dedicated his life to his wife Penny, his two children Carl and Nancy, and their wonderful grand- and now great-grandchildren.

Madam Speaker, for eighty years Gilbert Guy Francis has faithfully served his family and community. As he enters the next phase of his life, he continues a legacy of dedication, skill of craft, and dignified leadership. Today, I ask my colleagues to join me in congratulating Gilbert upon this momentous day and recognizing his years of loyal service to our community and country.

PERSONAL EXPLANATION

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, on Monday, May 5th, 2008, I was absent for legislative business to attend a Department of Defense event in my district.

Had I been present, on H. Res. 952 to establish a National Teacher's Day, I would have voted ''aye.''

HONORING MRS. DEBORAH ANN HARRIS

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. CULBERSON. Madam Speaker, I rise today to honor Mrs. Deborah Ann Harris, a teacher at St. Francis Episcopal Day School in Houston, Texas, for receiving a 2008 Presidential Award for Excellence in Mathematics and Science Teaching.

Under a bill Congress passed in 1983, the President selects up to 108 teachers every year to recognize for their exemplary contributions. This Presidential Award is the highest honor a kindergarten through 12th grade math or science teacher can receive for outstanding teaching in the United States.

Anne Chisholm, middle school principal at St. Francis Episcopal Day School, says of Mrs. Harris, ''Debbie has a true passion for life and teaching science, the world is her classroom. Debbie sees the goodness in people, and she believes that all children can be great and she exhibits this through her teaching.''

Madam Speaker, I ask my colleagues to join me in tribute to Mrs. Deborah Ann Harris for inspiring the students at St. Francis Episcopal Day School, and to congratulate her for earning this prestigious award.

INTRODUCTION OF HOME OWNERSHIP TAX CREDIT LEGISLATION

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. TERRY. Madam Speaker, today I, along with several of my colleagues, am introducing legislation to provide homebuyers with incentives to purchase as a way of eliminating the excess inventory of homes, relieving some of the pressure on falling housing prices, and increasing housing demand at a time when mortgage lenders are tightening up their loan requirements.

According to the Nebraska Business Forecast Council, December 2007, inventories of completed and unsold housing units in Nebraska remain high. Although housing construction in Nebraska did not experience the surge seen on the east and west coasts, it could take the balance of 2008 before new house inventories in Nebraska are drawn down. Reducing these housing stocks in Nebraska is critical to the continued growth of Nebraska home builders and the many other sectors of the economy dependent on the housing construction industry.

According to the National Association of Realtors, total housing inventory rose 5.5 percent at the end of this January to 4.19 million existing homes available for sale, which represents a 10.3-month supply at the current sales pace, up from a 9.7-month supply in December. Former Federal Reserve Chairman Alan Greenspan noted in November 2007 that reducing home inventories is critical for the health of the economy.

Madam Speaker, under the legislation I am introducing today, home buyers who purchase a qualified principal residence within a year of the Act's enactment will be eligible for a one-time tax credit of 10 percent of the home's purchase price, up to $10,000. Mortgages which exceed the maximum original principal obligation of a mortgage the Federal Home Loan Mortgage Corporation will purchase, will not qualify.

American taxpayers should not bear the burden of bailing out scam artists and speculators. This bill provides a market incentive which works to actively reduce local inventory of homes, stimulate the economy and empower homebuyers. I encourage my colleagues in the House to examine this bill and join me in helping provide Americans with a viable pathway to home ownership.

SALUTING MINNESOTA'S TEACHER OF THE YEAR, CARLEEN GULSTAD OF HOPKINS NORTH JR. HIGH SCHOOL

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. ELLISON. Madam Speaker, today is National Teachers Day, and Mr. RAMSTAD and I want to pay tribute to all of America's dedicated, talented and energetic teachers who have so much influence on our Nation's children and our country's future. We thank them for their sacrifice, selfless devotion to young people and their public service.

We want to call special attention today to one such teacher, Minnesota's ''Teacher of the Year,'' Carleen Gulstad. Carleen, who lives in Maple Grove, teaches language arts at Hopkins North Jr. High School in Minnetonka, which serves the families of both the 3rd and 5th Congressional Districts. She has been teaching 8th and 9th grade students in English classes at Hopkins North since 1999.

Carleen is truly most deserving of this distinguished honor from Education Minnesota. The award was announced Sunday, May 4, at its 44th annual awards program in Brooklyn Park, Minnesota.

Madam Speaker, Carleen says that one of her guiding principles as a teacher is to treat each student as an individual. ''Every kid counts. Every kid has a story. And every kid has value,'' Carleen says. ''I teach them critical thinking. They need to decide for themselves.''

That kind of approach is what makes Carleen a great teacher, and our Nation's outstanding teachers carry those very same traits, teachers who are brilliant in their ability to offer encouragement, who can spark the

imagination, instill in young people the drive to reach for excellence in all their varied pursuits and the confidence to speak their minds.

Carleen's principal at Hopkins North Jr. High, Pat Schmidt, says: "Carleen has the courage to lead discussions focusing on racial identity, religious affiliations, cultural and ethnic customs and family membership."

To all of America's teachers, thank you for your steadfast commitment to quality education. Thank you for caring so much about our kids and their future. Thank you for overcoming immense challenges to provide Minnesota's and America's children with the best education.

You hard-working, dedicated educators are Minnesota's and America's unsung heroes. With great challenges ahead, we need more than ever to put partisanship aside, take off our Republican hats and our Democrat hats and come together as Americans. We must find common ground to adequately support public education and provide maximum flexibility at the local level to manage our schools and teach our children.

Madam Speaker, our Nation salutes Carleen Gulstad and all our remarkable teachers who bring an exciting world of opportunity and justice to the door of our children's classrooms each and every day. It is often a thankless and difficult task, but today we thank them for their great perseverance, commitment and inspiration.

ON THE OCCASION OF THE STATE OF ISRAEL'S 60TH ANNIVERSARY

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. COHEN. Madam Speaker, as the State of Israel commemorates its 60th anniversary, I take this opportunity to recognize the longstanding friendship between the State of Israel and the Republic of Turkey.

Turkey was the first country with a predominantly Muslim population to step forward and recognize the Jewish State in 1949. Moreover, for three decades the Republic of Turkey remained the only Muslim country to have full diplomatic representation in Israel. This historical fact alone speaks well for the solid, special, and valuable relationship between Turkey and Israel. It is no wonder this relationship stands on its uniquely own merits—unmatched in the entire Middle East. Historical facts and recollections in the collective memories of both Turkish and Israeli peoples testify this sense of togetherness, standing shoulder to shoulder in testing times.

In recent years, more than 60 agreements have been enacted between the State of Israel and the Republic of Turkey in the economic and military fields. These have not only bolstered the bilateral relationship between the United States and these two close friends and allies, but have also created a legal framework that serves to institutionalize the bonds we have collectively developed. Since Turkey and Israel are the only two countries in the region that have embraced the principles of democracy and liberal market economy, it is easier to develop both the content and the depth of the bilateral relations in a multitude of different fronts.

Also, through a large volume of tourism and cultural sharing, countless citizens of Turkey and Israel, not just the two governments, have developed strong bonds of benevolence, a sense of togetherness, collaboration, and mutual respect.

At a time when dialogue between the parties to the Arab-Israeli conflict is needed, Turkey is once again in the unique position of maintaining positive relations with all the parties to the conflict. This is undoubtedly an asset for the region, and a great contribution to the security of Israel. The Israeli President Shimon Peres and President of the Palestinian Authority Mahmoud Abbas have addressed the Turkish Parliament last year in November and praised Turkey as an important ally in the peace process. President Peres's speech was the first to a parliament by an Israeli head of state anywhere in a predominantly Muslim country.

We also remember too well through what is known as The Ankara Forum, that Turkey has recently sustained Israeli and Palestinian joint efforts to provide support for economic development in the West Bank. Recent reports indicate that Turkey, investing on this ground of mutually earned respect, trust and confidence and taking steps at the request of both parties, has now embarked on facilitating dialogue between Syria and Israel.

Most members of the international community share the goal of a peaceful and prosperous Middle East. The security of all the countries in the region, including Israel, is dependent on this. Turkey believes that dialogue and cooperation are essential tools in working to make this dream a reality, and it is well equipped to chart its course for the benefit of Israel and her Arab neighbors, all for a peaceful and prosperous neighborhood.

On this note, the 60th anniversary of the State of Israel, I commend and encourage the strong relationship between our two allies, Turkey and Israel, which in fact stands stronger and more robust by each day offering hope for peace in the future.

TRIBUTE TO MARY NAUGHTON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. LATHAM. Madam Speaker, I rise today to congratulate Mary Naughton on the celebration of her 90th birthday on April 29, 2008.

Mary was born on April 29, 1918 in Illinois. She moved to Marshalltown, Iowa in 1948 when she married John Naughton. They happily had two daughters, three sons, nine grandchildren and one great-grandson. Mary currently resides in Marshalltown and is an active member of St. Mary's Catholic Church.

There have been many changes that have occurred during the past ninety years.

Since Mary's birth we have revolutionized air travel and walked on the moon. We have invented the television and the Internet. We have fought in wars overseas, seen the rise and fall of Soviet communism and the birth of new democracies. Mary has lived through sixteen United States Presidents and twenty Governors of Iowa. And, in her lifetime the population of the United States has nearly tripled.

I congratulate Mary Naughton for reaching this milestone of a birthday. I am extremely honored to represent Mary in the United States Congress and I wish her happiness and health for many years to come.

ON THE PASSING OF MILDRED LOVING

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. MORAN of Virginia. Madam Speaker, I rise to recognize the passing of a great lady and civil rights icon, Mildred Loving.

I did not know Mrs. Loving personally, but I do know of her accomplishments for which she deserves our praise and gratitude.

At a time of Jim Crow and powerful forces of racial hatred and segregation, Mildred Delores Jeter and Richard Perry Loving proved that the power of love and the simple act of living true to their beliefs was stronger and more enduring than base bigotry.

When Mildred and Richard married, they were breaking the law. As an interracial couple, it was illegal for them to be married in the Commonwealth of Virginia. Instead, they obtained a marriage certificate from the District of Columbia but returned to live in Virginia, their home. A short time later, they were arrested, literally in their bedroom, and hauled off to jail. Under a plea bargain, they agreed to a 1-year suspended sentence under the condition that they not return together or at the same time to Virginia.

Inspired by the civil rights movement, the couple challenged Virginia's Racial Integrity Act, taking Loving v. Virginia all the way to the Supreme Court—and winning. As the Washington Post reported today, Richard Loving counseled the couple's ACLU attorneys that the real issue was actually very simple. "Tell the court," he said, "I love my wife, and it is just unfair that I can't live with her in Virginia."

In my efforts to grant federal recognition to Virginia's Native American people, I have come across similar stories of courage, determination and love fighting to overcome Virginia's legacy of racial division and subjugation.

Today we recognize Mrs. Loving, her life, her courage, and her determination for equality under the law. She was an American hero and we mourn her passing.

[From the New York Times, May 6, 2008]

MILDRED LOVING, WHO FOUGHT BAN ON MIXED MARRIAGE, DIES AT 68

(By Douglas Martin)

Mildred Loving, a black woman whose anger over being banished from Virginia for marrying a white man led to a landmark Supreme Court ruling overturning state miscegenation laws, died on May 2 at her home in Central Point, Va. She was 68.

Peggy Fortune, her daughter, said the cause was pneumonia.

The Supreme Court ruling, in 1967, struck down the last group of segregation laws to remain on the books—those requiring separation of the races in marriage. The ruling was unanimous, its opinion written by Chief Justice Earl Warren, who in 1954 wrote the court's opinion in Brown v. Board of Education, declaring segregated public schools unconstitutional.

In Loving v. Virginia, Warren wrote that miscegenation laws violated the Constitution's equal protection clause. ''We have consistently denied the constitutionality of measures which restrict the rights of citizens on account of race,'' he said.

By their own widely reported accounts, Mrs. Loving and her husband, Richard, were in bed in their modest house in Central Point in the early morning of July 11, 1958, five weeks after their wedding, when the county sheriff and two deputies, acting on an anonymous tip, burst into their bedroom and shined flashlights in their eyes. A threatening voice demanded, ''Who is this woman you're sleeping with?''

Mrs. Loving answered, ''I'm his wife.''

Mr. Loving pointed to the couple's marriage certificate hung on the bedroom wall. The sheriff responded, ''That's no good here.''

The certificate was from Washington, D.C., and under Virginia law, a marriage between people of different races performed outside Virginia was as invalid as one done in Virginia. At the time, it was one of 16 states that barred marriages between races.

After Mr. Loving spent a night in jail and his wife several more, the couple pleaded guilty to violating the Virginia law, the Racial Integrity Act. Under a plea bargain, their one-year prison sentences were suspended on the condition that they leave Virginia and not return together or at the same time for 25 years.

Judge Leon M. Bazile, in language Chief Justice Warren would recall, said that if God had meant for whites and blacks to mix, he would have not placed them on different continents. Judge Bazile reminded the defendants that ''as long as you live you will be known as a felon.''

They paid court fees of $36.29 each, moved to Washington and had three children. They returned home occasionally, never together. But times were tough financially, and the Lovings missed family, friends and their easy country lifestyle in the rolling Virginia hills.

By 1963, Mrs. Loving could stand the ostracism no longer. Inspired by the civil rights movement and its march on Washington, she wrote Attorney General Robert F. Kennedy and asked for help. He wrote her back, and referred her to the American Civil Liberties Union.

The A.C.L.U. took the case. Its lawyers, Bernard S. Cohen and Philip J. Hirschkop, faced an immediate problem: the Lovings had pleaded guilty and had no right to appeal. So they asked Judge Bazile to set aside his original verdict. When he refused, they appealed. The Virginia Supreme Court of Appeals upheld the lower court, and the case went to the United States Supreme Court.

Mr. Cohen recounted telling Mr. Loving about various legal theories applying to the case. Mr. Loving replied, ''Mr. Cohen, tell the court I love my wife, and it is just unfair that I can't live with her in Virginia.''

Mildred Delores Jeter's family had lived in Caroline County, Va., for generations, as had the family of Richard Perry Loving. The area was known for friendly relations between races, even though marriages were forbidden. Many people were visibly of mixed race, with Ebony magazine reporting in 1967 that black ''youngsters easily passed for white in neighboring towns.''

Mildred's mother was part Rappahannock Indian, and her father was part Cherokee. She preferred to think of herself as Indian rather than black.

Mildred and Richard began spending time together when he was a rugged- looking 17 and she was a skinny 11-year-old known as Bean. He attended an all-white high school for a year, and she reached 11th grade at an all-black school.

When Mildred became pregnant at 18, they decided to do what was elsewhere deemed the right thing and get married. They both said their initial motive was not to challenge Virginia law.

''We have thought about other people,'' Mr. Loving said in an interview with Life magazine in 1966, ''but we are not doing it just because somebody had to do it and we wanted to be the ones. We are doing it for us.''

In his classic study of segregation, ''An American Dilemma,'' Gunnar Myrdal wrote that ''the whole system of segregation and discrimination is designed to prevent eventual inbreeding of the races.''

But miscegenation laws struck deeper than other segregation acts, and the theory behind them leads to chaos in other facets of law. This is because they make any affected marriage void from its inception. Thus, all children are illegitimate; spouses have no inheritance rights; and heirs cannot receive death benefits.

''When any society says that I cannot marry a certain person, that society has cut off a segment of my freedom,'' the Rev. Dr. Martin Luther King Jr. said in 1958.

Virginia's law had been on the books since 1662, adopted a year after Maryland enacted the first such statute. At one time or another, 38 states had miscegenation laws. State and federal courts consistently upheld the prohibitions, until 1948, when the California Supreme Court overturned California's law.

Though the Supreme Court's 1967 decision in the Loving case struck down miscegenation laws, Southern states were sometimes slow to change their constitutions; Alabama became the last state to do so, in 2000.

Mr. Loving died in a car accident in 1975, and the Lovings' son Donald died in 2000. In addition to her daughter, Peggy Fortune, who lives in Milford, Va., Mrs. Loving is survived by her son, Sidney, of Tappahannock, Va.; eight grandchildren; and 11 great-grandchildren.

Mrs. Loving stopped giving interviews, but last year issued a statement on the 40th anniversary of the announcement of the Supreme Court ruling, urging that gay men and lesbians be allowed to marry.

IN HONOR OF COACH PHILIP LEVY

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. PICKERING. Madam Speaker, I would like to honor Coach Philip Levy, as he leaves the Veritas School to pursue his law degree at the University of Mississippi. At the Veritas School, Philip taught both Latin and humanities while also serving as a coach.

Philip Levy grew up in Jackson and has served as head soccer coach at the Veritas School for a year now. He coached both the high school boys and girls soccer teams. This year, he led the girls' team all the way to the State Championship. In his athletes, he built character, leadership, sportsmanship, and teamwork; in the classroom he trained his students to seek truth. The entire Veritas School is thankful for Philip's invaluable example that he provided to all of his students and athletes.

Madam Speaker, I hope the Congress joins me in paying tribute to Coach Philip Levy for his leadership and for serving as a role model. He has touched the lives of many young students, and I know they will be forever grateful. I wish him well in Ole Miss Law School and know that he will be successful in his future endeavors.

SENSE OF HOUSE OF ESTABLISHING A NATIONAL TEACHER DAY

SPEECH OF

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in support of House Resolution 952, to honor and recognize our Nation's teachers. I want to thank my colleague and good friend, Congressman RON KLEIN for sponsoring this resolution. Today marks the beginning of National Teacher Appreciation Week, but America's teachers deserve more than a week of recognition for their investment in our country's most precious resource, our children.

Too often teachers are overworked and underpaid. They spend long hours in the classroom, many hours after the school day coaching our kids and leading their extracurricular groups, and then go home to spend more time grading papers. They invest their own lives in the lives of our children, and every day they empower young people with the knowledge and tools they need to be successful and confident. America's future is in the hands of our children, and we owe our teachers a universe of thanks for their hard work.

RECOGNIZING THE BUCKHEAD COALITION'S INITIATIVE TO EQUIP PHARMACIES WITH BACKUP POWER GENERATORS TO BE USED IN THE EVENT OF AN EMERGENCY

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. LEWIS of Georgia. Madam Speaker, I rise today to commend the Buckhead Coalition of Atlanta, Georgia, for its innovative program to ensure that Atlanta residents are able to access prescription medications in the event of a disaster or power outage. Buckhead Coalition is a nonprofit organization of chief executive officers, business owners and community leaders representing part of the Fifth Congressional District of Georgia. Led by its president and my good friend, former Atlanta Mayor Sam Massell, the Buckhead Coalition is advancing a plan to equip pharmacies and drug stores with backup power generators to ensure that people are able to have access to their medications in the event of a disaster, either natural or manmade.

One of the lessons learned from Hurricane Katrina's devastation of New Orleans and the Gulf Coast was the necessity for emergency generators in pharmacies. In today's business environment, pharmacies cannot operate without working computers, refrigerators and other electrical equipment. In the Buckhead area, of the twenty-two pharmacies, now only four do not have emergency generators. According to the American Pharmaceutical Association, the

pharmacies of Buckhead provide prescription medications to more than 32,000 of the neighborhood's 70,000 residents. An estimated 6,500 of these medications are dispensed on a daily basis, with many of them being time-sensitive medications for senior citizens.

In order to prevent a potential disaster, the Buckhead Coalition, in conjunction with Home Depot and Georgia Power, has created a subsidy to cover up to seventy-five percent of the cost for purchasing a generator. This subsidy significantly reduces the barriers of cost, making it much easier and more affordable for these pharmacies to be equipped with these possibly life-saving generators.

I commend the Buckhead Coalition, Home Depot and Georgia Power for coming together to provide this opportunity, this safety net, for my community. I encourage other communities to emulate this plan.

INTRODUCING THE U.S. COMMISSION ON REBUILDING AMERICA FOR THE 21ST CENTURY ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. BLUMENAUER. Madam Speaker, today I am introducing the United States Commission on Rebuilding America for the 21st Century Act. The challenges of the 21st century require a renewed national focus on the infrastructure that is essential to our cities, our rural communities, our economy, and the health of our planet. We have neglected the foundations of America's communities, threatening our environment and our future economic prosperity.

This Act will provide a mechanism for Congress to reach out to the American people and develop a national vision to guide infrastructure investment for the twenty-first century. The legislation creates a commission of 17 members appointed by Congress, the Administration, and State and local governments, to synthesize existing reports to identify challenges and needs; to commence a thorough set of public hearings on infrastructure conducted in not fewer than 50 Congressional districts across the United States to ensure geographic and demographic representation; and to articulate a national vision for infrastructure investments.

Those challenges are both myriad and significant. Consider:

To avoid the worst effects of climate change, we must greatly reduce our carbon emissions. Transportation is the second largest—and fastest growing—source of U.S. CO_2 emissions. Personal vehicle use accounts for nearly 60 percent of these emissions.

The National Surface Transportation Policy and Revenue Study Commission recently calculated that maintaining our existing transportation system over the next 50 years will require $225 billion annually.

The American Society of Civil Engineers has given our nation's public infrastructure—water, sewer, and transportation systems—a grade of D-minus, estimating that it will cost $1.6 trillion over the next 5 years merely to repair our existing infrastructure.

More than 72,000 miles of municipal water and sewer pipe are more than 80 years old, threatening the health, environment, and economy of communities large and small.

From 1999 to 2009, the Nation's electricity demand rose nearly 20 percent while our transmission capacity grew only 3.5 percent.

By 2050, we will build 89 million new or replaced homes as well as 190 billion square feet of new offices and other non-residential buildings. Strategic development choices could reduce total transportation-related CO_2 emissions by 7 to 10 percent.

The American people, it should be noted, have met similar challenges in the past. This year marks the bicentennial of the Gallatin Plan, crafted by President Jefferson's Secretary of the Treasury, Albert Gallatin, to develop the infrastructure needed by our new nation. One hundred years later, President Theodore Roosevelt invited every state and territorial governor to join members of his Cabinet and Congress, professional organizations, and government bureaus in a National Conference at the White House to plan for the infrastructure needs for the 20th century. Today, a new national vision and plan is necessary to meet the challenges of the 21st century.

IN APPRECIATION OF THE CONTRIBUTIONS AND ACHIEVEMENTS OF OUR TEACHERS

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. HONDA. Madam Speaker, this week we celebrate National Teacher Appreciation Week. It is a time for us to recognize the teachers who are working hard today to prepare students for the future, and the teachers who helped each of us become who we are. As a former teacher, I feel strongly about the work that today's teachers are doing. Beyond the rhetoric of "failing schools" there is a reality in which teachers in classrooms across the country are doing incredible work, with difficult students and limited resources. Many of these teachers are devoting extra hours to help struggling students, to learn new teaching techniques, and to develop innovative strategies and programs to improve student learning, and using their personal financial resources to acquire needed supplies and equipment.

There is no doubt that teachers are the core of our education system. As much as researchers and policymakers debate the values of standards and assessment and incentives and reform, education occurs in a classroom, and consists of an interaction between a teacher and his or her students. Good policy will help these teachers and support them in their work. America's teachers provide instruction in academic subjects, such as English, Math, Science, History, and PE, but they also teach social-behavioral skills, and look out for their students' health and well-being. Good teachers do not just teach a subject, they teach the whole child.

Today's teachers face a unique set of challenges in providing students with the knowledge and skills they will need to be successful in tomorrow's workforce. To be competitive, our students need much more than they did just a decade ago. They now need advanced technology skills and a solid understanding of science. That is why I will soon be introducing legislation to improve the coordination of the Federal science, technology, engineering, and mathematics education efforts, helping foster cooperation between the States and Federal agencies.

As a Member of the House Appropriations Committee, one of my highest priorities is increasing funding for Federal education programs that will ease the burden on States and localities to provide vital education services. We need to give our teachers more than an apple. They need well-equipped classrooms, instructional materials, and up-to-date facilities. They need smaller classes, a diverse curriculum, time to prepare, and adequate compensation. When budgets are tight, teachers are often expected to accomplish the same goals, but without sufficient help. We must increase funding for education.

I would also like to take this opportunity to publicly congratulate Mrs. Dawn O'Connor, who hails from California's 15th District, for receiving the 2008 Presidential Award for Excellence in Science Teaching. Since 1983, the Presidential Awards for Excellence in Mathematics and Science Teaching have honored outstanding kindergarten through 12th grade mathematics and science teachers for their contributions in the classroom and to their profession. I am honored to recognize Mrs. O'Connor as a recipient of the Presidential Award, the highest recognition that a mathematics or science teacher can receive. Mrs. O'Connor teaches seventh grade biology at Ascencion Solorsano Middle School in the Gilroy Unified School District. Mrs. O'Connor and I had the pleasure of meeting last week during her visit to Washington, DC, and I was extremely impressed by her accomplishments.

THE DAILY 45: D.C. RESIDENT MURDERED ON SCHOOL STEPS

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. RUSH. Madam Speaker, every day, somewhere in America, an average of 45 people are shot and killed at the hands of a gun-wielding assailant. This senseless loss of life comes in all shapes, sizes, colors and zip codes.

On March 12, 2008, 23-year-old Anthony Maddox, of Washington, DC, was killed on the steps outside Truesdell Elementary School when small children were still inside. Fortunately, no children were harmed but they were surely traumatized by the fact that a man from their neighborhood, casually socializing with neighbors on a balmy spring night, suddenly lost his life at the hands of a gun.

In the words of the late revolutionary patriot, Thomas Paine, "these are the times that try men's souls." These times require action, right now, from men and women like me who are determined to stop the carnage.

We must stop the senseless murders of "The Daily 45." When will Americans say "enough is enough, stop the killing!"

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is May 6, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, 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 12,888 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 12,888 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 May 6, 2008, 12,888 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.

TRIBUTE TO FLORENCE McCOWN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. LATHAM. Madam Speaker, I rise today to congratulate Florence McCown on the celebration of her 100th birthday on April 27, 2008.

Florence was born on April 27, 1908 on a farm near Aplington, Iowa. In 1933, she married Burton McCown, and the couple resided in Eldora, Iowa. Florence and her husband owned a hardware store in New Providence and a plumbing and heating store in Eldora. She also taught for several years in the New Providence schools. Florence was a member of a state tournament qualifying basketball team and remained active in athletic events for the majority of her life. Florence currently resides at Grandview Heights in Marshalltown, Iowa.

There have been many changes that have occurred during the past ninety years. Since Florence's birth we have revolutionized air travel and walked on the moon. We have invented the television and the Internet. We have fought in wars overseas, seen the rise and fall of Soviet communism and the birth of new democracies. Florence has lived through eighteen United States Presidents and twenty-four Governors of Iowa. And, in her lifetime the population of the United States has more than tripled.

I congratulate Florence McCown for reaching this milestone of a birthday. I am extremely honored to represent Florence in the United States Congress, and I wish her happiness and health for many years to come.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3751–S3838

Measures Introduced: Nine bills and four resolutions were introduced, as follows: S. 2976–2984, S. Res. 551–553, and S. Con. Res. 79. **Page S3790**

Measures Passed:

House of Representatives Salary Schedule: Committee on Rules and Administration was discharged from further consideration of H.R. 5493, 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, and the bill was then passed, after agreeing to the following amendment proposed thereto:

Pages S3836–37

Reid/McConnell Amendment No. 4712, to propose a technical amendment relating to Senate pay periods. **Page S3837**

State of Minnesota 150th Anniversary: Senate agreed to S. Res. 552, recognizing the 150th anniversary of the State of Minnesota. **Page S3837**

Charles County, Maryland 350th Anniversary: Senate agreed to S. Res. 553, congratulating Charles County, Maryland, on the occasion of its 350th anniversary. **Pages S3837–38**

Measures Considered:

FAA Reauthorization Act: Senate resumed 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, and taking action on the following amendments proposed thereto: **Pages S3761–77**

Pending:

Rockefeller Amendment No. 4627, in the nature of a substitute. **Page S3761**

Reid Amendment No. 4628 (to Amendment No. 4627), to change the enactment date. **Page S3761**

Reid Amendment No. 4629 (to Amendment No. 4628), of a perfecting nature. **Page S3761**

Reid Amendment No. 4630 (to the language proposed to be stricken by Amendment No. 4627), to change the enactment date. **Page S3761**

Reid Amendment No. 4631 (to Amendment No. 4630), of a perfecting nature. **Page S3761**

Motion to commit the bill to the Committee on Finance, with instructions to report back forthwith, with Reid Amendment No. 4636, to change the enactment date. **Page S3761**

Reid Amendment No. 4637 (to Amendment No. 4636), of a perfecting nature. **Page S3761**

Rockefeller Amendment No. 4642 (to Amendment No. 4637), of a perfecting nature. **Page S3761**

During consideration of this measure today, Senate also took the following action:

By 49 yeas to 42 nays (Vote No. 115), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on Rockefeller Amendment No. 4627 (listed above). **Page S3777**

Senator Reid entered a motion to reconsider the vote by which cloture was not invoked on Rockefeller Amendment No. 4627. **Page S3777**

Subsequently, the motion to invoke cloture on the bill was withdrawn. **Page S3777**

Flood Insurance Reform and Modernization Act: Senate resumed consideration of the motion to proceed to consideration of S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund.

Pages S3779–84

During consideration of this measure today, Senate also took the following action:

By 90 yeas to 1 nay (Vote No. 116), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to consideration of the bill. **Page S3779**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill at approximately 10:30 a.m., on Wednesday, May 7, 2008, and that all time during the adjournment, recess, or period of morning business count against cloture. **Page S3838**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:

Tax Convention with Iceland (Treaty Doc. No. 110–17).

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **Page S3838**

Nominations Received: Senate received the following nominations:

Troy A. Paredes, of Missouri, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2013.

Cynthia L. Bauerly, of Minnesota, to be a Member of the Federal Election Commission for a term expiring April 30, 2011.

Caroline C. Hunter, of Florida, to be a Member of the Federal Election Commission for a term expiring April 30, 2013.

Donald F. McGahn, of the District of Columbia, to be a Member of the Federal Election Commission for a term expiring April 30, 2009. **Page S3838**

Nominations Withdrawn: Senate received notification of withdrawal of the following nominations:

Robert J. Battista, of Michigan, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2009, which was sent to the Senate on January 25, 2008.

David M. Mason, of Virginia, to be a Member of the Federal Election Commission for a term expiring April 30, 2009, which was sent to the Senate on January 9, 2007.

Robert D. Lenhard, of Maryland, to be a Member of the Federal Election Commission for a term expiring April 30, 2011, which was sent to the Senate on January 9, 2007. **Page S3838**

Messages from the House: **Pages S3788–89**

Measures Placed on the Calendar: **Pages S3751, S3789**

Executive Communications: **Pages S3789–90**

Additional Cosponsors: **Pages S3790–93**

Statements on Introduced Bills/Resolutions: **Pages S3793–S3803**

Additional Statements: **Pages S3786–88**

Amendments Submitted: **Pages S3803–36**

Notices of Hearings/Meetings: **Page S3836**

Authorities for Committees to Meet: **Page S3836**

Privileges of the Floor: **Page S3836**

Record Votes: Two record votes were taken today. (Total—116) **Pages S3777, S3779**

Adjournment: Senate convened at 10 a.m. and adjourned at 7:12 p.m., until 9:30 a.m. on Wednesday, May 7, 2008. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S3838.)

Committee Meetings

(Committees not listed did not meet)

NATIONAL MARINE SANCTUARIES

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard concluded an oversight hearing to examine the National Oceanic and Atmospheric Administration, including H.R. 1187, to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary, and S. 2281, to expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve, after receiving testimony from Senator Levin; Vice Admiral Conrad Lautenbacher, Jr., USN (Ret.), Under Secretary of Commerce for Oceans and Atmosphere, and Administrator, National Ocean and Atmospheric Administration; Jefferson Gray, Thunder Bay National Marine Sanctuary and Underwater Preserve, Alpena, Michigan; Susan L. Williams, University of California-Davis, Bodega Bay; and Kathy Fosmark, Alliance of Communities for Sustainable Fisheries, Monterey, California.

PERCHLORATE AND TCE IN WATER

Committee on Environment and Public Works: Committee concluded a hearing to examine perchlorate and trichloroethylene (TCE) in water, including S. 24, to amend the Safe Drinking Water Act to require a health advisory and monitoring of drinking water for perchlorate, after receiving testimony from Benjamin H. Grumbles, Assistant Administrator for Water, Environmental Protection Agency; George V. Alexeeff, California Environmental Protection Agency Office of Environmental Health Hazard Assessment, Sacramento; Michael G. Baker, Ohio Environmental Protection Agency Division of Drinking and Ground Waters, Columbus, on behalf of the Association of State Drinking Water Administrators; Carol Rowan West, Massachusetts Department of Environmental Protection Office of Research and Standards, Boston; New York State Representative Donna A. Lupardo, Albany; Gail Charnley, HealthRisk Strategies, and Richard Wiles, Environmental Working Group, both of Washington, D.C.; and David G. Hoel, Medical University of South Carolina, Charleston.

HEALTH CARE REFORM

Committee on Finance: Committee concluded a hearing to examine seizing the new opportunity for health care reform, after receiving testimony from Donna E. Shalala, University of Miami, Miami, Florida, and Tommy G. Thompson, Logistics Health, Inc., Washington, D.C., both former Secretaries of Health and Human Services.

INTERNATIONAL COMMISSION ON HOLOCAUST ERA INSURANCE CLAIMS

Committee on Foreign Relations: Committee concluded a hearing to examine the International Commission on Holocaust Era Insurance Claims (ICHEIC), after receiving testimony from Anna B. Rubin, New York State Banking Department Holocaust Claims Processing Office, Roman Kent, American Gathering of Jewish Holocaust Survivors and Their Descendants, and Thane Rosenbaum, Fordham Law School, all of New York, New York; Jack Rubin, Holocaust Survivors of West Palm Beach, Boynton Beach, Florida; Lawrence S. Eagleburger, former Secretary of State and former Chairman, International Commission on Holocaust Era Insurance Claims, Charlottesville,Virginia; Stuart E. Eizenstat, Covington and Burling LLP, former Special Representative of the President and Secretary of State on Holocaust Issues, Washington, D.C.; and Samuel J. Dubbin, Dubbin and Kravetz, LLP, Miami, Florida.

FORECLOSURE CRISIS

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts concluded a hearing to examine policing lenders and protecting homeowners, focusing on the current housing foreclosure crisis, after receiving testimony from Clifford J. White, III, Director, Executive Office for United States Trustees, Department of Justice; Steve Bailey, Countrywide Financial Corporation, Simi Valley, California; Debra Miller, Standing Chapter 13 Trustee, South Bend, Indiana; Katherine Porter, University of Iowa College of Law, Iowa City; and Robin Atchley, Ballground, Georgia.

NOMINATION

Select Committee on Intelligence: Committee concluded a hearing to examine the nomination of Michael E. Leiter, of the District of Columbia, to be Director of the National Counterterrorism Center, Office of the Director of National Intelligence, after the nominee, who was introduced by former Senator Robb, testified and answered questions in his own behalf.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 12 public bills, H.R. 5970–5981; and 3 resolutions, H. Con. Res. 342; and H. Res. 1176–1177, were introduced. **Page H3108**

Additional Cosponsors: **Pages H3108–09**

Reports Filed: Reports were filed today as follows: H. Res. 1174, providing for consideration of the bill (H.R. 5818) to authorize the Secretary of Housing and Urban Development to make loans to States to acquire foreclosed housing and to make grants to States for related costs (H. Rept. 110–621) and H. Res. 1175, providing for consideration of the Senate amendments to the bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation (H. Rept. 110–622). **Page H3108**

Speaker: Read a letter from the Speaker wherein she appointed Representative Pastor to act as Speaker Pro Tempore for today. **Page H3053**

Recess: The House recessed at 10:58 a.m. and reconvened at noon. **Page H3056**

Journal: The House agreed to the Speaker's approval of the Journal by a recorded vote of 220 ayes to 182 noes, with 1 voting "present", Roll No. 246. **Page H3061**

Motion to Adjourn: Rejected the Walsh (NY) motion to adjourn by a yea-and-nay vote of 152 yeas to 255 nays, Roll No. 245. **Pages H3060–61**

Oath of Office—Sixth Congressional District of Louisiana: Representative-elect Don Cazayoux presented himself in the well of the House and was administered the Oath of Office by the Speaker. Earlier, the Clerk of the House transmitted a facsimile copy of a letter from the Honorable Jay Dardenne,

Secretary of State for the State of Louisiana, indicating that, according to the unofficial returns of the Special Election held on May 3, 2008, the Honorable Don Cazayoux was elected Representative to Congress for the Sixth Congressional District, State of Louisiana. **Pages H3062, H3106**

Whole Number of the House: The Speaker announced to the House that, in light of the administration of the oath to the gentleman from Louisiana, Mr. Don Cazayoux, the whole number of the House is adjusted to 433. **Page H3062**

Food and Energy Security Act of 2007—Motion to Instruct Conferees: Rejected the Ryan (WI) motion to instruct conferees on H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, by a yea-and-nay vote of 172 yeas to 241 nays, Roll No. 247. Consideration of the motion began on Thursday, May 1st. **Pages H3062–64**

Subsequently, the House agreed to the Hastings (FL) motion to table the Walsh (NY) motion to reconsider the vote by a recorded vote of 203 ayes to 176 noes, Roll No. 248. **Pages H3063–64**

Intent to Offer Motion to Instruct Conferees: Representative Cantor gave notice of his intent to offer a motion to instruct conferees on H.R. 2419, Food and Energy Security Act of 2007. **Page H3064**

Suspensions: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Recognizing National Nurses Week on May 6 through May 12, 2008: H. Res. 1086, to recognize National Nurses Week on May 6 through May 12, 2008; **Pages H3064–67**

Prioritizing Resources and Organization for Intellectual Property Act of 2008: H.R. 4279, amended, to enhance remedies for violations of intellectual property laws; **Pages H3067–78**

Exempting 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: H.R. 5690, amended, to exempt the African National Congress from treatment as a terrorist organization for certain acts or events and to provide relief for certain members of the African National Congress regarding admissibility; **Pages H3078–83**

Amending the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or two or more misdemeanors: H.R. 1512, to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or two or more misdemeanors; **Pages H3083–85**

Facilitating the preservation of certain affordable housing dwelling units: H.R. 5937, to facilitate the preservation of certain affordable housing dwelling units; and **Pages H3093–96**

Coin Modernization and Taxpayer Savings Act of 2008: H.R. 5512, amended, to authorize the Secretary of the Treasury to prescribe the weights and the compositions of circulating coins. **Pages H3096–99**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Monday, May 5th:

Amending the Foreign Service Act of 1980 to permit rest and recuperation travel to United States territories for members of the Foreign Service: 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, by a ⅔ yea-and-nay vote of 416 yeas with none voting "nay", Roll No. 249; **Pages H3085–86**

The House further agreed to the Hastings (FL) motion to table the Rogers (KY) motion to reconsider the vote, by a recorded vote of 226 ayes to 190 noes, Roll No. 250. **Page H3086**

Condemning the Burmese regime's undemocratic constitution and scheduled referendum: H. Con. Res. 317, amended, to condemn the Burmese regime's undemocratic constitution and scheduled referendum, by a ⅔ recorded vote of 413 ayes to 1 no, Roll No. 251; **Pages H3087–88**

The House further agreed to the Hastings (FL) motion to table the Rogers (KY) motion to reconsider the vote, by a recorded vote of 225 ayes to 190 noes, Roll No. 252. **Pages H3087–88**

Agreed to amend the title so as to read: "Condemning the Burmese regime's undemocratic draft constitution and scheduled referendum.". **Page H3087**

Agreed that in the engrossment of the amendment to the title of H. Con. Res. 317, the Clerk be authorized to correct any error in spelling. **Page H3087**

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. Res. 1109, amended, to honor 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, by a ⅔ recorded vote of 413 ayes to 1 no, Roll No. 253; **Pages H3088–89**

The House further agreed to the Hastings (FL) motion to table the Rogers (KY) motion to reconsider the vote, by a recorded vote of 225 ayes to 186 noes, Roll No. 254. **Page H3089**

Temporarily extending the programs under the Higher Education Act of 1965: S. 2929, amended, to temporarily extend the programs under the Higher Education Act of 1965, by a ⅔ recorded vote of 408 ayes with none voting "no", Roll No. 256; **Pages H3090–91**

The House further agreed to the Hastings (FL) motion to table the Emerson motion to reconsider the vote, by a recorded vote of 223 ayes to 189 noes, Roll No. 257. **Page H3091**

Congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education: H. Res. 1168, amended, to congratulate charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, by a ⅔ recorded vote of 391 ayes to 2 noes with 1 voting "present", Roll No. 263; and **Pages H3100–01**

The House further agreed to the Hastings (FL) motion to table the Carter motion to reconsider the vote, by a recorded vote of 215 ayes to 182 noes, Roll No. 264. **Pages H3100–01**

Honoring the recipients of the El Dorado Promise scholarship: H. Res. 1155, amended, to honor the recipients of the El Dorado Promise scholarship, by a ⅔ recorded vote of 390 ayes to 1 no, Roll No. 265. **Pages H3101–02**

The House further agreed to the Hastings (FL) motion to table the Tiahrt motion to reconsider the vote, by a recorded vote of 216 ayes to 180 noes, Roll No. 266. **Page H3102**

Motion to Adjourn: Rejected the Simpson motion to adjourn by a recorded vote of 145 ayes to 271 noes, Roll No. 255. **Pages H3089–90**

Food and Energy Security Act of 2007—Motion to Instruct Conferees: Rejected the Kind motion to instruct conferees on H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, by a yea-and-nay vote of 140 yeas to 274 nays, Roll No. 258. Consideration of the motion began on Thursday, May 1st. **Pages H3091–92**

Subsequently, the House agreed to the Hastings (FL) motion to table the Latham motion to reconsider the vote by a recorded vote of 221 ayes to 192 noes, Roll No. 259. **Pages H3092–93**

Motion to Adjourn: Rejected the Simpson motion to adjourn by a recorded vote of 149 ayes to 251 noes, Roll No. 260. **Page H3093**

Motion to Adjourn: Rejected the Culberson motion to adjourn by a recorded vote of 138 ayes to 248 noes, Roll No. 261. **Page H3096**

Motion to Adjourn: Rejected the Carter motion to adjourn by a yea-and-nay vote of 149 yeas to 236 nays, Roll No. 262. **Pages H3099–S3100**

Food and Energy Security Act of 2007—Motion to Instruct Conferees: The House began consideration of the Flake motion to instruct conferees on H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012. Further proceedings were postponed. **Pages H3102–06**

Motion to Adjourn: Agreed to the Pomeroy motion to adjourn by voice vote. **Page H3106**

Quorum Calls—Votes: Five yea-and-nay votes and seventeen recorded votes developed during the proceedings of today and appear on pages H3060–61, H3061, H3063, H3063–64, H3085–86, H3086, H3087, H3087–88, H3088–89, H3089, H3089–90, H3090–91, H3091, H3091–92, H3092–93, H3093, H3096, H3099, H3100, H3100–01, H3101–02 and H3102. There were no quorum calls.

Adjournment: The House met at 10:30 a.m. and adjourned at 8:08 p.m.

Committee Meetings

FEDERAL U.S. WORKER RECRUITMENT PROGRAMS

Committee on Education and Labor: Held a hearing on Do Federal Programs Ensure U.S. Workers Are Recruited First Before Employers Hire From Abroad? Testimony was heard from the following officials of the Department of Labor: Leon T. Sequeira, Assistant Secretary, Policy; and Williams L. Carlson, Administrator, Office of Foreign Labor Certification, Employment and Training Administration; and public witnesses.

RENEWABLE FUELS STANDARD

Committee on Energy and Commerce, Subcommittee on Energy and Air Quality held a hearing entitled "The Renewable Fuels Standard: Issues Implementation, and Opportunities." Testimony was heard from Representative Herseth Sandlin; Robert J. Meyers, Principal Deputy Assistant Administrator, Office for Air and Radiation, EPA; and public witnesses.

INTERNET FREEDOM PRESERVATION ACT OF 2008

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing on H.R. 5353, Internet Freedom Preservation Act of 2008. Testimony was heard from public witnesses.

HIGHER EDUCATION IN AFRICA

Committee on Foreign Affairs: Subcommittee on Africa and Global Health held a hearing on Higher Education in Africa: Making the Link between Intellectual Capital and Regional Development. Testimony was heard from Franklin Moore, Deputy Assistant Administrator, Bureau for Africa, U.S. Agency for International Development, Department of State; and public witnesses.

GUANTANAMO BAY AND AMERICA'S IMAGE

Committee on Foreign Affairs: Subcommittee on International Organizations, Human Rights and Oversight held a hearing on the City on the Hill or Prison on the Bay? The Mistakes of Guantanamo and the Decline of America's Image. Testimony was heard from public witnesses.

BROADENING HOMELAND SECURITY STRATEGY

Committee on Homeland Security: Held a hearing entitled ''The Resilient Homeland—Broadening the Homeland Security Strategy.'' Testimony was heard from Stewart A. Baker, Assistant Secretary, Policy, Department of Homeland Security; and public witnesses.

RULEMAKING PROCESS/UNITARY EXECUTIVE THEORY

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on Rulemaking Process and the Unitary Executive Theory. Testimony was heard from Susan E. Dudley, Administrator, Office of Information and Regulatory Affairs, OMB; Curtis W. Copeland, Specialist in American National Government, CRS, Library of Congress; and public witnesses.

AUTHORIZING SUBPOENA

Committee on the Judiciary: Subcommittee on Constitution, Civil Rights, and Civil Liberties approved a resolution authorizing the Chairman of the Committee to issue a subpoena to David Addington to appear before a hearing relating to the Committee's investigation concerning Bush Administration attorneys and interrogation rules and practices and related matters.

EXECUTIVE BRANCH'S INTERROGATION WAR POWERS

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights and Civil Liberties held a hearing on From the Department of Justice to Guantanamo Bay: Administration Lawyers and Administration Interrogation Rules, Part I. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES; FEDERAL PRISON INDUSTRIES

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security began markup of the following bills: H.R. 5464, A Child Is Missing Alert and Recovery Center Act; H.R. 2352, School Safety Enhancements Act of 2007; H.R. 3480, Let Our Veterans Rest In Peace Act of 2007; S. 2135, Child Soldiers Accountability Act of 2007; H.R. 5938, Former Vice President Protection Act of 2008; H.R. 5057, Debbie Smith Reauthorization Act of 2008; H.R. 1783, Elder Justice Act; H.R. 5352, Elder Abuse Victims Act of 2008, 3 p.m., 2237 Rayburn.

The Subcommittee also held a hearing on Federal Prison Industries—Examining the Effects of Section 827 of the National Defense Authorization Act of 2008. Testimony was heard from Harley G. Lappin, Director, Federal Bureau of Prisons, Department of Justice; and public witnesses.

SENATE AMENDMENTS—AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008

Committee on Rules: Granted, by a record vote of 9–4, a rule providing for consideration of the Senate amendments to H.R. 3221, the American Housing Rescue and Foreclosure Prevention Act of 2008. The rule makes in order a motion by the Chairman of the Committee on Financial Services to concur in the Senate amendment to the text with each of the three House amendments printed in the Rules Committee report. The rule waives all points of order against the motion except for clause 10 of rule XXI and provides that the Senate amendments and the motion shall be considered as read. The rule provides three hours of debate on the motion, with two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services and one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule also provides that the Chair shall divide the question of adoption of the motion between the three House amendments. The rule provides that upon adoption of the motion, a motion that the House concur in the Senate amendment to the title shall be considered as adopted. Finally, the rule provides that the Chair may postpone further consideration as adopted. Finally, the rule provides that the Chair may postpone further consideration of the motion to a time designated by the Speaker. Testimony was heard by Chairman Frank of Massachusetts, Representatives Neal, Bachus, and Mario Diaz-Balart of Florida.

NEIGHBORHOOD STABILIZATION ACT OF 2008

Committee on Rules: Granted, by a record vote of 9–4, a structured rule. The rule provides one hour of general debate on H.R. 5818, Neighborhood Stabilization Act of 2008, equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. 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 Financial Services 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 further provides that after a motion that the Committee rise has been rejected on a legislative day, the Chair may entertain another such motion on that day only if offered by the chairman of the Committee on Financial Services or the Majority Leader or a designee and provides that after a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII) has been rejected, the Chair may not entertain another such motion during further consideration of the bill. Finally, 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 Frank of Massachusetts, Representatives Capito, and McCotter.

WATER MEASURES

Committee on Science and Technology: Subcommittee on Energy and Environment approved for full Committee action the following bills: H.R. 3957, Water Use Efficiency and Conservation Research Act; and H.R. 2339, amended, Produced Water Utilization Act of 2007.

AIRCRAFT EMISSIONS

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on Aviation and the Environment: Emissions. Testimony was heard from David W. Fahey, Research Physicist, NOAA; Daniel K. Elwell, Assistant Administrator, Aviation Policy, Planning, and Environment, FAA, Department of Transportation; Gerald Dillingham, Director, Physical Infrastructure Issues, GAO.

The Subcommittee also held a briefing on this subject. The Subcommittee was briefed by Ambassador John Bruton, Head of the Delegation of the European Commission to the United States of America.

TRUCKING INDUSTRY—RISING FUEL COSTS

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing on Rising Fuel Costs in the Trucking Industry. Testimony was heard from Suzanne TeBeau, Chief Counsel, Federal Motor Carrier Safety Administration, Department of Transportation; and public witnesses.

VETERANS' SUICIDES

Committee on Veterans Affairs: Held a hearing on the Truth about Veterans' Suicides. Testimony was heard from the following officials of the Department of Veterans Affairs: James B. Peake, M.D., Secretary; and Michael Shepherd, M.D., Office of Healthcare Inspections, Office of the Inspector General; and public witnesses.

MEDICARE MEDICAL EQUIPMENT PAYMENTS

Committee on Ways and Means:. Subcommittee on Health held a hearing on Medicare's DMEPOS Competitive Bidding Program. Testimony was heard from Kerry Weems, Acting Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services; Kathleen M. King, Director, Health Care, GAO; and public witnesses.

EMPLOYMENT ELIGIBILITY EQUIPMENT VERIFICATION SYSTEMS

Committee on Ways and Means: Subcommittee on Social Security held a hearing on Employment Eligibility Verification Systems. Testimony was heard from Representatives Calvert, Moore of Kansas, Giffords and Shuler; Richard Stana, Director of Homeland Security and Justice, GAO; and public witnesses.

BRIEFING—OVERHEAD

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Overhead. The Committee was briefed by departmental witnesses.

Joint Meetings

ENERGY AND ENVIRONMENTAL SECURITY

Commission on Security and Cooperation in Europe: Commission concluded a hearing to examine oil and food prices relative to the link between energy and environmental security, focusing on the role that environmental technologies can play in increasing energy security while combating climate change by reducing demand on hydrocarbon resources, after receiving testimony from Richard Bradley, International Energy Agency, Paris, France; Jonathan Pershing, World Resources Institute, and Jetta Wong, Environmental and Energy Study Institute, both of Washington, D.C.; Justin M. Lee, Nexsun Energy, Inc., Los Angeles, California; and Alex Marker, SCHOTT North America, Duryea, Pennsylvania.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D540)*

H.R. 4286, 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. Signed on May 6, 2008. (Public Law 110–209).

COMMITTEE MEETINGS FOR WEDNESDAY, MAY 7, 2008

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of Labor, 9:45 a.m., SD–124.

Subcommittee on Defense, to hold closed hearings to examine proposed budget estimates for fiscal year 2009 for the United States intelligence community, 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 Commodity Futures Trading Commission and the Securities and Exchange Commission, 3 p.m., SD–192.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities, Insurance and Investment, to hold hearings to examine United States credit markets, focusing on the regulation of investment banks by the United States Securities and Exchange Commission, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: Subcommittee on Space, Aeronautics, and Related Agencies, to hold hearings to examine reauthorization of vision for space exploration, 9:30 a.m., SR–253.

Subcommittee on Aviation Operations, Safety, and Security, to hold hearings to examine the state of the airline industry, focusing on the impact of the Delta/Northwest airlines merger, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: business meeting to consider the nominations of Jeffrey F. Kupfer, of Maryland, to be Deputy Secretary of Energy, and Kameran L. Onley, of Washington, to be an Assistant Secretary of the Interior, and other pending legislation, 9:45 a.m., SD–366.

Committee on Environment and Public Works: Subcommittee on Public Sector Solutions to Global Warming, Oversight, and Children's Health Protection, to hold an oversight hearing to examine science and environmental regulatory decisions, 9:30 a.m., SD–406.

Committee on Foreign Relations: to hold hearings to examine the nominations of Marcia Stephens Bloom Bernicat, of New Jersey, to be Ambassador to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador to the Republic of Guinea-Bissau, Gillian Arlette Milovanovic, of Pennsylvania, to be Ambassador to the Republic of Mali, Donald Gene Teitelbaum, of Texas, to be Ambassador to the Republic of Ghana, Linda Thomas-Greenfield, of Louisiana, to be Ambassador to the Republic of Liberia, Peter William Bodde, of Maryland, to be Ambassador to the Republic of Malawi, Donald E. Booth, of Virginia, to be Ambassador to the Republic of Zambia, Marianne Matuzic Myles, of New York, to be Ambassador to the Republic of Cape Verde, and Stephen James Nolan, of Virginia, to be Ambassador to the Republic of Botswana, and Patricia McMahon Hawkins, of Virginia, to be Ambassador to the Togolese Republic, all of the Department of State, 9:30 a.m., SD–419.

Full Committee, to hold hearings to examine international Convention for the Suppression of Acts of Nuclear Terrorism (the ''Convention''), adopted by the United Nations General Assembly on April 13, 2005, and signed on behalf of the United States of America on September 14, 2005 (Treaty Doc.110–04), amendment to the Convention on the Physical Protection of Nuclear Material (the ''Amendment''). A conference of States Parties to the Convention on the Physical Protection of Nuclear Material, adopted on October 28, 1979, adopted the Amendment on July 8, 2005, at the International Atomic Energy Agency in Vienna (Treaty Doc.110–06), and protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (the ''2005 SUA Protocol'') and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (the ''2005 Fixed Platforms Protocol'') (together, ''the Protocols''), adopted by the International Maritime

Organization Diplomatic Conference in London on October 14, 2005, and signed by the United States of America on February 17, 2006 (Treaty Doc.110–08), 2:30 p.m., SD–419.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine fuel subsidies relating to food supply and prices, 10 a.m., SD–342.

Committee on the Judiciary: to hold hearings to examine the nominations of Helene N. White, and Raymond M. Kethledge, both of Michigan, both to be United States Circuit Judges for the Sixth Circuit, and Stephen Joseph Murphy III, to be United States District Judge for the Eastern District of Michigan, 10 a.m., SD–226.

Subcommittee on Antitrust, Competition Policy and Consumer Rights, to hold hearings to examine concentration in agriculture, focusing on an examination of the JBS Swift Group acquisitions, 2:30 p.m., SD–226.

Committee on Veterans' Affairs: to hold hearings to examine pending benefits legislation, 9:30 a.m., SD–106.

House

Committee on Appropriations, Subcommittee on Legislative Branch, to continue appropriation hearings with public witnesses, 10 a.m., 2359 Rayburn.

Committee on Armed Services, Subcommittee on Air and Land Forces, to mark up H.R. 5658, National Defense Authorization Act for Fiscal Year 2009, 10:30 a.m., 2118 Rayburn.

Subcommittee on Military Personnel, to mark up H.R. 5658, National Defense Authorization Act for Fiscal Year 2009, 11:30 a.m., 2212 Rayburn.

Subcommittee on Strategic Forces, to mark up H.R. 5658, National Defense Authorization Act for Fiscal Year 2009, 1 p.m., 2118 Rayburn.

Committee on Energy and Commerce, to mark up the following bills: H.R. 1343. Health Centers Renewal Act of 2007; H.R. 5669, Poison Center Support, Enhancement, and Awareness Act of 2008; and H.R. 1553, Conquer Childhood Cancer Act of 2007, 11 a.m., 2123 Rayburn.

Committee on Foreign Affairs, hearing on U.S. Foreign Policy in Pakistan: Implications for Regional Security, Stability and Development, 10 a.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Border, Maritime, and Global Counterterrorism, hearing entitled ''Assessing the Resiliency of the Nation's Supply Chain,'' 2 p.m., 311 Cannon.

Subcommittee on Transportation and Infrastructure Protection to continue mark up of the following measures: H.R. 4179, Fair, Accurate, Secure and Timely Redress Act of 2007; H.R. 4749, National Bombing Prevention Act of 2008; H.R. 5909, To amend the Aviation and Transportation Security Act to prohibit advance notice to certain individuals, including security screeners, of covert testing of security screening procedures for the purpose of enhancing transportation security at airports, and for other purposes; and H. Res. 1150, Expressing the sense of the House of Representatives that the Transportation Security Administration should, in accordance with the congressional mandate provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007, enhance security against terrorist attack and other security threats to our Nation's rail and mass transit lines, 10:15 a.m., 311 Cannon.

Committee on House Administration, to mark up the following: H.R. 5803, To direct the Federal Assistance Commission to establish a program to make grants to participating States and units of local government which will administer the regularly scheduled general election for Federal office held in November 2008 for carrying out a program to make backup paper ballots available in the case of the failure of a voting system or voting equipment in the election of some other emergency situation, and for other purposes; H.R. 5893, Library of Congress Sound Recording and Film Preservation Programs Reauthorization Act of 2008; and the United States Capitol Police Administrative Technical Corrections Act of 2008, 11 a.m., 1310 Longworth.

Committee on the Judiciary, Task Force on Competition Policy and Antitrust Laws, hearing on Retail Gas, Part 1 Prices: Consumer Effects, 11 a.m., 2141 Rayburn.

Subcommittee on Courts, the Internet, and Intellectual Property, to mark up H.R. 5889, Orphan Works Act of 2008, 2 p.m., 2141 Rayburn.

Committee on Natural Resources, to markup H.R. 3094, National Park Centennial Fund Act, 11 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, to continue hearings on the Lack of Hospital Emergency Surge Capacity: Will the Administration's Medicaid Regulations Make It Worse? 9:30 a.m., 2154 Rayburn.

Committee on Science and Technology, to mark up H.R. 5940, National Nanotechnology Initiative Amendments Act of 2008, 11 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Contracting and Technology, hearing on the role of small businesses in the upcoming digital television (DTV) conversion, 2 p.m., 1539 Longworth.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, to mark up the following measures: H.R. 2452, Raw Sewage Overflow Community Right-to-Know Act; H.R. 135, Twenty-First Century Water Commission Act of 2007; H.R. 5770. To provide for a study by the National Academy of Sciences of potential impacts of climate change on water resources and water quality; and H. Res. 1137, Supporting the goals and ideals of National Public Works Week, 2 p.m., 2167 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Wednesday, May 7

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 60 minutes), Senate will continue consideration of the motion to proceed to consideration of S. 2284, Flood Insurance Reform and Modernization Act.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, May 7

House Chamber

Program for Wednesday: To be announced.

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