United States of America

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# House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. MCNULTY).

## DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*May 20, 2008.*

I hereby appoint the Honorable MICHAEL R. MCNULTY to act as Speaker pro tempore on this day.

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

## MORNING-HOUR DEBATE

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

The Chair will alternate recognition between the parties, with each party limited to 25 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

## U.S.-COLOMBIA TRADE PROMOTION AGREEMENT

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

Mr. WELLER of Illinois. Mr. Speaker and ladies and gentlemen of the House, I rise to ask what I consider to be pretty fair questions. That is, if you are in Latin America and you ask anyone in Latin America which country is America's most reliable ally, they likely would say the Republic of Colombia. If you ask anyone in Latin America which political leader in Latin America is America's best partner and most reliable partner, they would say President Uribe, the democratically elected President of Colombia. Ladies and gentlemen, if you asked in Latin America who is the most popular political figure in the entire hemisphere in his own nation, you would discover it's President Uribe, the President of Colombia, who has an over 83 percent approval rating.

Why? Because he has made tremendous progress, strengthening what is Latin America's longest-standing democracy, reducing violence, making tremendous progress against the three terrorist groups that operate and that have operated for the last several decades in Colombia—the two Communist groups of the FARC and the ELM and the right-wing paramilitaries. He has made tremendous progress.

I would like, Mr. Speaker, to put into the RECORD two news stories from the BBC.

I would note the first story I want to put into the RECORD is the announcement that President Uribe was sending 14 of Colombia's most notorious paramilitary drug lords to the United States to face drug charges.

The second article I would like to put into the RECORD just ran this week. It was of a top commander of the FARC, which is the Communist narcotrafficking terrorist organization which has been fighting the democratically elected government of Colombia.

In just this past week, one of their top commanders surrendered. Her name is Nelly Avila Moreno. Her nickname was Karina, and she is one of the most notorious FARC commanders. She not only surrendered but she called on other FARC rebels to follow her example and surrender, basically saying it's over; it's time to call it a day to stop the civil war, to stop the narcotrafficking and to reach a peace agreement with the democratically elected Government of Colombia.

The reason I bring this up is, just a few weeks ago, this House, the Democratic majority, voted to turn its back on President Uribe. It voted to turn its back on the democratically elected Government of Colombia, America's most reliable partner. You think about it. We have no more reliable partner in Latin America when it comes to counterterrorism, to counternarcotics than the democratically elected Government of Colombia.

What is interesting is we have a trade agreement, a trade promotion agreement, that we have reached with Colombia. It is good for the United States. Right now, Colombian products enter the United States duty-free, tax-free, but U.S. products exported to Colombia face tariffs and taxes. Bulldozers made in my district face taxes of up to 12 to 15 percent, making our products less competitive with Asian products trying to get into the Colombian market as well. In the almost 2 years since this trade agreement was reached, the stalling efforts by this democratic leadership against Colombia has cost U.S. manufacturers and farmers $1 billion in higher tariffs and in higher taxes on U.S. products.

What I point out is this trade agreement wipes out those taxes, making U.S. manufactured goods, U.S. corn and soybeans more competitive.

Again, Colombian products enter the United States' market duty-free today. They don't face those taxes when they come here, but our products face taxes when they go there. The folks back home whom I represent, they say, you know, we want an even playing field. We're happy to trade with anyone as long as we have an even playing field here. Their products come in duty-free. We want the same opportunity. President Uribe and the democratically elected Government of Colombia have agreed to do that. We just need to ratify the agreement, which is to the advantage of American manufacturers and to American farmers.

Ladies and gentlemen, the reason I mention the prosecution of the



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paramilitaries, the reason I mention the surrender by a top FARC commander is those who oppose reducing tariffs on U.S.-made products argue that Colombia just doesn't deserve it. They've not done enough when it comes to reducing violence and in going after the narcotraffickers and the terrorists.

Under President Uribe, he has increased the prosecution budget of the State Attorney General, the State prosecutor for the entire country—a nation of 42 million people—by 72 percent in the last 2 years. He has added over 400 new prosecutors.

Ladies and gentlemen, the U.S.-Colombia Trade Promotion Agreement is a good agreement for Illinois manufacturers, for Illinois farmers, for U.S. manufacturers, and for U.S. farmers. Let's ratify this agreement. Let's work with the best partner we have in Latin America.

I urge the Speaker to bring to this floor the U.S.-Colombia Trade Promotion Agreement. Let's give it an up-or-down vote, and I believe it will pass with overwhelmingly bipartisan support.

[From the Economist, May 15, 2008]

FREE TRADE IN THUGS: GETTING TOUGHER WITH RIGHT-WING WARLORDS

In a surprise move on May 13th, President Álvaro Uribe announced the extradition to the United States of 14 of Colombia's most notorious paramilitary warlords on drug-trafficking charges. As well as sending a warning to other right-wing paramilitaries, the aim is to show Democrats in Washington that Mr. Uribe means what he says about breaking with paramilitary groups who continue to murder trade unionists and other left-wingers.

Democratic congressional leaders and their trade-union allies have cited those murders as a reason for their refusal to approve a free-trade agreement with Colombia. Mr. Uribe may also be hoping to boost his already soaring approval ratings to strengthen his hand in an eventual bid for an unprecedented third term as president. More than two terms in a row are currently banned by the constitution, so this would require approval by Congress.

Mr. Uribe's move could backfire. Human-rights groups fear that it will rob the victims of the compensation that they are entitled to from their tormentors, and could also remove the evidence needed for a successful investigation into why Colombia's paramilitaries and their political accomplices have hitherto enjoyed impunity. More than 60 congressmen, most allies of Mr. Uribe, are either already in prison or under investigation in Colombia for alleged links to paramilitaries. Last month, Mario Uribe, the president's cousin and close political ally, was arrested.

''The good news is that these paramilitary bosses could now face serious jail time,'' said José Miguel Vivanco, Americas director of Human Rights Watch, a lobbying group. (In the United States, cocaine dealers can get 30 years or more.) ''The bad news is they may no longer have any reason to collaborate with Colombian prosecutors investigating their atrocities . . . Just as local prosecutors were beginning to unravel the web of paramilitary ties to prominent politicians, the government has shipped the men with the most information out of the country,'' he lamented.

In fact, the United States has agreed to allow Colombian prosecutors continued access to the extradited men. They have also apparently agreed to transfer to Colombia any seized assets or fines imposed on the warlords to compensate more than 100,000 victims who have come forward. Created in the 1980s by wealthy ranchers to protect themselves from attacks by the left-wing FARC guerrillas, the paramilitaries developed into armed gangs, accused of many thousands of killings as well as drug-trafficking and money-laundering.

Explaining his decision in a televised address on May 13th, Mr. Uribe said the extradited men had violated the conditions of a 2003 pact with the government under which they agreed to surrender to the authorities in exchange for relatively light prison sentences—a maximum of eight years—and protection against extradition. In return, they had promised to confess to their crimes, cease all illegal activities and use their drug money to compensate the victims of their appalling crimes. But the 14 warlords had continued to run their criminal networks from prison and had failed to pay reparations, Mr. Uribe said.

If the move was made with one eye on Washington, its timing appears to have been determined by a legal wrangle. Groups representing victims have been fighting to halt the extraditions. This appears to have prompted Mr. Uribe's decision to send the paramilitaries to the United States. Colombia's Supreme Court had recently supported these groups, ruling that extraditions of paramilitary bosses should be carried out only after they had confessed to their crimes and paid reparations. But this was overturned by a judicial council last week. Within hours, the first paramilitary leader to be extradited, Carlos Mario Jiménez, alias ''Macaco'', was on a plane bound for the United States, a journey made a week later by his 14 colleagues. More may follow.

[From BBC News]

FARC CAPTIVE CALLS FOR SURRENDER

A top commander of the FARC rebels in Colombia has urged other rebels to follow her example and surrender.

Nelly Avila Moreno, known as Karina, handed herself in to soldiers over the weekend in the latest blow to FARC.

She said FARC was falling apart under pressure from the military and growing desertions. Several key leaders have been killed in recent months.

Karina has been blamed for a string of murders and abductions in the north-western Antioquia region.

Her surrender is a coup for President Alvaro Uribe, who made her a priority target for the security forces in 2002, the BBC's Jeremy McDermott says.

The Revolutionary Armed Forces of Colombia, or FARC, has been fighting to overthrow the government for more than 40 years.

NOT BLOODTHIRSTY

''To my comrades: Change this life that your are leading in the guerrilla group and re-enter society with the government's reinsertion plan,'' she said at a news conference called by the army in Medellin.

Her unit had been whittled down to fewer than 50 fighters—down from several hundred—when she surrendered.

Karina said she had been out of contact with FARC's seven-member ruling secretariat for two years.

''The decision [to surrender] was made because of the pressure by the army in the area,'' she said.

She said she was shaken by the killing of secretariat member Ivan Rios by one of his bodyguards in March.

The bodyguard had cut off Rios's hand and turned it in with his laptop computer in return for a reward.

The government has offered bounties for top rebel commanders. Karina's was $1m (£512,000). Two weeks ago, President Uribe appealed to her to surrender.

She contacted the army who sent a helicopter to pick up her and another guerrilla, known as Michin.

She denied involvement in the 1983 murder of President Uribe's father and said she was not the ''bloodthirsty'' woman the authorities described her as.

## WOMEN VETS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Oklahoma (Ms. FALLIN) for 5 minutes.

Ms. FALLIN. Thank you, Mr. Speaker.

With Memorial Day right around the corner, now is the time to reflect upon the courage, the dedication and the patriotism personified by the men and the women in our Armed Forces. I know many Americans will stop this weekend and will thank a veteran in their family or in their community for their service to our Nation. They may meet a young soldier back from a tour of duty in Iraq and may quietly just thank God that we are born in a Nation where freedom is valued and fought for.

In our modern military, it is becoming increasingly likely that a returning soldier is a woman, and while men still outnumber women in the Armed Forces, military service is no longer a career choice for men only. Today, there are more women than ever choosing to serve their country. They are pilots, engineers, commanders of ships, military police, and nurses. Deployed in two different theaters, women are playing a vital role in our war efforts.

Now more than 185,000 women have been deployed in support of Operation Enduring Freedom, Operation Iraqi Freedom and in other missions since 2001. Since its inception, women have played a vital role in defending our Nation and its freedoms. Whether it is in a hospital, in the tents of the revolution, in the shipyards of World War II or in the strategic combat positions they hold in our modern military, the contribution of women to our national defense is undeniable.

Tomorrow, I will be honored to join several of my colleagues from this chamber as we lay a wreath at the Arlington National Cemetery to honor the more than over 350 women in uniform who have died defending this great Nation since World War I.

In a few hours, we will be given the opportunity to honor these women and their significant contributions to our military when we vote on House Resolution 1054: Honoring the service and achievements of women in the Armed Forces and female veterans. By supporting this resolution, we can send a clear message to our women in the military and to our women veterans that your service is not forgotten nor is your courage, your patriotism nor

your sacrifice. Today, we honor you all.

## OFFSHORE DRILLING

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

Mr. POE. Thank you, Mr. Speaker.

As gasoline prices soar to almost $4 a gallon, the American driving public wants Congress to do something about it, and it is our responsibility.

Where I live, I represent a good part of rural southeast Texas, and many of these individuals are rice farmers, and they work the land, and they can't afford the diesel for their pickup trucks and for their trucks to go and work at the refineries in southeast Texas. All people throughout the country have this same common issue: Why are gasoline prices so high? Why isn't Congress doing something about it?

Well, part of the reason is Congress, instead of exploring our own natural resources, Congress has decided to make the decision to punish energy consumption in this country and to make it more difficult for America to take care of Americans. Congress' policy is let's rely on OPEC; let's rely on that dictator Chavez and get their crude oil while we figure out something else to do on how to take care of ourselves down the road, but the problem is immediate, and we need to deal with it, and we can deal with it.

The first issue: Drilling for crude oil and natural gas. Now, because of Congress, we have made it impossible to drill offshore. This map of the United States shows two areas offshore. This blue area is down by Texas, Louisiana, Mississippi, and Alabama. This area in the Gulf of Mexico is where we drill offshore, and we are glad to do that. That crude oil that we take from the Gulf of Mexico and distribute throughout the United States is good for America. But you see, Mr. Speaker, there is also more crude oil in the Gulf of Mexico by Florida. There is also crude oil over off the east coast. Mr. Speaker, there's also crude oil off the sacred coast of California, the west coast, but we don't drill over there. We don't drill in the Gulf of Mexico. We don't drill on the east coast. Why? Because of Congress.

So one thing we could do is lift the offshore drilling prohibitions, not the regulations, but the prohibitions. But because of the environmental fear lobby that is so strong in this Congress, we don't drill where there's crude oil or natural gas. Way up here, not even on the map, is a place called ANWR where there is nothing except crude oil, and we don't drill for crude oil in ANWR because of the environmental fear lobby and because of Congress.

Let's lift those restrictions and take care of ourselves rather than rely on foreign dictators and OPEC to get our crude oil.

Now, there is going to be another offshore drilling rig out in the Gulf of Mexico over here near this red zone, but it is not going to be built by Americans. Those rigs out there off the coast of Florida, about 48 miles, are going to be built by the Cubans, and it's financed by the Chinese. That's right. The Chinese and the Cubans are drilling where America ought to drill.

Doesn't that bother anybody? Lift the restrictions.

The second thing we need to do is have more refineries. I represent southeast Texas. We have the Nation's largest refinery and the second largest refinery. Down in the Sabine-Neches Waterway that borders Louisiana there are numerous refineries, but they're running at capacity because we haven't built a new refinery in this country in 30 years.

Why? The environmental fear lobby is prohibiting us from taking care of ourselves. So it doesn't do any good to produce more crude oil if we don't have the refinery capacity to produce gasoline and diesel fuel. So make it easier to have refineries in this country. We need to take care of ourselves.

I was somewhat embarrassed as an American citizen when our President, the most powerful person on Earth, had to go and ask OPEC last week to produce more crude oil so we could have gasoline. Of course, they in their arrogant way said, ''Well, we'll think about it. Maybe we will and maybe we won't.'' See, that is what is happening to our country. We are being held hostage because Congress will not let America take care of Americans.

Mr. Speaker, we need to produce the crude oil, the natural gas that we have. We need to even produce and to build more nuclear plants in this country. Right now, China is building nine nuclear plants, and they have 40 on the drawing boards. How many are we making? We're not making any because the environmental fear lobby will not let us build nuclear power plants in this country.

So how long is it going to take Congress to get the message that we need to reduce gasoline prices? One way to do that is to increase supply, and we can take care of ourselves. We are the only major power in the world that depends on other nations for our fuel and for our economy. This ought not to be, but it is just the way it is.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 15 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PASTOR) at 10 a.m.

## PRAYER

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

Lord of history and purveyor of all the world, it seems that with the passage of time all nations are coming into a closer unity. People of different cultures and religions are being bound together in common concerns and by greater communication.

By Your grace, individuals seem to be more aware of the world around them and grow in a sense of responsibility. Bless this solidarity and help this Nation through leadership in government, religion and industry build a world of prosperity, freed of hunger and assured of justice and peace.

Ignite a spirit of hopefulness in young people that they may prove themselves to be positive, creative and joyful, truly Your free children both 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 his approval thereof.

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

## PLEDGE OF ALLEGIANCE

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

Mr. DAVIS of Kentucky 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.

## CELEBRATING ISRAEL'S 60TH ANNIVERSARY

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

Mr. HONDA. Mr. Speaker, it is with tremendous honor that I rise today to celebrate the 60th anniversary of a great democracy and our close friend and important ally, Israel. With its strong technology sector in both renewable energy development and high-tech research, Israel is a natural friend of Silicon Valley, which I proudly represent.

Israel's contribution to the high-tech industry, from computer processors to cell phones, and its development of life-saving medical techniques, benefit people around the world every day.

I have fond memories of my first trip to Israel, whose people, history, and culture have left an everlasting impression upon me.

I have supported Israel throughout my career, and will continue to do so. We must continue our democratic partnership with Israel. Once again, Mr.

Speaker, I rise to celebrate the 60th anniversary of Israel.

## AMERICA CANNOT AFFORD ILLEGALS

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

Mr. POE. Mr. Speaker, America cannot afford illegals.

Last year, according to the Los Angeles County Supervisor, ''Illegals cost the county $220 million in public safety, $400 million in health care, and $440 million in welfare. Total cost to taxpayers for illegals far exceeds $1 billion a year, not counting millions for their (free) education.''

''This new information,'' he continued, ''shows an alarming increase in the devastating impact illegals continue to have on taxpayers.''

Illegals should not receive welfare or government assistance. Many Americans and legal immigrants don't receive needed social services and health care because money is going to those illegally on the land. Try getting treated in any hospital emergency room in the country. The silent secret in the crowded waiting room is that many there are illegals getting health care that someone else—Americans—pay for.

Still doubting? Then wander up to the maternity ward, where the mothers illegally in the United States are having babies at somebody else's expense.

Failure to control the borders allows illegal trespassers to reap what they have not sown and take what they have not earned from America and from legal immigrants.

And that's just the way it is.

## IT'S TIME

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

Mr. KUCINICH. Americans are now looking at $4 a gallon for gasoline. Is it going up to $5 a gallon?

This is having a severe impact on family budgets. It's kind of a regressive tax on the poor and working people of this country, hitting those hardest who are least able to pay. And low-wage workers who commute are finding an increasingly difficult time being able to survive. It's having a devastating impact on our manufacturing economy.

It's time for a new energy policy. It's time for a massive investment by Detroit in fuel efficiency and retooling and hybrids. It's time to end our reliance on oil. It's time to invest in alternative energy, like wind and solar. It's time to stop wars for resources. It's time to stop aggression in the Middle East. It's time to cooperate internationally to protect the environment. It's time to end NAFTA to make environmental quality principles part of our energy policy. It's time to regain control over America's economy and America's future.

## CONGRATULATING NORTHERN KENTUCKY UNIVERSITY'S WOMEN'S BASKETBALL TEAM

(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. Mr. Speaker, I rise today to join my colleagues in the House in congratulating the Northern Kentucky University women's basketball team for winning the NCAA Division II National Championship on March 29, 2008. Yesterday, the House of Representatives passed H. Res. 1147, which congratulates the team and the coaches on their impressive victory.

During the championship game, the Norse overcame a nine-point deficit with less than 6 minutes left in the game to beat the University of South Dakota, 63–58. Senior Angela Healy had 14 points and 13 rebounds in the game. In recognition of her performance, Ms. Healy was voted the Elite Eight's Most Outstanding Player.

This win marked the second time in the last decade that the Norse women have won an NCAA national championship in women's basketball. NKU is now the only collegiate women's program in the Commonwealth of Kentucky to win two national titles in any sport.

The Norse team consisted of 11 outstanding women who are not only championship-caliber players, but by all accounts students and leaders who are a credit to their community as well.

Coach Nancy Winstel should be applauded for her excellent leadership and dedication to Northern Kentucky University.

Mr. Speaker, I want to congratulate the team, the coaching staff, and the entire Northern Kentucky University community for a great season, and to thank my colleagues for their support of this resolution.

## DEMOCRATS WORKING TO BRING RELIEF TO HARDWORKING AMERICANS

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

Mr. PALLONE. Mr. Speaker, over the last couple of weeks, this House has passed important legislation that is going to provide some much needed relief to hardworking families who are being squeezed by high gas prices, high grocery bills, and a housing crisis that many economists believe has not yet hit rock bottom.

Last week, Congress took decisive action to bring down the price of gas by passing legislation to suspend the filling of the Strategic Petroleum Reserve through the end of the year. After initially opposing the proposal, the President announced last Friday that he would comply. The House also overwhelmingly supported a farm bill conference report that invests $10 billion more in nutrition programs that will help 38 million Americans afford healthy food. And earlier this month, we passed housing legislation that stabilizes the housing market and makes a real difference for families at risk of losing their homes.

Mr. Speaker, this month, the House has passed significant legislation that will help all Americans and will basically address the economic downturn. I would hope the President would also support these important initiatives.

## COUNTY PAYMENTS: WASCO COUNTY, OREGON

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

Mr. WALDEN of Oregon. Mr. Speaker, by refusing to renew the Federal county payments program, Congress has broken its promise to rural, timbered America. Counties like Wasco County in Oregon are affected. It has laid off nine people from its road department, seven full-time, two part-time. That's one-third of its entire road department.

The county has more than 700 miles of road, and not a single road construction project is now underway. County Commissioner Sherry Holliday said, ''Counties can't do any strategic planning when our budget is totally up in the air.'' Well, there is a solution, H.R. 3058, a bipartisan 4-year reauthorization of county timber payments. It's been on the Union Calendar and ready for a vote since January 15. The administration has put forward a variety of offsets to pay for it, and yet the Democratic leadership of this House has refused to bring it up for a vote. That's 126 days that H.R. 3058 has been held hostage by the leadership of this House.

It's time to restore the Federal Government's century-old commitment to rural, timbered communities where Federal lands make up so much of their county.

I call on the leadership once again, free H.R. 3058, bring it up for a vote, keep the roads and schools open in rural America.

## MEMORIAL DAY

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

Mr. KUHL of New York. Mr. Speaker, when I look out from the steps of the United States Capitol building, I'm always in awe of the sight before me. The memorials beneath the Capitol steps honor the sacrifices made by the brave men and women who wore the uniform and put their country before themselves. They came from farms and cities, from mountains and villages, and from lives of privilege and lives of poverty. They each answered the call when their Nation needed them most. These men and women represented the best

America had to offer, and they served their country with pride, with honor, and with courage.

Next Monday is Memorial Day. It is a day to remember and honor those men and women who have given their lives for their country. It's a day to cherish and pray for those currently serving their country at home and abroad.

Support for our troops must always be an American issue and never a partisan one as our Nation's heroes are defending each one of our rights as American citizens. We must do what is best for veterans and active soldiers, not what's best for a sound bite, political propaganda, or election year politics. These are our Nation's heroes, and we must never let our fellow Americans forget their bravery and their sacrifices.

## THE AMERICAN PEOPLE WANT ANSWERS

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

Mrs. BLACKBURN. Mr. Speaker, I would like to pose a question today, a question for the majority leadership of this House. My constituents are asking me, how high does the price of gasoline have to go before the Democrat leadership of this House decides to vote to allow domestic energy production? How much are Americans going to have to pay before they will bring our bills to the floor to address this issue? They are wanting to know. They also want to know why no refineries have been built since 1976. They want to know why permits seem to be slow walked when it comes to exploring for natural resources.

Today, my constituents in Memphis, Tennessee, are paying $3.63 for one gallon of gasoline. That's nearly 55 percent more than they were paying when Speaker PELOSI took over.

The American people are wanting answers. And what is the energy solution that the Democratic leadership has offered? Well, it has been banning the traditional light bulb.

Americans want answers, Mr. Speaker, but even more, they want some action. They want the problem solved.

## OIL PRICES

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

Mr. MCDERMOTT. Mr. Speaker, it's kind of funny to listen to the other side talk today. You would think that they had been really working on the energy crisis in this country.

When the President took over, gasoline was about $1.80 a gallon, and now it's $3.80 a gallon where I live. Now, that's an energy policy you could see developed in the White House by Mr. CHENEY. He brought in all the oil company executives and said, how can we drive up the price of gasoline so you guys can make a whole lot of money? They had a secret meeting. They wouldn't tell anybody who was there. They wouldn't tell anybody what was talked about. They have been fighting in the courts for 8 years to keep from telling us what went on at that meeting at the beginning of the Bush administration.

We see the results. They got them, the biggest profits of the oil companies in history. And we tried to take a little $16 billion loophole and close it and use some of that money for alternative energy production and conservation and the President said, no way, we can't take anything away from those oil companies. Why, they need it all.

We're not going to get a reduction in oil prices in this country until we change the administration when BARACK OBAMA takes over on the 20th of January, 2009.

□ 1015

## RECOGNIZING ISRAEL'S 60TH ANNIVERSARY

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

Mr. LAMBORN. Mr. Speaker, I rise today to recognize Israel's 60th anniversary and the progress it has made as a nation.

In May, 1948, after almost 2,000 years of exile, Jews returned to their homeland and made the State of Israel a reality. Israel is a model of democracy in action and a pillar of humanity in the Middle East. Its civil liberties are guaranteed by laws, and its laws are protected by an independent judiciary.

Since its founding in 1948, Israel has been constantly aware of the necessity of a strong defense. Wars, conflicts, and terrorism have taught it the importance of utilizing innovative technologies to protect democracy.

The U.S. was the first nation to recognize Israel as a state 60 years ago. Now our countries continue to cooperate in the fight against global terrorism and work together to create and maintain a strong ballistic missile system.

This month we celebrate how far Israel has journeyed since its birth. It is a model of human rights, democracy, and freedom. We are proud to call Israel an ally.

## HOUSE REPUBLICANS OFFER SOLUTIONS TO LOWER GAS PRICES

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

Ms. FOXX. Mr. Speaker, the Democrat leadership promised the American people a ''commonsense'' plan to lower gas prices, but House Democrats have not only failed to offer any meaningful solutions, they've put forward policies that will have precisely the opposite effect.

Since Democrats took control of Congress, gasoline prices have skyrocketed by more than $1 a gallon. In fact, the price of gas is at an all-time high of $3.80 a gallon today. This is the last thing middle class families need. Every dollar counts and families should not have to spend it on gasoline.

Middle class families need relief, not more broken promises from the Democrat majority. That's why Republicans will continue to stand up for average Americans and offer solutions to reduce our dependence on Middle Eastern oil, lower gas prices here at home, and invest in alternative forms of energy to create American jobs and grow our economy.

Energy prices are rising, cost of living expenses are rising, and the Democrat leadership is content with sitting on the sidelines and raising taxes and increasing spending.

House Republicans are committed to helping working Americans who are carrying the majority of the burden of the Democrats' failure to lead.

## INCREASING AMERICAN ENERGY PRODUCTION RESPONSIBLY

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

Mr. BOUSTANY. Mr. Speaker, for 501 days liberal Democrats have controlled Congress. And these liberal Democrats, including the Speaker, continue to talk about their secret solution for skyrocketing gas prices. But they have failed to produce any answers.

Empty rhetoric and broken promises will not lower the price at the pump for American families. The people in my district in Southwest Louisiana understand that and they want real solutions. They want a comprehensive energy policy that allows us to strategically manage our fossil fuel dependence while we then transition and invest in alternative fuels. They don't want an energy policy that's held hostage to radical environmentalism. They want an energy policy that will increase responsible American energy production and refining capacity. They want to unleash American ingenuity and entrepreneurship. They don't want delays. They want a comprehensive energy policy because it's in the interest of our national security.

Families in Southwest Louisiana and across the country are looking for solutions to the price at the pump, they're looking for solutions for health care costs, and they're looking for solutions to the housing slowdown. Republicans have viable answers.

The American people are asking the Democratic leadership in Washington if they have solutions, we haven't seen any. Bring them forward. Let's work together to ease the price at the pump and to decrease America's dependence on foreign sources of oil.

## 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.

## HEROES EARNINGS ASSISTANCE AND RELIEF TAX ACT OF 2008

Mr. RANGEL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6081) to amend the Internal Revenue Code of 1986 to provide benefits for military personnel, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6081

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

**SECTION 1. SHORT TITLE, ETC.**

(a) SHORT TITLE.—This Act may be cited as the ''Heroes Earnings Assistance and Relief Tax Act of 2008''.

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title, etc.

TITLE I—BENEFITS FOR MILITARY

Sec. 101. Recovery rebate provided to military families.
Sec. 102. Election to include combat pay as earned income for purposes of earned income tax credit.
Sec. 103. Modification of mortgage revenue bonds for veterans.
Sec. 104. Survivor and disability payments with respect to qualified military service.
Sec. 105. Treatment of differential military pay as wages.
Sec. 106. Special period of limitation when uniformed services retired pay is reduced as a result of award of disability compensation.
Sec. 107. Distributions from retirement plans to individuals called to active duty.
Sec. 108. Authority to disclose return information for certain veterans programs made permanent.
Sec. 109. Contributions of military death gratuities to Roth IRAs and Education Savings Accounts.
Sec. 110. Suspension of 5-year period during service with the Peace Corps.
Sec. 111. Credit for employer differential wage payments to employees who are active duty members of the uniformed services.
Sec. 112. State payments to service members treated as qualified military benefits.
Sec. 113. Permanent exclusion of gain from sale of a principal residence by certain employees of the intelligence community.
Sec. 114. Special disposition rules for unused benefits in health flexible spending arrangements of individuals called to active duty.
Sec. 115. Technical correction related to exclusion of certain property tax rebates and other benefits provided to volunteer firefighters and emergency medical responders.

TITLE II—IMPROVEMENTS IN SUPPLEMENTAL SECURITY INCOME

Sec. 201. Treatment of uniformed service cash remuneration as earned income.
Sec. 202. State annuities for certain veterans to be disregarded in determining supplemental security income benefits.
Sec. 203. Exclusion of AmeriCorps benefits for purposes of determining supplemental security income eligibility and benefit amounts.
Sec. 204. Effective date.

TITLE III—REVENUE PROVISIONS

Sec. 301. Revision of tax rules on expatriation.
Sec. 302. Certain domestically controlled foreign persons performing services under contract with United States Government treated as American employers.
Sec. 303. Increase in minimum penalty on failure to file a return of tax.

TITLE IV—PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS

Sec. 401. Parity in the application of certain limits to mental health benefits.

### TITLE I—BENEFITS FOR MILITARY

**SEC. 101. RECOVERY REBATE PROVIDED TO MILITARY FAMILIES.**

(a) IN GENERAL.—Subsection (h) of section 6428 (relating to identification number requirement) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR MEMBERS OF THE ARMED FORCES.—Paragraph (1) shall not apply to a joint return where at least 1 spouse was a member of the Armed Forces of the United States at any time during the taxable year.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 101 of the Economic Stimulus Act of 2008.

**SEC. 102. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME TAX CREDIT.**

(a) IN GENERAL.—Clause (vi) of section 32(c)(2)(B) (defining earned income) is amended to read as follows:

''(vi) a taxpayer may elect to treat amounts excluded from gross income by reason of section 112 as earned income.''.

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 6428(e) is amended by striking ''except that—'' and all that follows through ''(B) such term shall'' and inserting ''except that such term shall''.

(c) SUNSET NOT APPLICABLE.—Section 105 of the Working Families Tax Relief Act of 2004 (relating to application of EGTRRA sunset to this title) shall not apply to section 104(b) of such Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2007.

**SEC. 103. MODIFICATION OF MORTGAGE REVENUE BONDS FOR VETERANS.**

(a) QUALIFIED MORTGAGE BONDS USED TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.—Subparagraph (D) of section 143(d)(2) (relating to exceptions) is amended by striking ''and before January 1, 2008''.

(b) INCREASE IN BOND LIMITATION FOR ALASKA, OREGON, AND WISCONSIN.—Clause (ii) of section 143(l)(3)(B) (relating to State veterans limit) is amended by striking ''$25,000,000'' each place it appears and inserting ''$100,000,000''.

(c) DEFINITION OF QUALIFIED VETERAN.—Paragraph (4) of section 143(l) (defining qualified veteran) is amended to read as follows:

''(4) QUALIFIED VETERAN.—For purposes of this subsection, the term 'qualified veteran' means any veteran who—

''(A) served on active duty, and

''(B) applied for the financing before the date 25 years after the last date on which such veteran left active service.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2007.

(e) TRANSITION RULE.—In the case of any bond issued after December 31, 2007, and before the date of the enactment of this Act, subparagraph (B) of section 143(l)(4) of the Internal Revenue Code of 1986, as amended by this section, shall be applied by substituting ''30 years'' for ''25 years''.

**SEC. 104. SURVIVOR AND DISABILITY PAYMENTS WITH RESPECT TO QUALIFIED MILITARY SERVICE.**

(a) PLAN QUALIFICATION REQUIREMENT FOR DEATH BENEFITS UNDER USERRA-QUALIFIED ACTIVE MILITARY SERVICE.—Subsection (a) of section 401 (relating to requirements for qualification) is amended by inserting after paragraph (36) the following new paragraph:

''(37) DEATH BENEFITS UNDER USERRA-QUALIFIED ACTIVE MILITARY SERVICE.—A trust shall not constitute a qualified trust unless the plan provides that, in the case of a participant who dies while performing qualified military service (as defined in section 414(u)), the survivors of the participant are entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) provided under the plan had the participant resumed and then terminated employment on account of death.''.

(b) TREATMENT IN THE CASE OF DEATH OR DISABILITY RESULTING FROM ACTIVE MILITARY SERVICE FOR BENEFIT ACCRUAL PURPOSES.—Subsection (u) of section 414 (relating to special rules relating to veterans' reemployment rights under USERRA) is amended by redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively, and by inserting after paragraph (8) the following new paragraph:

''(9) TREATMENT IN THE CASE OF DEATH OR DISABILITY RESULTING FROM ACTIVE MILITARY SERVICE.—

''(A) IN GENERAL.—For benefit accrual purposes, an employer sponsoring a retirement plan may treat an individual who dies or becomes disabled (as defined under the terms of the plan) while performing qualified military service with respect to the employer maintaining the plan as if the individual has resumed employment in accordance with the individual's reemployment rights under chapter 43 of title 38, United States Code, on the day preceding death or disability (as the case may be) and terminated employment on the actual date of death or disability. In the case of any such treatment, and subject to subparagraphs (B) and (C), any full or partial compliance by such plan with respect to the benefit accrual requirements of paragraph (8) with respect to such individual shall be treated for purposes of paragraph (1) as if such compliance were required under such chapter 43.

''(B) NONDISCRIMINATION REQUIREMENT.—Subparagraph (A) shall apply only if all individuals performing qualified military service with respect to the employer maintaining the plan (as determined under subsections (b), (c), (m), and (o)) who die or became disabled as a result of performing qualified military service prior to reemployment by

the employer are credited with service and benefits on reasonably equivalent terms.

''(C) DETERMINATION OF BENEFITS.—The amount of employee contributions and the amount of elective deferrals of an individual treated as reemployed under subparagraph (A) for purposes of applying paragraph (8)(C) shall be determined on the basis of the individual's average actual employee contributions or elective deferrals for the lesser of—

''(i) the 12-month period of service with the employer immediately prior to qualified military service, or

''(ii) if service with the employer is less than such 12-month period, the actual length of continuous service with the employer.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 404(a)(2) is amended by striking ''and (31)'' and inserting ''(31), and (37)''.

(2) Section 403(b) is amended by adding at the end the following new paragraph:

''(14) DEATH BENEFITS UNDER USERRA-QUALIFIED ACTIVE MILITARY SERVICE.—This subsection shall not apply to an annuity contract unless such contract meets the requirements of section 401(a)(37).''.

(3) Section 457(g) is amended by adding at the end the following new paragraph:

''(4) DEATH BENEFITS UNDER USERRA-QUALIFIED ACTIVE MILITARY SERVICE.—A plan described in paragraph (1) shall not be treated as an eligible deferred compensation plan unless such plan meets the requirements of section 401(a)(37).''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to deaths and disabilities occurring on or after January 1, 2007.

(2) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(A) IN GENERAL.—If this subparagraph applies to any plan or contract amendment, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subparagraph (B)(iii).

(B) AMENDMENTS TO WHICH SUBPARAGRAPH (A) APPLIES.—

(i) IN GENERAL.—Subparagraph (A) shall apply to any amendment to any plan or annuity contract which is made—

(I) pursuant to the amendments made by subsection (a) or pursuant to any regulation issued by the Secretary of the Treasury under subsection (a), and

(II) on or before the last day of the first plan year beginning on or after January 1, 2010.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this clause shall be applied by substituting ''2012'' for ''2010'' in subclause (II).

(ii) CONDITIONS.—This paragraph shall not apply to any amendment unless—

(I) the plan or contract is operated as if such plan or contract amendment were in effect for the period described in clause (iii), and

(II) such plan or contract amendment applies retroactively for such period.

(iii) PERIOD DESCRIBED.—The period described in this clause is the period—

(I) beginning on the effective date specified by the plan, and

(II) ending on the date described in clause (i)(II) (or, if earlier, the date the plan or contract amendment is adopted).

**SEC. 105. TREATMENT OF DIFFERENTIAL MILITARY PAY AS WAGES.**

(a) INCOME TAX WITHHOLDING ON DIFFERENTIAL WAGE PAYMENTS.—

(1) IN GENERAL.—Section 3401 (relating to definitions) is amended by adding at the end the following new subsection:

''(h) DIFFERENTIAL WAGE PAYMENTS TO ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.—

''(1) IN GENERAL.—For purposes of subsection (a), any differential wage payment shall be treated as a payment of wages by the employer to the employee.

''(2) DIFFERENTIAL WAGE PAYMENT.—For purposes of paragraph (1), the term 'differential wage payment' means any payment which—

''(A) is made by an employer to an individual with respect to any period during which the individual is performing service in the uniformed services (as defined in chapter 43 of title 38, United States Code) while on active duty for a period of more than 30 days, and

''(B) represents all or a portion of the wages the individual would have received from the employer if the individual were performing service for the employer.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to remuneration paid after December 31, 2008.

(b) TREATMENT OF DIFFERENTIAL WAGE PAYMENTS FOR RETIREMENT PLAN PURPOSES.—

(1) PENSION PLANS.—

(A) IN GENERAL.—Section 414(u) (relating to special rules relating to veterans' reemployment rights under USERRA), as amended by section 103(b), is amended by adding at the end the following new paragraph:

''(12) TREATMENT OF DIFFERENTIAL WAGE PAYMENTS.—

''(A) IN GENERAL.—Except as provided in this paragraph, for purposes of applying this title to a retirement plan to which this subsection applies—

''(i) an individual receiving a differential wage payment shall be treated as an employee of the employer making the payment,

''(ii) the differential wage payment shall be treated as compensation, and

''(iii) the plan shall not be treated as failing to meet the requirements of any provision described in paragraph (1)(C) by reason of any contribution or benefit which is based on the differential wage payment.

''(B) SPECIAL RULE FOR DISTRIBUTIONS.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A)(i), for purposes of section 401(k)(2)(B)(i)(I), 403(b)(7)(A)(ii), 403(b)(11)(A), or 457(d)(1)(A)(ii), an individual shall be treated as having been severed from employment during any period the individual is performing service in the uniformed services described in section 3401(h)(2)(A).

''(ii) LIMITATION.—If an individual elects to receive a distribution by reason of clause (i), the plan shall provide that the individual may not make an elective deferral or employee contribution during the 6-month period beginning on the date of the distribution.

''(C) NONDISCRIMINATION REQUIREMENT.—Subparagraph (A)(iii) shall apply only if all employees of an employer (as determined under subsections (b), (c), (m), and (o)) performing service in the uniformed services described in section 3401(h)(2)(A) are entitled to receive differential wage payments on reasonably equivalent terms and, if eligible to participate in a retirement plan maintained by the employer, to make contributions based on the payments on reasonably equivalent terms. For purposes of applying this subparagraph, the provisions of paragraphs (3), (4), and (5) of section 410(b) shall apply.

''(D) DIFFERENTIAL WAGE PAYMENT.—For purposes of this paragraph, the term 'differential wage payment' has the meaning given such term by section 3401(h)(2).''.

(B) CONFORMING AMENDMENT.—The heading for section 414(u) is amended by inserting ''AND TO DIFFERENTIAL WAGE PAYMENTS TO MEMBERS ON ACTIVE DUTY'' after ''USERRA''.

(2) DIFFERENTIAL WAGE PAYMENTS TREATED AS COMPENSATION FOR INDIVIDUAL RETIREMENT PLANS.—Section 219(f)(1) (defining compensation) is amended by adding at the end the following new sentence: ''The term compensation includes any differential wage payment (as defined in section 3401(h)(2)).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2008.

(c) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any plan or annuity contract amendment, such plan or contract shall be treated as being operated in accordance with the terms of the plan or contract during the period described in paragraph (2)(B)(i).

(2) AMENDMENTS TO WHICH SECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any amendment made by subsection (b)(1), and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2010.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this subparagraph shall be applied by substituting ''2012'' for ''2010'' in clause (ii).

(B) CONDITIONS.—This subsection shall not apply to any plan or annuity contract amendment unless—

(i) during the period beginning on the date the amendment described in subparagraph (A)(i) takes effect and ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect, and

(ii) such plan or contract amendment applies retroactively for such period.

**SEC. 106. SPECIAL PERIOD OF LIMITATION WHEN UNIFORMED SERVICES RETIRED PAY IS REDUCED AS A RESULT OF AWARD OF DISABILITY COMPENSATION.**

(a) IN GENERAL.—Subsection (d) of section 6511 (relating to special rules applicable to income taxes) is amended by adding at the end the following new paragraph:

''(8) SPECIAL RULES WHEN UNIFORMED SERVICES RETIRED PAY IS REDUCED AS A RESULT OF AWARD OF DISABILITY COMPENSATION.—

''(A) PERIOD OF LIMITATION ON FILING CLAIM.—If the claim for credit or refund relates to an overpayment of tax imposed by subtitle A on account of—

''(i) the reduction of uniformed services retired pay computed under section 1406 or 1407 of title 10, United States Code, or

''(ii) the waiver of such pay under section 5305 of title 38 of such Code,

as a result of an award of compensation under title 38 of such Code pursuant to a determination by the Secretary of Veterans Affairs, the 3-year period of limitation prescribed in subsection (a) shall be extended, for purposes of permitting a credit or refund based upon the amount of such reduction or waiver, until the end of the 1-year period beginning on the date of such determination.

''(B) LIMITATION TO 5 TAXABLE YEARS.—Subparagraph (A) shall not apply with respect to any taxable year which began more than 5 years before the date of such determination.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to claims for credit or refund filed after the date of the enactment of this Act.

(c) TRANSITION RULES.—In the case of a determination described in paragraph (8) of section 6511(d) of the Internal Revenue Code of 1986 (as added by this section) which is made by the Secretary of Veterans Affairs after December 31, 2000, and before the date of the enactment of this Act, such paragraph—

(1) shall not apply with respect to any taxable year which began before January 1, 2001, and

(2) shall be applied by substituting for ''the date of such determination'' in subparagraph (A) thereof.

**SEC. 107. DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.**

(a) IN GENERAL.—Clause (iv) of section 72(t)(2)(G) is amended by striking '', and before December 31, 2007''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals ordered or called to active duty on or after December 31, 2007.

**SEC. 108. AUTHORITY TO DISCLOSE RETURN INFORMATION FOR CERTAIN VETERANS PROGRAMS MADE PERMANENT.**

(a) IN GENERAL.—Paragraph (7) of section 6103(l) is amended by striking the last sentence thereof.

(b) CONFORMING AMENDMENT.—Section 6103(l)(7)(D)(viii)(III) is amended by striking ''sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B)'' and inserting ''sections 1710(a)(2)(G), 1710(a)(3), and 1710(b)''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to requests made after September 30, 2008.

**SEC. 109. CONTRIBUTIONS OF MILITARY DEATH GRATUITIES TO ROTH IRAS AND EDUCATION SAVINGS ACCOUNTS.**

(a) PROVISION IN EFFECT BEFORE PENSION PROTECTION ACT.—Subsection (e) of section 408A (relating to qualified rollover contribution), as in effect before the amendments made by section 824 of the Pension Protection Act of 2006, is amended to read as follows:

''(e) QUALIFIED ROLLOVER CONTRIBUTION.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified rollover contribution' means a rollover contribution to a Roth IRA from another such account, or from an individual retirement plan, but only if such rollover contribution meets the requirements of section 408(d)(3). Such term includes a rollover contribution described in section 402A(c)(3)(A). For purposes of section 408(d)(3)(B), there shall be disregarded any qualified rollover contribution from an individual retirement plan (other than a Roth IRA) to a Roth IRA.

''(2) MILITARY DEATH GRATUITY.—

''(A) IN GENERAL.—The term 'qualified rollover contribution' includes a contribution to a Roth IRA maintained for the benefit of an individual made before the end of the 1-year period beginning on the date on which such individual receives an amount under section 1477 of title 10, United States Code, or section 1967 of title 38 of such Code, with respect to a person, to the extent that such contribution does not exceed—

''(i) the sum of the amounts received during such period by such individual under such sections with respect to such person, reduced by

''(ii) the amounts so received which were contributed to a Coverdell education savings account under section 530(d)(9).

''(B) ANNUAL LIMIT ON NUMBER OF ROLLOVERS NOT TO APPLY.—Section 408(d)(3)(B) shall not apply with respect to amounts treated as a rollover by subparagraph (A).

''(C) APPLICATION OF SECTION 72.—For purposes of applying section 72 in the case of a distribution which is not a qualified distribution, the amount treated as a rollover by reason of subparagraph (A) shall be treated as investment in the contract.''.

(b) PROVISION IN EFFECT AFTER PENSION PROTECTION ACT.—Subsection (e) of section 408A, as in effect after the amendments made by section 824 of the Pension Protection Act of 2006, is amended to read as follows:

''(e) QUALIFIED ROLLOVER CONTRIBUTION.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified rollover contribution' means a rollover contribution—

''(A) to a Roth IRA from another such account,

''(B) from an eligible retirement plan, but only if—

''(i) in the case of an individual retirement plan, such rollover contribution meets the requirements of section 408(d)(3), and

''(ii) in the case of any eligible retirement plan (as defined in section 402(c)(8)(B) other than clauses (i) and (ii) thereof), such rollover contribution meets the requirements of section 402(c), 403(b)(8), or 457(e)(16), as applicable.

For purposes of section 408(d)(3)(B), there shall be disregarded any qualified rollover contribution from an individual retirement plan (other than a Roth IRA) to a Roth IRA.

''(2) MILITARY DEATH GRATUITY.—

''(A) IN GENERAL.—The term 'qualified rollover contribution' includes a contribution to a Roth IRA maintained for the benefit of an individual made before the end of the 1-year period beginning on the date on which such individual receives an amount under section 1477 of title 10, United States Code, or section 1967 of title 38 of such Code, with respect to a person, to the extent that such contribution does not exceed—

''(i) the sum of the amounts received during such period by such individual under such sections with respect to such person, reduced by

''(ii) the amounts so received which were contributed to a Coverdell education savings account under section 530(d)(9).

''(B) ANNUAL LIMIT ON NUMBER OF ROLLOVERS NOT TO APPLY.—Section 408(d)(3)(B) shall not apply with respect to amounts treated as a rollover by the subparagraph (A).

''(C) APPLICATION OF SECTION 72.—For purposes of applying section 72 in the case of a distribution which is not a qualified distribution, the amount treated as a rollover by reason of subparagraph (A) shall be treated as investment in the contract.''.

(c) EDUCATION SAVINGS ACCOUNTS.—Subsection (d) of section 530 is amended by adding at the end the following new paragraph:

''(9) MILITARY DEATH GRATUITY.—

''(A) IN GENERAL.—For purposes of this section, the term 'rollover contribution' includes a contribution to a Coverdell education savings account made before the end of the 1-year period beginning on the date on which the contributor receives an amount under section 1477 of title 10, United States Code, or section 1967 of title 38 of such Code, with respect to a person, to the extent that such contribution does not exceed—

''(i) the sum of the amounts received during such period by such contributor under such sections with respect to such person, reduced by

''(ii) the amounts so received which were contributed to a Roth IRA under section 408A(e)(2) or to another Coverdell education savings account.

''(B) ANNUAL LIMIT ON NUMBER OF ROLLOVERS NOT TO APPLY.—The last sentence of paragraph (5) shall not apply with respect to amounts treated as a rollover by the subparagraph (A).

''(C) APPLICATION OF SECTION 72.—For purposes of applying section 72 in the case of a distribution which is includible in gross income under paragraph (1), the amount treated as a rollover by reason of subparagraph (A) shall be treated as investment in the contract.''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided by paragraphs (2) and (3), the amendments made by this section shall apply with respect to deaths from injuries occurring on or after the date of the enactment of this Act.

(2) APPLICATION OF AMENDMENTS TO DEATHS FROM INJURIES OCCURRING ON OR AFTER OCTOBER 7, 2001, AND BEFORE ENACTMENT.—The amendments made by this section shall apply to any contribution made pursuant to section 408A(e)(2) or 530(d)(5) of the Internal Revenue Code of 1986, as amended by this Act, with respect to amounts received under section 1477 of title 10, United States Code, or under section 1967 of title 38 of such Code, for deaths from injuries occurring on or after October 7, 2001, and before the date of the enactment of this Act if such contribution is made not later than 1 year after the date of the enactment of this Act.

(3) PENSION PROTECTION ACT CHANGES.—Section 408A(e)(1) of the Internal Revenue Code of 1986 (as in effect after the amendments made by subsection (b)) shall apply to taxable years beginning after December 31, 2007.

**SEC. 110. SUSPENSION OF 5-YEAR PERIOD DURING SERVICE WITH THE PEACE CORPS.**

(a) IN GENERAL.—Subsection (d) of section 121 (relating to special rules) is amended by adding at the end the following new paragraph:

''(12) PEACE CORPS.—

''(A) IN GENERAL.—At the election of an individual with respect to a property, the running of the 5-year period described in subsections (a) and (c)(1)(B) and paragraph (7) of this subsection with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving outside the United States—

''(i) on qualified official extended duty (as defined in paragraph (9)(C)) as an employee of the Peace Corps, or

''(ii) as an enrolled volunteer or volunteer leader under section 5 or 6 (as the case may be) of the Peace Corps Act (22 U.S.C. 2504, 2505).

''(B) APPLICABLE RULES.—For purposes of subparagraph (A), rules similar to the rules of subparagraphs (B) and (D) shall apply.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

**SEC. 111. CREDIT FOR EMPLOYER DIFFERENTIAL WAGE PAYMENTS TO EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.**

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business credits) is amended by adding at the end the following new section:

**''SEC. 45P. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.**

''(a) GENERAL RULE.—For purposes of section 38, in the case of an eligible small business employer, the differential wage payment credit for any taxable year is an amount equal to 20 percent of the sum of the eligible differential wage payments for each of the qualified employees of the taxpayer during such taxable year.

''(b) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE DIFFERENTIAL WAGE PAYMENTS.—The term 'eligible differential wage payments' means, with respect to each qualified employee, so much of the differential wage payments (as defined in section 3401(h)(2)) paid to such employee for the taxable year as does not exceed $20,000.

''(2) QUALIFIED EMPLOYEE.—The term 'qualified employee' means a person who has been an employee of the taxpayer for the 91-day period immediately preceding the period for which any differential wage payment is made.

''(3) ELIGIBLE SMALL BUSINESS EMPLOYER.—

''(A) IN GENERAL.—The term 'eligible small business employer' means, with respect to any taxable year, any employer which—

''(i) employed an average of less than 50 employees on business days during such taxable year, and

''(ii) under a written plan of the employer, provides eligible differential wage payments to every qualified employee of the employer.

''(B) CONTROLLED GROUPS.—For purposes of subparagraph (A), all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

''(c) COORDINATION WITH OTHER CREDITS.—The amount of credit otherwise allowable under this chapter with respect to compensation paid to any employee shall be reduced by the credit determined under this section with respect to such employee.

''(d) DISALLOWANCE FOR FAILURE TO COMPLY WITH EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

''(1) any taxable year, beginning after the date of the enactment of this section, in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

''(2) the 2 succeeding taxable years.

''(e) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply.

''(f) TERMINATION.—This section shall not apply to any payments made after December 31, 2009.''.

(b) CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (relating to general business credit) is amended by striking ''plus'' at the end of paragraph (31), by striking the period at the end of paragraph (32) and inserting '', plus'', and by adding at the end of following new paragraph:

''(33) the differential wage payment credit determined under section 45P(a).''.

(c) NO DEDUCTION FOR COMPENSATION TAKEN INTO ACCOUNT FOR CREDIT.—Section 280C(a) (relating to rule for employment credits) is amended by inserting ''45P(a),'' after ''45A(a),''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 45P. Employer wage credit for employees who are active duty members of the uniformed services.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid after the date of the enactment of this Act.

**SEC. 112. STATE PAYMENTS TO SERVICE MEMBERS TREATED AS QUALIFIED MILITARY BENEFITS.**

(a) IN GENERAL.—Section 134(b) (defining qualified military benefit) is amended by adding at the end the following new paragraph:

''(6) CERTAIN STATE PAYMENTS.—The term 'qualified military benefit' includes any bonus payment by a State or political subdivision thereof to any member or former member of the uniformed services of the United States or any dependent of such member only by reason of such member's service in an combat zone (as defined in section 112(c)(2), determined without regard to the parenthetical).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made before, on, or after the date of the enactment of this Act.

**SEC. 113. PERMANENT EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY CERTAIN EMPLOYEES OF THE INTELLIGENCE COMMUNITY.**

(a) IN GENERAL.—Paragraph (9) of section 121(d) is amended by striking subparagraph (E).

(b) DUTY STATION MAY BE INSIDE UNITED STATES.—Section 121(d)(9)(C) (defining qualified official extended duty) is amended by striking clause (vi).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or exchanges after the date of the enactment of this Act.

**SEC. 114. SPECIAL DISPOSITION RULES FOR UNUSED BENEFITS IN HEALTH FLEXIBLE SPENDING ARRANGEMENTS OF INDIVIDUALS CALLED TO ACTIVE DUTY.**

(a) IN GENERAL.—Section 125 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsection (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

''(h) SPECIAL RULE FOR UNUSED BENEFITS IN HEALTH FLEXIBLE SPENDING ARRANGEMENTS OF INDIVIDUALS CALLED TO ACTIVE DUTY.—

''(1) IN GENERAL.—For purposes of this title, a plan or other arrangement shall not fail to be treated as a cafeteria plan or health flexible spending arrangement merely because such arrangement provides for qualified reservist distributions.

''(2) QUALIFIED RESERVIST DISTRIBUTION.—For purposes of this subsection, the term 'qualified reservist distribution' means, any distribution to an individual of all or a portion of the balance in the employee's account under such arrangement if—

''(A) such individual was (by reason of being a member of a reserve component (as defined in section 101 of title 37, United States Code)) ordered or called to active duty for a period in excess of 179 days or for an indefinite period, and

''(B) such distribution is made during the period beginning on the date of such order or call and ending on the last date that reimbursements could otherwise be made under such arrangement for the plan year which includes the date of such order or call.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made after the date of the enactment of this Act.

**SEC. 115. TECHNICAL CORRECTION RELATED TO EXCLUSION OF CERTAIN PROPERTY TAX REBATES AND OTHER BENEFITS PROVIDED TO VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL RESPONDERS.**

(a) SOCIAL SECURITY TAXES.—

(1) Section 3121(a) (relating to definition of wages) is amended by striking ''or'' at the end of paragraph (21), by striking the period at the end of paragraph (22) and inserting ''; or'', and by inserting after paragraph (22) the following new paragraph:

''(23) any benefit or payment which is excludable from the gross income of the employee under section 139B(b).''.

(2) Section 209(a) of the Social Security Act is amended by striking ''or'' at the end of paragraph (18), by striking the period at the end of paragraph (19) and inserting ''; or'', and by inserting after paragraph (19) the following new paragraph:

''(20) Any benefit or payment which is excludable from the gross income of the employee under section 139B(b) of the Internal Revenue Code of 1986).''.

(b) UNEMPLOYMENT TAXES.—Section 3306(b) (relating to definition of wages) is amended by striking ''or'' at the end of paragraph (18), by striking the period at the end of paragraph (19) and inserting ''; or'', and by inserting after paragraph (19) the following new paragraph:

''(20) any benefit or payment which is excludable from the gross income of the employee under section 139B(b).''.

(c) WAGE WITHHOLDING.—Section 3401(a) (defining wages) is amended by striking ''or'' at the end of paragraph (21), by striking the period at the end of paragraph (22) and inserting ''; or'', and by inserting after paragraph (22) the following new paragraph:

''(23) for any benefit or payment which is excludable from the gross income of the employee under section 139B(b).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 5 of the Mortgage Forgiveness Debt Relief Act of 2007.

## TITLE II—IMPROVEMENTS IN SUPPLEMENTAL SECURITY INCOME

**SEC. 201. TREATMENT OF UNIFORMED SERVICE CASH REMUNERATION AS EARNED INCOME.**

(a) IN GENERAL.—Section 1612(a)(1)(A) of the Social Security Act (42 U.S.C. 1382a(a)(1)(A)) is amended by inserting ''(and, in the case of cash remuneration paid for service as a member of a uniformed service (other than payments described in paragraph (2)(H) of this subsection or subsection (b)(20)), without regard to the limitations contained in section 209(d))'' before the semicolon.

(b) CERTAIN HOUSING PAYMENTS TREATED AS IN-KIND SUPPORT AND MAINTENANCE.—Section 1612(a)(2) of such Act (42 U.S.C. 1382a(a)(2)) is amended—

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

(2) by striking the period at the end of subparagraph (G) and inserting ''; and''; and

(3) by adding at the end the following:

''(H) payments to or on behalf of a member of a uniformed service for housing of the member (and his or her dependents, if any) on a facility of a uniformed service, including payments provided under section 403 of title 37, United States Code, for housing that is acquired or constructed under subchapter IV of chapter 169 of title 10 of such Code, or any related provision of law, and any such payments shall be treated as support and maintenance in kind subject to subparagraph (A) of this paragraph.''.

**SEC. 202. STATE ANNUITIES FOR CERTAIN VETERANS TO BE DISREGARDED IN DETERMINING SUPPLEMENTAL SECURITY INCOME BENEFITS.**

(a) INCOME DISREGARD.—Section 1612(b) of the Social Security Act (42 U.S.C. 1382a(b)) is amended—

(1) by striking ''and'' at the end of paragraph (22);

(2) by striking the period at the end of paragraph (23) and inserting ''; and''; and

(3) by adding at the end the following:

''(24) any annuity paid by a State to the individual (or such spouse) on the basis of the individual's being a veteran (as defined in section 101 of title 38, United States Code), and blind, disabled, or aged.''.

(b) RESOURCE DISREGARD.—Section 1613(a) of such Act (42 U.S.C. 1382b(a)) is amended—

(1) by striking ''and'' at the end of paragraph (14);

(2) by striking the period at the end of paragraph (15) and inserting ''; and''; and

(3) by inserting after paragraph (15) the following:

''(16) for the month of receipt and every month thereafter, any annuity paid by a

State to the individual (or such spouse) on the basis of the individual's being a veteran (as defined in section 101 of title 38, United States Code), and blind, disabled, or aged.''.

**SEC. 203. EXCLUSION OF AMERICORPS BENEFITS FOR PURPOSES OF DETERMINING SUPPLEMENTAL SECURITY INCOME ELIGIBILITY AND BENEFIT AMOUNTS.**

Section 1612(b) of the Social Security Act (42 U.S.C. 1382a(b)), as amended by section 202(a) of this Act, is amended—

(1) in paragraph (23), by striking ''and'' at the end;

(2) in paragraph (24), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(25) any benefit (whether cash or in-kind) conferred upon (or paid on behalf of) a participant in an AmeriCorps position approved by the Corporation for National and Community Service under section 123 of the National and Community Service Act of 1990 (42 U.S.C. 12573).''.

**SEC. 204. EFFECTIVE DATE.**

The amendments made by this title shall be effective with respect to benefits payable for months beginning after 60 days after the date of the enactment of this Act.

## TITLE III—REVENUE PROVISIONS

**SEC. 301. REVISION OF TAX RULES ON EXPATRIATION.**

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

**''SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.**

''(a) GENERAL RULES.—For purposes of this subtitle—

''(1) MARK TO MARKET.—All property of a covered expatriate shall be treated as sold on the day before the expatriation date for its fair market value.

''(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

''(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

''(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence, determined without regard to paragraph (3).

''(3) EXCLUSION FOR CERTAIN GAIN.—

''(A) IN GENERAL.—The amount which would (but for this paragraph) be includible in the gross income of any individual by reason of paragraph (1) shall be reduced (but not below zero) by $600,000.

''(B) ADJUSTMENT FOR INFLATION.—

''(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2008, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

''(b) ELECTION TO DEFER TAX.—

''(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the time for payment of the additional tax attributable to such property shall be extended until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

''(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

''(3) TERMINATION OF EXTENSION.—The due date for payment of tax may not be extended under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

''(4) SECURITY.—

''(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided with respect to such property.

''(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

''(i) it is a bond which is furnished to, and accepted by, the Secretary, which is conditioned on the payment of tax (and interest thereon), and which meets the requirements of section 6325, or

''(ii) it is another form of security for such payment (including letters of credit) that meets such requirements as the Secretary may prescribe.

''(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer makes an irrevocable waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

''(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable.

''(7) INTEREST.—For purposes of section 6601, the last date for the payment of tax shall be determined without regard to the election under this subsection.

''(c) EXCEPTION FOR CERTAIN PROPERTY.—Subsection (a) shall not apply to—

''(1) any deferred compensation item (as defined in subsection (d)(4)),

''(2) any specified tax deferred account (as defined in subsection (e)(2)), and

''(3) any interest in a nongrantor trust (as defined in subsection (f)(3)).

''(d) TREATMENT OF DEFERRED COMPENSATION ITEMS.—

''(1) WITHHOLDING ON ELIGIBLE DEFERRED COMPENSATION ITEMS.—

''(A) IN GENERAL.—In the case of any eligible deferred compensation item, the payor shall deduct and withhold from any taxable payment to a covered expatriate with respect to such item a tax equal to 30 percent thereof.

''(B) TAXABLE PAYMENT.—For purposes of subparagraph (A), the term 'taxable payment' means with respect to a covered expatriate any payment to the extent it would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States. A deferred compensation item shall be taken into account as a payment under the preceding sentence when such item would be so includible.

''(2) OTHER DEFERRED COMPENSATION ITEMS.—In the case of any deferred compensation item which is not an eligible deferred compensation item—

''(A)(i) with respect to any deferred compensation item to which clause (ii) does not apply, an amount equal to the present value of the covered expatriate's accrued benefit shall be treated as having been received by such individual on the day before the expatriation date as a distribution under the plan, and

''(ii) with respect to any deferred compensation item referred to in paragraph (4)(D), the rights of the covered expatriate to such item shall be treated as becoming transferable and not subject to a substantial risk of forfeiture on the day before the expatriation date,

''(B) no early distribution tax shall apply by reason of such treatment, and

''(C) appropriate adjustments shall be made to subsequent distributions from the plan to reflect such treatment.

''(3) ELIGIBLE DEFERRED COMPENSATION ITEMS.—For purposes of this subsection, the term 'eligible deferred compensation item' means any deferred compensation item with respect to which—

''(A) the payor of such item is—

''(i) a United States person, or

''(ii) a person who is not a United States person but who elects to be treated as a United States person for purposes of paragraph (1) and meets such requirements as the Secretary may provide to ensure that the payor will meet the requirements of paragraph (1), and

''(B) the covered expatriate—

''(i) notifies the payor of his status as a covered expatriate, and

''(ii) makes an irrevocable waiver of any right to claim any reduction under any treaty with the United States in withholding on such item.

''(4) DEFERRED COMPENSATION ITEM.—For purposes of this subsection, the term 'deferred compensation item' means—

''(A) any interest in a plan or arrangement described in section 219(g)(5),

''(B) any interest in a foreign pension plan or similar retirement arrangement or program,

''(C) any item of deferred compensation, and

''(D) any property, or right to property, which the individual is entitled to receive in connection with the performance of services to the extent not previously taken into account under section 83 or in accordance with section 83.

''(5) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any deferred compensation item to the extent attributable to services performed outside the United States while the covered expatriate was not a citizen or resident of the United States.

''(6) SPECIAL RULES.—

''(A) APPLICATION OF WITHHOLDING RULES.—Rules similar to the rules of subchapter B of chapter 3 shall apply for purposes of this subsection.

''(B) APPLICATION OF TAX.—Any item subject to the withholding tax imposed under paragraph (1) shall be subject to tax under section 871.

''(C) COORDINATION WITH OTHER WITHHOLDING REQUIREMENTS.—Any item subject to withholding under paragraph (1) shall not be subject to withholding under section 1441 or chapter 24.

''(e) TREATMENT OF SPECIFIED TAX DEFERRED ACCOUNTS.—

''(1) ACCOUNT TREATED AS DISTRIBUTED.—In the case of any interest in a specified tax deferred account held by a covered expatriate on the day before the expatriation date—

''(A) the covered expatriate shall be treated as receiving a distribution of his entire interest in such account on the day before the expatriation date,

''(B) no early distribution tax shall apply by reason of such treatment, and

''(C) appropriate adjustments shall be made to subsequent distributions from the account to reflect such treatment.

''(2) SPECIFIED TAX DEFERRED ACCOUNT.—For purposes of paragraph (1), the term 'specified tax deferred account' means an individual retirement plan (as defined in section 7701(a)(37)) other than any arrangement described in subsection (k) or (p) of section 408, a qualified tuition program (as defined in section 529), a Coverdell education savings account (as defined in section 530), a health savings account (as defined in section 223), and an Archer MSA (as defined in section 220).

''(f) SPECIAL RULES FOR NONGRANTOR TRUSTS.—

''(1) IN GENERAL.—In the case of a distribution (directly or indirectly) of any property from a nongrantor trust to a covered expatriate—

''(A) the trustee shall deduct and withhold from such distribution an amount equal to 30 percent of the taxable portion of the distribution, and

''(B) if the fair market value of such property exceeds its adjusted basis in the hands of the trust, gain shall be recognized to the trust as if such property were sold to the expatriate at its fair market value.

''(2) TAXABLE PORTION.—For purposes of this subsection, the term 'taxable portion' means, with respect to any distribution, that portion of the distribution which would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States.

''(3) NONGRANTOR TRUST.—For purposes of this subsection, the term 'nongrantor trust' means the portion of any trust that the individual is not considered the owner of under subpart E of part I of subchapter J. The determination under the preceding sentence shall be made immediately before the expatriation date.

''(4) SPECIAL RULES RELATING TO WITHHOLDING.—For purposes of this subsection—

''(A) rules similar to the rules of subsection (d)(6) shall apply, and

''(B) the covered expatriate shall be treated as having waived any right to claim any reduction under any treaty with the United States in withholding on any distribution to which paragraph (1)(A) applies unless the covered expatriate agrees to such other treatment as the Secretary determines appropriate.

''(5) APPLICATION.—This subsection shall apply to a nongrantor trust only if the covered expatriate was a beneficiary of the trust on the day before the expatriation date.

''(g) DEFINITIONS AND SPECIAL RULES RELATING TO EXPATRIATION.—For purposes of this section—

''(1) COVERED EXPATRIATE.—

''(A) IN GENERAL.—The term 'covered expatriate' means an expatriate who meets the requirements of subparagraph (A), (B), or (C) of section 877(a)(2).

''(B) EXCEPTIONS.—An individual shall not be treated as meeting the requirements of subparagraph (A) or (B) of section 877(a)(2) if—

''(i) the individual—

''(I) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

''(II) has been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) for not more than 10 taxable years during the 15-taxable year period ending with the taxable year during which the expatriation date occurs, or

''(ii)(I) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

''(II) the individual has been a resident of the United States (as so defined) for not more than 10 taxable years before the date of relinquishment.

''(C) COVERED EXPATRIATES ALSO SUBJECT TO TAX AS CITIZENS OR RESIDENTS.—In the case of any covered expatriate who is subject to tax as a citizen or resident of the United States for any period beginning after the expatriation date, such individual shall not be treated as a covered expatriate during such period for purposes of subsections (d)(1) and (f) and section 2801.

''(2) EXPATRIATE.—The term 'expatriate' means—

''(A) any United States citizen who relinquishes his citizenship, and

''(B) any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

''(3) EXPATRIATION DATE.—The term 'expatriation date' means—

''(A) the date an individual relinquishes United States citizenship, or

''(B) in the case of a long-term resident of the United States, the date on which the individual ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

''(4) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing his United States citizenship on the earliest of—

''(A) the date the individual renounces his United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

''(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

''(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

''(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

''(5) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

''(6) EARLY DISTRIBUTION TAX.—The term 'early distribution tax' means any increase in tax imposed under section 72(t), 220(e)(4), 223(f)(4), 409A(a)(1)(B), 529(c)(6), or 530(d)(4).

''(h) OTHER RULES.—

''(1) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

''(A) any time period for acquiring property which would result in the reduction in the amount of gain recognized with respect to property disposed of by the taxpayer shall terminate on the day before the expatriation date, and

''(B) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

''(2) STEP-UP IN BASIS.—Solely for purposes of determining any tax imposed by reason of subsection (a), property which was held by an individual on the date the individual first became a resident of the United States (within the meaning of section 7701(b)) shall be treated as having a basis on such date of not less than the fair market value of such property on such date. The preceding sentence shall not apply if the individual elects not to have such sentence apply. Such an election, once made, shall be irrevocable.

''(3) COORDINATION WITH SECTION 684.—If the expatriation of any individual would result in the recognition of gain under section 684, this section shall be applied after the application of section 684.

''(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''.

(b) TAX ON GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—

(1) IN GENERAL.—Subtitle B (relating to estate and gift taxes) is amended by inserting after chapter 14 the following new chapter:

**''CHAPTER 15—GIFTS AND BEQUESTS FROM EXPATRIATES**

''Sec. 2801. Imposition of tax.

**''SEC. 2801. IMPOSITION OF TAX.**

''(a) IN GENERAL.—If, during any calendar year, any United States citizen or resident receives any covered gift or bequest, there is hereby imposed a tax equal to the product of—

''(1) the highest rate of tax specified in the table contained in section 2001(c) as in effect on the date of such receipt (or, if greater, the highest rate of tax specified in the table applicable under section 2502(a) as in effect on the date), and

''(2) the value of such covered gift or bequest.

''(b) TAX TO BE PAID BY RECIPIENT.—The tax imposed by subsection (a) on any covered gift or bequest shall be paid by the person receiving such gift or bequest.

''(c) EXCEPTION FOR CERTAIN GIFTS.—Subsection (a) shall apply only to the extent that the value of covered gifts and bequests received by any person during the calendar year exceeds the dollar amount in effect under section 2503(b) for such calendar year.

''(d) TAX REDUCED BY FOREIGN GIFT OR ESTATE TAX.—The tax imposed by subsection (a) on any covered gift or bequest shall be reduced by the amount of any gift or estate tax paid to a foreign country with respect to such covered gift or bequest.

''(e) COVERED GIFT OR BEQUEST.—

''(1) IN GENERAL.—For purposes of this chapter, the term 'covered gift or bequest' means—

''(A) any property acquired by gift directly or indirectly from an individual who, at the time of such acquisition, is a covered expatriate, and

''(B) any property acquired directly or indirectly by reason of the death of an individual who, immediately before such death, was a covered expatriate.

''(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Such term shall not include—

''(A) any property shown on a timely filed return of tax imposed by chapter 12 which is a taxable gift by the covered expatriate, and

''(B) any property included in the gross estate of the covered expatriate for purposes of

chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate.

''(3) EXCEPTIONS FOR TRANSFERS TO SPOUSE OR CHARITY.—Such term shall not include any property with respect to which a deduction would be allowed under section 2055, 2056, 2522, or 2523, whichever is appropriate, if the decedent or donor were a United States person.

''(4) TRANSFERS IN TRUST.—

''(A) DOMESTIC TRUSTS.—In the case of a covered gift or bequest made to a domestic trust—

''(i) subsection (a) shall apply in the same manner as if such trust were a United States citizen, and

''(ii) the tax imposed by subsection (a) on such gift or bequest shall be paid by such trust.

''(B) FOREIGN TRUSTS.—

''(i) IN GENERAL.—In the case of a covered gift or bequest made to a foreign trust, subsection (a) shall apply to any distribution attributable to such gift or bequest from such trust (whether from income or corpus) to a United States citizen or resident in the same manner as if such distribution were a covered gift or bequest.

''(ii) DEDUCTION FOR TAX PAID BY RECIPIENT.—There shall be allowed as a deduction under section 164 the amount of tax imposed by this section which is paid or accrued by a United States citizen or resident by reason of a distribution from a foreign trust, but only to the extent such tax is imposed on the portion of such distribution which is included in the gross income of such citizen or resident.

''(iii) ELECTION TO BE TREATED AS DOMESTIC TRUST.—Solely for purposes of this section, a foreign trust may elect to be treated as a domestic trust. Such an election may be revoked with the consent of the Secretary.

''(f) COVERED EXPATRIATE.—For purposes of this section, the term 'covered expatriate' has the meaning given to such term by section 877A(g)(1).''.

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle B is amended by inserting after the item relating to chapter 14 the following new item:

''CHAPTER 15. GIFTS AND BEQUESTS FROM EXPATRIATES.''.

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—

(1) IN GENERAL.—Section 7701(a) is amended by adding at the end the following new paragraph:

''(50) TERMINATION OF UNITED STATES CITIZENSHIP.—

''(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(g)(4).

''(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.''.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 877(e) is amended to read as follows:

''(1) IN GENERAL.—Any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)) shall be treated for purposes of this section and sections 2107, 2501, and 6039G in the same manner as if such resident were a citizen of the United States who lost United States citizenship on the date of such cessation or commencement.''.

(B) Paragraph (6) of section 7701(b) is amended by adding at the end the following flush sentence:

''An individual shall cease to be treated as a lawful permanent resident of the United States if such individual commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country, does not waive the benefits of such treaty applicable to residents of the foreign country, and notifies the Secretary of the commencement of such treatment.''.

(C) Section 7701 is amended by striking subsection (n) and by redesignating subsections (o) and (p) as subsections (n) and (o), respectively.

(d) TERMINATION OF SECTION 877.—Section 877 is amended by adding at the end the following new subsection:

''(h) TERMINATION.—This section shall not apply to any individual whose expatriation date (as defined in section 877A(g)(3)) is on or after the date of the enactment of this subsection.''.

(e) INFORMATION RETURNS.—Section 6039G is amended—

(1) by inserting ''or 877A'' after ''section 877(b)'' in subsection (a), and

(2) by inserting ''or 877A'' after ''section 877(a)'' in subsection (d).

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

''Sec. 877A. Tax responsibilities of expatriation.''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to any individual whose expatriation date (as so defined) is on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Chapter 15 of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to covered gifts and bequests (as defined in section 2801 of such Code, as so added) received on or after the date of the enactment of this Act from transferors (or from the estates of transferors) whose expatriation date is on or after such date of enactment.

**SEC. 302. CERTAIN DOMESTICALLY CONTROLLED FOREIGN PERSONS PERFORMING SERVICES UNDER CONTRACT WITH UNITED STATES GOVERNMENT TREATED AS AMERICAN EMPLOYERS.**

(a) FICA TAXES.—Section 3121 (relating to definitions) is amended by adding at the end the following new subsection:

''(z) TREATMENT OF CERTAIN FOREIGN PERSONS AS AMERICAN EMPLOYERS.—

''(1) IN GENERAL.—If any employee of a foreign person is performing services in connection with a contract between the United States Government (or any instrumentality thereof) and any member of any domestically controlled group of entities which includes such foreign person, such foreign person shall be treated for purposes of this chapter as an American employer with respect to such services performed by such employee.

''(2) DOMESTICALLY CONTROLLED GROUP OF ENTITIES.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'domestically controlled group of entities' means a controlled group of entities the common parent of which is a domestic corporation.

''(B) CONTROLLED GROUP OF ENTITIES.—The term 'controlled group of entities' means a controlled group of corporations as defined in section 1563(a)(1), except that—

''(i) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears therein, and

''(ii) the determination shall be made without regard to subsections (a)(4) and (b)(2) of section 1563.

A partnership or any other entity (other than a corporation) shall be treated as a member of a controlled group of entities if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this sentence).

''(3) LIABILITY OF COMMON PARENT.—In the case of a foreign person who is a member of any domestically controlled group of entities, the common parent of such group shall be jointly and severally liable for any tax under this chapter for which such foreign person is liable by reason of this subsection, and for any penalty imposed on such person by this title with respect to any failure to pay such tax or to file any return or statement with respect to such tax or wages subject to such tax. No deduction shall be allowed under this title for any liability imposed by the preceding sentence.

''(4) PROVISIONS PREVENTING DOUBLE TAXATION.—

''(A) AGREEMENTS.—Paragraph (1) shall not apply to any services which are covered by an agreement under subsection (l).

''(B) EQUIVALENT FOREIGN TAXATION.—Paragraph (1) shall not apply to any services if the employer establishes to the satisfaction of the Secretary that the remuneration paid by such employer for such services is subject to a tax imposed by a foreign country which is substantially equivalent to the taxes imposed by this chapter.

''(5) CROSS REFERENCE.—For relief from taxes in cases covered by certain international agreements, see sections 3101(c) and 3111(c).''.

(b) SOCIAL SECURITY BENEFITS.—Subsection (e) of section 210 of the Social Security Act (42 U.S.C. 410(e)) is amended—

(1) by striking ''(e) The term'' and inserting ''(e)(1) The term'',

(2) by redesignating clauses (1) through (6) as clauses (A) through (F), respectively, and

(3) by adding at the end the following new paragraph:

''(2)(A) If any employee of a foreign person is performing services in connection with a contract between the United States Government (or any instrumentality thereof) and any member of any domestically controlled group of entities which includes such foreign person, such foreign person shall be treated as an American employer with respect to such services performed by such employee.

''(B) For purposes of this paragraph—

''(i) The term 'domestically controlled group of entities' means a controlled group of entities the common parent of which is a domestic corporation.

''(ii) The term 'controlled group of entities' means a controlled group of corporations as defined in section 1563(a)(1) of the Internal Revenue Code of 1986, except that—

''(I) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears therein, and

''(II) the determination shall be made without regard to subsections (a)(4) and (b)(2) of section 1563 of such Code.

A partnership or any other entity (other than a corporation) shall be treated as a member of a controlled group of entities if such entity is controlled (within the meaning of section 954(d)(3) of such Code) by members of such group (including any entity treated as a member of such group by reason of this sentence).

''(C) Subparagraph (A) shall not apply to any services to which paragraph (1) of section 3121(z) of the Internal Revenue Code of 1986 does not apply by reason of paragraph (4) of such section.''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to services

performed in calendar months beginning more than 30 days after the date of the enactment of this Act.

**SEC. 303. INCREASE IN MINIMUM PENALTY ON FAILURE TO FILE A RETURN OF TAX.**

(a) IN GENERAL.—Subsection (a) of section 6651 is amended by striking ''$100'' in the last sentence and inserting ''$135''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns required to be filed after December 31, 2008.

**TITLE IV—PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS**

**SEC. 401. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.**

(a) INTERNAL REVENUE CODE OF 1986.—Subsection (f) of section 9812 is amended—

(1) by striking ''and'' at the end of paragraph (2), and

(2) by striking paragraph (3) and inserting the following new paragraphs:

''(3) on or after January 1, 2008, and before the date of the enactment of the Heroes Earnings Assistance and Relief Tax Act of 2008, and

''(4) after December 31, 2008.''.

(b) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Subsection (f) of section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a(f)) is amended by striking ''services furnished after December 31, 2007'' and inserting ''services furnished—

''(1) on or after January 1, 2008, and before the date of the enactment of the Heroes Earnings Assistance and Relief Tax Act of 2008, and

''(2) after December 31, 2008.''.

(c) PUBLIC HEALTH SERVICE ACT.—Subsection (f) of section 2705 of the Public Health Service Act (42 U.S.C. 300gg-5(f)) is amended by striking ''services furnished after December 31, 2007'' and inserting ''services furnished—

''(1) on or after January 1, 2008, and before the date of the enactment of the Heroes Earnings Assistance and Relief Tax Act of 2008, and

''(2) after December 31, 2008.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. MCCRERY) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

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

Mr. Speaker, the bill before us has been passed before, and they call it the HEART bill, Heroes Earnings Assistance and Relief Tax Act of 2008. I would prefer to call it the ''Thank You'' bill. Thank you for the tens of thousands of American men and women who have come to America's call to fight this war and to place themselves at risk because our Commander in Chief and our Nation have called them.

It is very difficult for me to think of any people that we should be saying ''thank you'' more to than this group, who are not Democrats and Republicans, are not politicians, but people whom America has depended on since its very beginning, and, that is, people who are willing to make the ultimate sacrifice because their country asked them to do it.

We have recently passed a bill which is the equivalent, if not expanded, the GI Bill, so that those that do get back, many of them without limbs, many of them without jobs, would be able to get a decent education. This kind of enhances the ability for them to get their pensions, to get homes, and to remove the impediments that these brave people deserve. And one of the things that we're proudest of is that we have removed some type of impediment that will allow our fighting soldiers to be able to get the benefits of some of our tax laws even though they have married immigrants. So it is something that I am certain that everyone in this House and most all Americans would be supporting.

What a great honor it is for me to yield the balance of my time in support of this bill to Admiral Joe Sestak from the Seventh District of Pennsylvania. It's so easy for all of us to talk about sacrifices and so seldom that we find someone who has dedicated 31 years of his very young life for the defense of this great Nation of ours.

He has been the commander of an aircraft carrier of 30 U.S. and allied ships, over 15,000 sailors, 100 aircrafts; and this is only part of what the three-star Admiral in the United States Navy has done. How lucky we are in this Nation and, more specifically, in this Congress to have this distinguished Member speak in support of this bill, one who probably knows more about the needs of our service people than most of us ever hope to find out.

So with the Speaker's permission and unanimous consent of this body, I ask you to allow me to yield the balance of my time for purposes of picking other speakers to Congressman/Representative/Admiral JOE SESTAK of the Seventh District of Pennsylvania.

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

There was no objection.

Mr. MCCRERY. Mr. Speaker, I rise in support of H.R. 6081, the Heroes Earnings Assistance and Relief Tax Act of 2008, and I yield myself such time as I may consume.

Mr. Speaker, first I want to commend the chairman of the Ways and Means Committee, Mr. RANGEL, for bringing this bill to the floor today. It's certainly a bill that has bipartisan support, bicameral support, and I will talk a little bit more about that in my remarks.

People watching this on C–SPAN may think they have gone into reruns. We haven't. This bill has been discussed on the floor of the House before and, in fact, passed through the House before. Unfortunately, though, we never could get the Senate version and the House version reconciled and get a bill to the President. So here we are again starting this process in the House, passing a bill today, hoping to get finally some agreement so that we can get this bill to the President and we can give some relief to our soldiers in the military.

This bill provides certain tax benefits to members of the military. It provides tax credits to housing projects for low-income families. But the specific thing that it fixes is, with respect to low-income housing and the eligibility for that, when testing to see if a family's income makes them eligible, current law excludes the value of a section 8 voucher provided by HUD. But a family's income does include the value of a base housing allowance provided to members of the Armed Forces. This bill, for whatever reason, doesn't address this issue. In the past other versions of this legislation have. Congressman MORAN of Kansas and Senator ROBERTS of Kansas have tried to address this problem in legislation, and the other body has included it. And that's one of the things that led to last year's deadlock. I personally wish that this provision were included, and I hope before the end of the process, we can address that.

But there are many good things in the bill before the House today, including provisions to ensure that combat pay does not diminish the earned income credit. The bill also contains important language allowing active-duty Reservists to make penalty-free withdrawals from retirement plans and permits contributions of military death benefit gratuities into a Roth IRA or education savings account without regard to annual contribution limits. Other provisions in the bill amend the Supplemental Security Income program to expand eligibility for, and increase SSI benefit payments to, certain military families, veterans, and AmeriCorps participants.

This bill does contain one other change from the bill debated last year that merits mentioning today. It allows stimulus checks to be mailed to families in which one spouse is a member of the military and the other does not have a valid Social Security number. I understand the reasons for this provision, and I'm sure as this bill works its way through the process, we will have an opportunity to examine this provision further to make sure that it's administrable and workable.

Finally, one other provision deserves particular mention both because of its merits and because it's a great example of how one person's good idea brought to the attention of a Member of Congress can make its way to the forefront of a legislative agenda. Health care flexible spending accounts, known as FSAs, have a use-it-or-lose-it rule. If you don't use all the money by the end of the year, the money goes back to your employer. Funds deposited into an FSA are put there on a pretax basis, or a tax-free basis. So it's a very attractive benefit for employees.

This bill modifies the FSA program to allow a plan to return deposited funds to an employee at the end of the year if that amount remains unspent because the individual was called to active-duty military service. This is a very, I think, fair change to the underlying program. It's an issue that one of Mr. BARTON's, JOE BARTON's, constituents raised with him, and I applaud

him and his lead cosponsor, the gentleman from Virginia (Mr. BOUCHER), for crafting a simple solution to this problem.

Mr. Speaker, I once again want to thank the chairman and the staff of the Ways and Means Committee for their work on this issue, and I urge passage.

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

□ 1030

Mr. SESTAK. Mr. Speaker, I have asked the nonpartisan Joint Committee on Taxation to make available to the public a technical explanation of the tax provisions of H.R. 6081. The technical explanation expresses the committee's understanding and the legislative intent behind this important legislation. This explanation, document JCX–44–08, is currently available on the Joint Committee's Web site.

GENERAL LEAVE

Mr. SESTAK. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6081, as amended.

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

There was no objection.

Mr. SESTAK. I yield the gentleman from Washington 2 minutes.

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

Mr. MCDERMOTT. Mr. Speaker, the brave men and women who are in harm's way right now serving and defending America should not be subjected to unfair taxes or barriers to assistance. But that is exactly what is happening today, and this legislation will change that for members of the military and others serving our Nation, for instance, in AmeriCorps.

Ways and Means Chairman CHARLIE RANGEL recognized the burden being placed on our heroes and included provisions that will alter over a dozen tax provisions and remove barriers to other benefit programs for military families. It's the least we can do for those who do so much for us. The chairman, a veteran, and I, also a veteran, are proud to bring legislation to the floor that demonstrates the House fully and fairly supports our soldiers.

For instance, there are provisions in the legislation that improve how the Supplemental Security Income, or SSI program, treats military families, veterans, and those who have served our country. Under current law, some military families lose part of their SSI benefits because a portion of their compensation is counted as unearned income. This bill would stop that unfair treatment.

The Congressional Budget Office estimates this change alone would affect about 3,000 military families with disabled children. In addition to helping military families, the legislation would ensure that AmeriCorps volunteers do not unfairly lose their SSI benefits. More specifically, the bill would prevent allowances provided to AmeriCorps participants from reducing SSI benefits.

On the tax side, the chairman included an initiative that Mr. VAN HOLLEN and I proposed that would remove an obstacle for some Americans who serve in the Peace Corps. This provision ensures that overseas service by Peace Corps volunteers does not arbitrarily remove the exclusion for capital gains tax on a principal residence. This protection is similar to one already provided to Americans working for the Foreign Service.

Mr. Speaker, all of these provisions aim to ensure that service to our Nation does not disadvantage those who serve.

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

Mr. SESTAK. I yield the gentleman 30 additional seconds.

Mr. MCDERMOTT. Because the legislation deals with arcane areas like the Tax Code, this may not sound exciting, but it's very important. This legislation tells our soldiers in word and deed that we thank them for their service and we are watching out for them, just as they are watching out for us. This small measure of fairness deserves every Member's support.

Mr. MCCRERY. At this time I yield 2 minutes to the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I too am here to support H.R. 6081, the Heroes Earnings Assistance and Relief Tax Act, and I think that it is very, very important that we look for every way possible to give relief to our folks who are serving in the military.

I am pleased to say that 2 years ago, the President signed into law a bill that I call the HERO Act, which allowed folks who earned combat pay to use that pay to go into taking out an IRA. Again, the idea came from an average citizen who notified our office of a concern because his son had tried to invest his combat pay into an IRA, looking to prepare for his future. We were able to get that bill passed through the Ways and Means Committee 2 years ago, and that bill went through a similar experience that this bill is going through, having passed, then meeting problems in the Senate, then having to pass again.

But I think this bill contains so many elements that will advantage people who are willing to serve in the military, and as Chairman RANGEL has said, these are the people who have kept us free from the beginning of this country, and I think that anything that we can do to help them, we need to do.

I also recommend that we do something to lower our gas prices, which will help their families who are staying here in this country while they may be overseas fighting for our freedom to deal with the rising cost of gas problems. I call on the Democrat majority to come up with their commonsense plan that they have said that they had to help us lower gas prices, not just for our military, but for all Americans.

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

Mr. Speaker, I joined up in the military during the Vietnam conflict, and at that time, and still today, we don't have human resource departments in the U.S. military. You tend, as a young division officer, to take care of the challenges that your young men and women have, and their families yourself, whether it's an eviction notice or whether it's a health issue, or whether it is, as thousands at that time and through the eighties used to have to go out and get their food stamps in order to continue their quality of life, you took care of them.

This bill takes a significant step, I believe. As Mr. RANGEL insinuated, it's a small step, but it is a significant step. I say that because the most moving picture I have ever seen in the Pentagon is one that is across from the Secretary of Defense's office. It's of a young servicemember kneeling in church and alongside of him is his wife and a young child. And under it is this great saying from the Bible, where God turns to Isaiah and says, ''Whom shall I send, and who will go for us?'' and Isaiah replies, ''Here am I. Send me.''

We send them, and we need to welcome them when they come back. The commissary bags also used to have on them, ''The hardest job in the military is a military spouse.'' What this bill does is takes care of the cost of life. But it also is significant that it takes care of the cost of loss of life. Because what distinguishes this profession from anyone else's is that it has the dignity of danger about it, where the loss of life may occur.

So in this bill it ensures if an employer still wants to, even after a death of a servicemember, contribute to his retirement plan, he can. It also then permits the spouse, having lost a servicemember, can actually then place this military gratuity benefit into an IRA without any penalty. It does much for our servicemembers; that lets them take combat pay, for example, and place it towards earned income so that they can move into the middle class as an earned income tax credit.

In my mind, this is an excellent bill that has come out, and it has bipartisan agreement. But the reason I think this is so important today is that our servicemembers returning from overseas, 19 percent of them have post-traumatic stress disorder, 33 percent of them have a mental challenge, from depression to anxiety.

This war is different. In World War II, the average soldier went into battle 182 days. He had time to rest in between major battles to get his nerves back in shape. Our soldiers in Iraq go

outside the wire every day for 15 straight months into a combat-like situation. They are a strong generation, but this war is different.

So therefore as we keep that in mind for those who say, Here am I, send me, we should also keep in mind that what we are doing here is when the great warriors Jonathan and David departed for the last time in the Bible, Jonathan turned to David and said, Tomorrow there shall be a new moon and thou shall be missed because thy seat shall be empty.

This seat should never be empty. It should be filled with a legacy of what they have done for this Nation. This bill, in my mind, takes a step, a small but significant step to remembering that these men and women who have served this Nation should continue to be welcomed home by us with a legacy of thanks that this bill does.

I reserve the balance of my time.

Mr. MCCRERY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. BRADY), a member of the Ways and Means Committee.

Mr. BRADY of Texas. I appreciate Mr. MCCRERY's leadership on veterans issues.

Mr. Speaker, I rise in support of this bill on the floor today that will provide additional tax relief to our Nation's veterans, especially those who are seeking to purchase homes. This bill ensures that our veterans who serve their Nation after 1977, including those who have served in Iraq and Afghanistan, can qualify for low-interest home loans financed by Qualified Veterans Mortgage Bonds. In Texas, this is important. This bill will enable the Texas Veterans Land Board, led by Commissioner Jerry Patterson, to expand its existing low-interest loan program to serve thousands of more Texas veterans.

For all the sacrifice our veterans have made to defend our country, it's only right that we help them own a home upon returning home.

Mr. SESTAK. I yield 2 minutes to the gentleman from Illinois.

Mr. EMANUEL. About a week ago, this Congress passed the most comprehensive update of the GI Bill of Rights for both Active Duty, Guard and Reserve soldiers. We follow up that legislation with what we are doing today to also update our laws as relates to active duty soldiers and their families.

The fact is, as my colleague from the Philadelphia area said, this war is different. We have noted the difference. We need to adjust our policy and our legislation and our laws to the fact that this war has gone on longer than anybody predicted, cost more in lives, treasure, and reputation than any war in America's past.

So today we take another small step to change our laws to reflect this different kind of war to make sure those soldiers and their families are represented in the laws we pass today. Now many will talk about some of the benefits, and they should. I want to talk about one particular provision that I put in here with my colleague from Indiana, who you will hear from later, Congressman ELLSWORTH, about how we pay for this, because it doesn't add one penny to the deficit.

It closes down a tax loophole used by KBR, a company, that it set up offshore in the Cayman Islands a subsidiary, and it never paid Social Security taxes, Medicare taxes, unemployment insurance taxes to 10,000 workers. Never paid any of those taxes on any of those employees. This legislation shuts that down.

Those employees were over there. And what happened? This company gave contaminated water to our soldiers, who ended up, many of them, in the hospital getting health care by the basic facilities we have over in Iraq. Our soldiers got contaminated water, our taxpayers got ripped off because they had to cover for another company what they didn't pay in their fair share, and a company was set up offshore to do all of that.

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

Mr. SESTAK. I yield the gentleman an additional 30 seconds.

Mr. EMANUEL. It's ironic that it took 4 years to close this offshore loophole. But we are shutting it down and paying for all these other benefits to ensure that this company and other companies like it who set up in the Cayman Islands do not go around the law of the United States to come in under budget, knowing the fact they never paid their fair share of taxes.

It's a small step. It also is an indication we need to start changing the law because there is over 12,000 companies in the Cayman Islands alone set up over there, avoiding their fair share of taxes while the American taxpayers have to pay their portion.

So I am pleased that we are doing this, giving the benefits to the GIs and their families, but, most importantly, closing down an egregious loophole to do that.

Mr. MCCRERY. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentleman from Louisiana for yielding me his time.

I am here to commend the Ways and Mean Committee's efforts to make the Tax Code more equitable to our servicemembers. However, once again, I am on the floor to express my disappointment that the bill does not include an important provision providing more affordable housing opportunities for our servicemembers and their families.

This fix to the Tax Code that is missing from this legislation would prevent lower income military personnel from being discriminated against when applying for affordable housing built under the Low Income Housing Tax Credit program. There is a strong need for the tax bill that we are considering today, but the Senate will not approve it without this additional provision.

A number of military installations across the country are experiencing housing shortages as a result of the 2005 BRAC.

□ 1045

Fort Riley, an Army post located in the State of Kansas, is nearly doubling its size with an influx of 30,000 soldiers, family members and civilian workers.

When these new soldiers live outside the fort, they receive a military housing allowance for the use in paying rent. Though the Tax Code does not treat this housing allowance as taxable income, it is considered income when determining a military family's eligibility to live in facilities financed by low-income housing tax credits. The result is that many servicemembers, particularly our enlisted ones, are considered to earn too much income and thus are disqualified from accessing this affordable housing program. However, comparative low-income civilians receiving section 8 housing vouchers are more likely to qualify for this same housing. This is because, unlike the military housing subsidy, the Tax Code exempts section 8 assistance from being considered income.

Our Nation's military families deserve access to safe, decent, affordable housing, and they should be given a fair opportunity to qualify for it. Last December the Senate acted to fix this inequality, and the Senate included in their version of this legislation a provision exempting military housing allowance from income eligibility requirements when qualifying for affordable housing.

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

Mr. MCCRERY. I yield the gentleman 1 additional minute.

Mr. MORAN of Kansas. Under this Senate provision, the Governor of each State would be allowed to make this exemption if he or she determines that it is needed for a certain military installation within that State. This Senate provision is patterned after USDA's WIC nutrition programs for women, children and infants, and provides State agencies a similar option for WIC eligibility. Unfortunately, the House majority's refusal to include this provision has stalled this important tax legislation from moving forward.

The men and women serving our Nation are waiting for us to act, and I hope that the changes made by the Senate, which narrow the scope of the provision, will address many of the majority's concerns and a compromise can be reached. Until then, military families who are applying to live in affordable housing continue to encounter this discrimination.

While I will vote for H.R. 6081, our military men and women deserve a better shot at affordable housing.

Mr. SESTAK. Mr. Speaker, I yield 2 minutes to my colleague from Indiana (Mr. ELLSWORTH).

Mr. ELLSWORTH. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of H.R. 6081, the Heroes Earnings Assistance and Relief Tax Act of 2008. This important legislation will provide well-deserved tax benefits to assist our military personnel and their families, our veterans, and a group that doesn't get nearly enough credit across our Nation, the volunteer firefighters.

I would like to for just a minute pick up on what Congressman EMANUEL said a few minutes ago and discuss one of the offsets used to pay for this tax relief for American heroes.

It has been reported that recently some government contractors are using offshore tax havens to avoid paying the payroll taxes that they owe our government. We introduced the Fair Share Act to put a stop to this abuse, and as a Blue Dog and a believer in pay-as-you-go budgeting, I am proud to have that legislation included as part of this important bill today. It will end the practice of government contractors setting up shell companies in the Cayman Islands to avoid paying into the Social Security and Medicare payroll taxes.

The people back home in Indiana play by the rules and pay their taxes. I don't think it is too much to ask our government contractors to do the same. They are receiving millions of dollars, sometimes billions in tax dollars, and I think it is time they do the same thing.

So I urge my colleagues to support this bill and send a strong message from the Congress that it is not going to stand by and let contractors cheat the workers, cheat the government and cheat the American taxpayers.

Mr. MCCRERY. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois (Mr. WELLER), a member of the Ways and Means Committee, be allowed to allocate the remainder of the time on our side.

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

There was no objection.

Mr. WELLER of Illinois. Mr. Speaker, it is my understanding that we have no additional speakers, so I will reserve the balance of my time.

Mr. SESTAK. Mr. Speaker, I yield 2 minutes to my fellow Pennsylvanian (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Speaker, I thank the gentleman, my friend and colleague from the great State of Pennsylvania.

Mr. Speaker, last fall I introduced the Active Duty Military Tax Relief Act to assist our brave men and women in uniform who are serving our country with honor and distinction, and I am pleased that significant provisions proposed in my bill are incorporated in their entirety into the bill we are discussing today, the bipartisan HEART Act.

Servicemembers are often confronted with transitional issues when called to duty, and the bill we are debating today includes provisions from my bill making essential tax relief for our military families permanent by providing incentives to ensure that Reservists who are called up for active duty do not suffer a pay cut. This bill also makes it easier for veterans to become homeowners, and it includes other provisions from my bill allowing recipients of the military death benefit gratuities to make contributions of up to $100,000 into tax-favored accounts, such as Roth IRAs and Education Savings Accounts.

Mr. Speaker, we spend a lot of time in this Congress talking about supporting our troops, and we are providing further evidence today that we are going to support our troops with our actions and not just our words. The HEART Act is another sign of our commitment to our Nation's heroes, and I encourage all of my colleagues to support this bill.

Mr. WELLER of Illinois. Mr. Speaker, again, we have no additional speakers, and I reserve the balance of my time.

Mr. SESTAK. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I would like to thank Chairman RANGEL and my colleagues on the Ways and Means Committee for including provisions from H.R. 337 and H.R. 515 in the HEART Act. Including these two bills is particularly meaningful for me because both were inspired by servicemembers and veterans in my district who came to me and said we have problems needing your attention.

The first bill addresses a harmful glitch in the Supplemental Security Income program. Because eligibility for SSI benefits is based on income, a family struggling to get by actually loses benefits for their children from any increase in military pay considered ''unearned income.'' Military families do not deserve to lose the benefits they badly need because a parent chooses to serve in the Armed Forces.

The second bill fixes a serious flaw in the CalVet Home Loan program limiting eligibility to servicemembers who signed up prior to 1977. This prevents many veterans from the first Gulf War and nearly all veterans from the wars in Afghanistan and Iraq from taking advantage of the CalVet program. H.R. 6081 removes the date of service provision, giving servicemembers retiring in California a greater opportunity to own a home.

Mr. WELLER of Illinois. Mr. Speaker, before yielding back my time, I want to rise in support of H.R. 6081, the Heroes Earnings Assistance and Relief Tax Act of 2008. I particularly want to point out that this product that is before us today is bipartisan. It is clear that both Republicans and Democrats want to ensure that our men and women in uniform, those who stand and every day place their lives at risk to defend our freedoms and the values that our Nation represents, that we provide help for them and their families. I commend Chairman RANGEL and ranking member Mr. MCCRERY for their leadership in putting together this bipartisan bill that helps our military and their families.

I urge a bipartisan ''aye'' vote.

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

Mr. SESTAK. Mr. Speaker, I yield myself the remainder of my time.

When General Akhromeyev came from the Soviet Union to visit the United States when the Soviet Union was breaking up, Admiral Crowe took him to many places, including an aircraft carrier. When he departed the aircraft carrier, he was asked by Admiral Crowe, Chairman of Our Joint Chiefs of Staff, ''What most impressed you?'' He turned to him and looked him in the eye and said, ''Your enlisted man.''

It is why General Washington, when he established the very first ribbon in the United States Army, a piece of purple ribbon which is today's Purple Heart, dictated that that award would only be given to enlisted men. The enlisted servicemembers are the heart of our military, and this bill is focused upon them. They are the ones who say, ''Here am I. Send me.''

I commend both sides of the aisle for recognizing who most deserves being remembered for the sacrifice to this Nation. It is the enlisted man and woman.

Mr. RANGEL. Mr. Speaker, today, we may each have our own convictions about this war, and no matter what those may be, I think I can safely say that we stand united in our support for our troops and their families.

No one here today can challenge the commitment, the dedication, or the bravery of our men and women who have responded to this national call.

They have made sacrifices that very few Americans have ever been called on to make—many have paid with their lives, and many others with the loss of limbs and mental injuries we will never be able to comprehend.

We all know the great value of education benefits for our military. I wil1. continue to fight for an increase that exceeds what our President has requested in GI education benefits and in military pay for our sons and daughters who serve in the military. Our men and women need it and they have earned every bit of it, and more.

The bill being considered today cannot make up for the debt we owe to these men and women and their families. We cannot make up for the loss of life and limb and the mental anguish they will endure.

But today, we will play a small positive role that I know is supported by every Member of this body. Today, we will vote to pass a small token of our gratitude—a small step in the right direction.

This bill is expected to be taken up by the Senate after we pass it here today and sent to the President this week. This is very fitting as we leave to celebrate Memorial Day—a day of remembrance for all who sacrificed in war for our country.

There is a provision in this bill that has been added since we passed the bill last year. The

provision would ensure that a member of the military, who is married to an immigrant spouse would qualify for the stimulus rebate payment even if such spouse does not yet have a Social Security number.

This fix was necessary because in the zeal to impose anti-immigrant philosophy, language was added to the legislation for the stimulus rebate payments which now has a negative effect on some of our military and their families, even as they are off fighting a war.

This should serve as a great lesson in caution and being circumspect before we allow our deep-seated feelings to get the best of us.

We must learn from these lessons even as we fight to improve the lives of those who fight for our country through improved GI education benefits, pay increase, better health care services, and increased disability benefits.

This bill has been a labor of love. We passed a very similar bill (H.R. 3997) 410–0 on December 18, 2009, and had hoped to get it signed into law before the end of last year. Yet, despite the total bipartisan nature of this bill, we were unable to get it to the President's desk before the end of December, 2007. So, here we are again. Persistent to the end.

This bill is small but means a lot to many people. The Committee has received more calls on this bill than we could have imagined. People are calling to find out when the bill will become law.

Today gives us fresh hope—it looks like we will actually do it this time. I am proud to be a part of this small but important effort for our military men and women and their families who continue to give so much to our country.

Mr. KIND. Mr. Speaker, I rise today in strong support of H.R. 6081, the Heroes Earnings Assistance and Relief Tax (HEART) Act of 2008. This bill provides a number of much needed and deserved tax benefits to members of the military, their families, and veterans. Specifically, I am proud that the Qualified Veterans' Mortgage Bonds (QVMB) program, which impacts my home State of Wisconsin, was renewed and reformed so that the dream of home ownership will continue to be a reality for thousands of veterans.

Under the HEART Act, the QVMB program will be expanded to allow $100 million annually in tax exempt bonding for the Wisconsin Department of Veterans Affairs (WDVA) State veterans home loan program—enough funding to aid about 600 State veterans in obtaining low interest rate home loans. This program is more important now than ever before with the ongoing credit crisis in this country, and I am proud we were able to expand it. In Wisconsin alone, the WDVA has made over 54,000 home loans to veterans through this program.

Other important provisions in this bill include allowing combat pay for troops to count as earned income for the Earned Income Tax Credit and making permanent the Internal Revenue Code provision that allows active duty reservists to make penalty-free withdrawals from their retirement plans.

Our military service men and women have sacrificed a great deal to protect the freedoms that we so deeply cherish in this country. Their sacrifices and extended tours of duty in Iraq and Afghanistan, however, have placed greater economic hardships on their families here at home. The bill before us today will help alleviate some of those hardships by giving military families much needed and deserved tax relief and making permanent some of the temporary provisions that Congress has previously enacted.

The HEART Act is one simple but significant way we can thank our troops for their service to our country. I thank Chairman RANGEL and Ranking Member MCCRERY for their bipartisan leadership on this legislation, and I urge my colleagues to support our men and women in the military by passing this legislation.

Mr. CONYERS. Mr. Speaker, today I rise in strong support of H.R. 6081, the Heroes Earnings Assistance and Relief Tax (HEART) Act of 2008. This bill provides tax relief to America's heroic servicemembers. As a veteran of the Korean war, it is imperative that we assist the brave men and women who put their lives at risk in defending our Nation in any way we can.

H.R. 6081 will improve tax benefits to members of the armed services. For example, today's legislation permanently extends the Earned Income Tax Credit for combat pay, allows for penalty-free withdrawal from servicemember pension plans, allows access for funds in Flexible Savings Accounts, and lets military death benefits to roll over into a Roth IRA or Education Savings Account. Given the crisis in the housing market, I am particularly heartened that H.R. 6081 permanently establishes mortgage bonds used to finance home purchases by veterans.

Mr. Speaker, this bill also extends the Economic Stimulus rebates that are being delivered as we speak today. H.R. 6081 humanely permits servicemembers who are married to foreigners to receive the full value of their rebate.

Lastly, the bill will restrict government contractors who move offshore to avoid paying Social Security and Medicare benefits. It is shocking that government contractors receive millions, or even billions, of taxpayer dollars and then try to avoid paying their fair share of taxes.

We have put our Nation's finest men and women in a senseless war without an end. The least we can do is allow their families to enjoy the same benefits as their neighbors. Mr. Speaker, this is a commonsense bill and I urge my colleagues to support it.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to commend the Committee on Ways and Means for passing this important legislation, the Heroes Earnings Assistance and Tax Relief Act. This legislation brings necessary tax relief to members of our armed services, veterans and their families and it also contains important technical corrections to a law that provides tax relief to volunteer emergency first responders.

Like our men and women in the armed services, volunteer emergency first responders provide a crucial service to our communities. They are in the front lines in the case of fire, natural disaster or other emergency. The majority of these brave men and women are volunteers and give up their time out of a sense of obligation to their communities. We owe them a debt of gratitude for their service.

This technical correction clarifies that property tax rebates and other benefits that are made to volunteer emergency first responders and are excluded from gross income are not subject to Social Security tax or unemployment tax. This was the intent of the original legislation and I appreciate the opportunity to clarify this through HR. 6081, the Heroes Earnings Assistance and Tax Relief Act.

Mr. SESTAK. Mr. Speaker, I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. RANGEL) that the House suspend the rules and pass the bill, H.R. 6081, 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. SESTAK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

## SENSE OF HOUSE REGARDING FOSTER PARENTS

Mr. MCDERMOTT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1185) expressing the sense of the House of Representatives that Congress should recognize the important contributions of Americans who serve as foster parents and, in doing so, unselfishly open their homes and family lives to children in need.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1185

Whereas the Nation's foster care system provides a sanctuary for children who are unable to live safely in their homes;

Whereas in 2006, some 799,000 children spent at least 24 hours in foster care and, on any given day, roughly 510,000 children were in the Nation's foster care system;

Whereas the primary goal of foster care is to ensure the safety and well-being of children while working to expeditiously provide children with a permanent, safe, and loving home;

Whereas via reunification with parents, adoption, or legal guardianship, some 289,000 children left foster care in 2006 for a permanent home;

Whereas 303,000 children entered foster care in 2006;

Whereas more than 43 percent of the children that entered foster care in 2005 were age 5 and younger;

Whereas studies have found that a child's early years are critical for his or her brain development, making it extremely important for all children to live in a safe and loving home during this critical period in their lives;

Whereas in 2005, the median age of a child in foster care was just over 10 years old and the median length of stay for a child in foster care was nearly 16 months;

Whereas while a majority of children living in foster care had the goal of being reunified with their parents, nearly 20 percent of foster children were seeking adoption in 2005;

Whereas each year as many as 24,000 teens will reach the age of 18 while in foster care

and age out of the system without finding a permanent family;

Whereas on any given day in 2006, there were as many as 129,000 children in the foster care system waiting to be adopted;

Whereas in 2005, roughly 60 percent of the children who left foster care for a permanent adoptive family were adopted by their foster parents and another 25 percent were adopted by relatives; and

Whereas it would be appropriate to designate the month of May 2008 as National Foster Care Month: Now, therefore, be it

*Resolved*, That it is the sense of the United States House of Representatives that—

(1) all Americans should work together to strengthen families and reduce the need of foster care placement for children; and

(2) Congress should continue its commitment to providing critical assistance to children and families involved in the foster care system through the title IV program in the Social Security Act and other programs that are designed to help children reunite with their parents or find a loving and permanent home when they cannot return to their biological parents.

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

The Chair recognizes the gentleman from Washington.

Mr. MCDERMOTT. Mr. Speaker, every day another 850 American children enter foster care. If you go outside and walk along the Mall today, you will see cardboard cutouts of children. Another 850 representations will be added each day this week to help us all understand who are at risk and what is at stake. The fact is, most people are unaware of how many children are in foster care right now and how many more will be in foster care tomorrow. My hope is that the image of those cardboard cutouts will be so compelling that America will take and demand action.

As the chairman of the subcommittee with jurisdiction over the foster care system, I want the House to make this issue as important as the children we need to help. Each child in this Nation deserves nothing less than a safe, loving home with a caregiver who ensures their physical and emotional well-being, supports their dreams in life and helps them become healthy and happy adults. For over a half a million children in our Nation, that home is not with their biological parents. Instead, the nurturing environment is found in the homes of foster families, who temporarily support a child until that child can either be safely returned to their biological parents or moved to a permanent home.

What I just described in a few words doesn't begin to cover the heroic actions by Americans on behalf of foster children, so we are here today to mark the month of May as National Foster Care Month. It is a designation reserved for heroes, and there are hundreds of thousands of American heroes to be noticed and thanked. They are the people who open their homes and their hearts to children who are seeking sanctuary when they are no longer able to live safely in their homes. These people are the safety net for these children, the difference between hope and disaster.

National Foster Care Month also recognizes the unsung heroes who work in the foster care system itself, these individuals who dedicate their lives to improving the well-being of children who are under the care of the State. Many of these dedicated people work for relatively little salary, with limited resources, and often face very dangerous situations. They do it because they care, and we are grateful.

There isn't anything partisan about ensuring the safety and well-being of children. We either meet our responsibility to protect these children, or we don't.

□ 1100

Lives indeed hang in the balance. That is why Congress must work together to improve our Nation's foster care system and to fully support these children, including those who age out of the foster care system each year and their caretakers, which includes grandparents and other relatives. It is up to us to ensure that the educational, medical, and emotional needs of foster children are met. It is up to us to make sure they know they are not alone. In truth, their outcomes in life are linked to our ability to guarantee that the State has the resources to provide these children with the assistance they need.

Foster children should have the same opportunities in life that our other children have. It is up to us to guarantee that our Federal programs support that basic right.

I ask my colleagues to join me in recognizing May 2008 as National Foster Care Month. We salute the tireless work of foster care parents, case workers, court personnel, service providers, and advocates, many of whom are former foster children, for their commitment to supporting vulnerable children across this Nation. We must recommit ourselves to working to improve the foster care system because of the lives of innocent children who are at stake, and we have the power to make a difference.

I would like at this time to take one moment to recognize my colleague, Mr. WELLER, who has been my ranking member on this subcommittee, and he and I have worked together hand in hand on this issue. This is not a partisan issue, and it has been a real pleasure to have Mr. WELLER as my ranking member in this session of Congress. We have a bill coming which we hope this House will also approve at another time.

I reserve the balance of my time.

Mr. WELLER of Illinois. Mr. Speaker, likewise to the chairman of the subcommittee, which I have the privilege of serving as the ranking member, I just want to state that I enjoy working with you very much as well, and thank you for your compliment.

Mr. Speaker, I rise in support of H. Res. 1185, recognizing May as National Foster Care Month. This resolution recognizes the enormous contribution of foster parents who care for so many vulnerable young people across America. And I want to commend its chief sponsors, Representative JON PORTER of Nevada and Chairman MCDERMOTT, for sponsoring and introducing this important resolution.

The House is considering this resolution right between Mother's Day and Father's Day, which is appropriate, since foster parents step in to take the place of biological mothers and fathers. Taxpayers themselves contribute literally billions of dollars each year in Federal and State assistance to this important effort. But the most important part is the simple willingness of responsible adults to step in and care for kids who cannot safely remain with their own parents. For that, as this resolution expresses, the Nation says thank you.

Many other people work to support foster parents through both public and private organizations and in paid and volunteer positions alike. We express our thanks to those dedicated people as well. One example in the congressional district I represent, groups like The Baby Fold, which provides a variety of services to support biological and foster families. We thank all of these individuals for their continuing effort and dedication to improving the lives of children and their families.

In spite of all the hard work by individuals involved at all levels in the Nation's foster care system, more work is needed to ensure all children have a safe home, are protected from abuse, and have the best opportunities to lead a healthy and productive life.

The Subcommittee on Income Security and Family Support, on which I serve as ranking member, has held numerous hearings in the past year on child welfare issues, reviewing whether foster children are receiving appropriate medical care, are being prescribed the right medications, are receiving the education they deserve, and are being adequately prepared for their life as adults. For some children, the answer to these questions is a ''yes,'' but for too many the answer is ''no.'' Too many children in foster care are behind their peers in terms of their health, education, and job prospects.

So there is still much that we need to do to ensure that all children in foster care receive the care and support they need to overcome these obstacles and thrive as young adults.

For those who cannot safely return home to their own parents, that means creating an environment providing as much love, support, and stability as possible. For some children, that may mean placement with relatives. For others, it involves the generosity and sacrifice of foster parents who step in when biological families don't work out.

In addition to this resolution, as Chairman MCDERMOTT noted, he and I

are currently working on a bipartisan package of legislation that we intend to have designed to improve the foster care system: Expecting more educational stability and high school completion for foster children, improving health outcomes, keeping siblings together, and extending and improving a current incentive program that rewards States for increasing adoptions. These legislative changes would implement many of the recommendations our subcommittee has heard for improving the lives of children in foster care. But even with these improvements, the tens of thousands of dedicated foster parents and those who support them will continue to remain the backbone of our foster care system. On our Nation's effort to support children who cannot safely live with their own parents, we owe them our thanks and our continued support.

Mr. Speaker, I urge an ''aye'' vote for this important resolution.

I reserve the balance of my time.

GENERAL LEAVE

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 1185.

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

There was no objection.

Mr. CARDOZA. Mr. Speaker, I rise to join my colleague, Mr. MCDERMOTT, and urge the support of H. Res. 1185. Since being elected to public office, I have been in advocate for children in foster care; in part because 8 years ago my wife and I adopted two of our children from foster care.

As a result, we became intimately aware of the status of America's foster care system. This resolution commends the hard work and sacrifice of the thousands of American families who care for foster children. As an adoptive foster parent, I know the joy these children bring. I also know that caring for children who, in some cases, have survived atrocious abuse and neglect can be extremely challenging. Many foster parents open their hearts and homes to children with the trauma and pain of a broken past. Many times these caregivers receive little or no support from the Federal government as they take in our Nation's most vulnerable young people.

Despite record food prices, foster families across America stretch their budgets to feed additional children that they have welcomed into their homes. Despite rising gas prices; foster families do their best to drive children to schools, take them to doctor's appointments, and attend little league games—because they know that's the kind of support these children have never had. They do a great service for America, Mr. Speaker, and deserve to be commended for their efforts.

While we recognize and commend their service, we need to do more to ensure a better future for these children when they leave foster homes. We need to do more to heal the minds and bodies of these children, so that the investment that foster parents have made in their lives is not lost to homelessness, drug addiction, and gang involvement that so many of these children turn to when they are abandoned again as they exit foster care.

The public may not be aware that on the night of their 18th birthday, most states terminate all services for foster children. Parents know that most children in our society are not self-sufficient the day they turn 18. For example: we don't expect our children to afford health coverage when they turn 18. In fact, most parents retain their children under a family policy until age 23. Yet for the 26,000 vulnerable young Americans who age out of the foster care system, we eliminate their healthcare coverage the moment they turn 18. Mr. Speaker, we need to do better. We need to extend healthcare coverage for children in foster care to age 21. The pathway to extend coverage already exists in current law, but only 17 states have implemented this option and I believe it is a moral and societal imperative to make this the standard across our Nation. Without proper healthcare many of these youth end up another sad statistic.

I know my good friend from Washington, Mr. MCDERMOTT, and I see eye-to-eye on this issue. Both he and I have introduced legislation that would make these necessary changes to healthcare coverage for foster children. Mr. Speaker, I urge the rest of my colleagues to support this resolution and to do better for America's foster children.

Mr. PORTER. Mr. Speaker, according to 2006 data, nationally, 799,000 children have spent at least 24 hours in foster care and, on any given day, roughly 510,000 children were in the Nation's foster care system. In Nevada, there are currently 5,450 children receiving foster care, including 3,947 in Clark County.

My district has faced some unique challenges recently. As Southern Nevadans, we recognize the need for a nurturing environment when biological parents abuse or neglect their own children. Foster families graciously open their doors, and offer love and guidance in the most difficult of circumstances. It is critical we honor these unsung heroes.

I would like to thank Chairman MCDERMOTT for introducing this bipartisan legislation honoring the selfless service of foster families recognizing the critical role these individuals play in communities across the nation. In addition, the resolution will mark May as National Foster Care Month. I encourage all of my colleagues to support the generosity of foster parents in their districts and throughout the nation during the month of May.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. MCDERMOTT) that the House suspend the rules and agree to the resolution, H. Res. 1185.

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

A motion to reconsider was laid on the table.

## MESSAGE FROM THE SENATE

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

S. 3035. An act to temporarily extend the programs under the Higher Education Act of 1965.

## SENSE OF HOUSE REGARDING FORMER FOSTER CARE YOUTH

Mr. LEWIS of Georgia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1208) expressing the sense of the House of Representatives that youth who age out of foster care should be given special care and attention.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1208

Whereas 12,000,000 Americans spend time in foster care;

Whereas every year, more than 24,000 youth turn age 18 while in foster care;

Whereas the safekeeping of most youth who age out of foster care is the responsibility of the State governments, which receive Federal funding to assist them in doing so;

Whereas family reunification, kinship care, and adoption are the preferred solutions for children who are placed in foster care;

Whereas Congress created a new Independent Living initiative in 1986, and expanded the program by passing the Chaffee Foster Care Independence Act in 1999 to assist youth who are emancipated while in foster care: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports former foster care youth as they overcome many emotional, physical, and social obstacles in the pursuit of healthy, independent, and fulfilling lives;

(2) recognizes former foster care youth organizations for their dedication to reforming and improving the foster care system;

(3) appreciates individuals, mentors, and social workers who provide assistance to former foster care youth beyond resources available through Federal, State, and local services; and

(4) encourages reviews of Federal and State programs conducted under title IV of the Social Security Act that would improve services to help former foster care youth succeed in their transition to adulthood and independence.

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

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 1208.

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

There was no objection.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I rise today to ask my colleagues to support House Resolution 1208. This

resolution is very simple. It recognizes the many problems that face young people who spend time in foster care, and it thanks the many others who work to ease their transition from foster care to adulthood and independence.

In Georgia, there are thousands of children in foster care. Living in foster care is not a choice. These young people of all races, ages, and backgrounds were victims of neglect and abuse. Child welfare services share a common goal of finding safe, stable, and loving homes for these young people. Unfortunately, this dream is not always realized.

I have the privilege to serve on the Ways and Means Income Security and Family Support Subcommittee chaired by my good friend and colleague, Mr. MCDERMOTT of Washington.

Last year, the gentleman from Washington (Mr. MCDERMOTT) invited two young people from our congressional district to testify about what it is like to transition from foster care to adulthood. Anthony Reeves and Shalita O'Neal both aged out of the Georgia foster care system. They shared with us how difficult it is to find housing, health care, education, liveable wages, jobs, security, and stability.

At a young age, when most are still relying on financial and emotional support from their parents and family, these young people have no one to fall back on. Mr. Speaker, these are the stories that break your heart.

Today, we honor those like Anthony and Shalita, and Kevin Brown, a recent graduate of Clark Atlanta University, who are determined to find their way despite so many problems before them.

We also pay tribute to the mentors, volunteers, parents, organizations, and many others who fill in the gaps in Federal and State coverage to help these young people during the most difficult times of their young lives.

Most important, this resolution sends a message to the half million young people currently in the foster care system. Congress tells them: You are not alone. We love you. We support you. You are not forgotten. There is hope. You will survive. And you will succeed.

Thank you, Mr. Speaker. I urge all of my colleagues to support this very simple resolution.

I reserve the balance of my time.

Mr. WELLER of Illinois. Mr. Speaker, I rise in support of H. Res. 1208 on foster care youth aging out of care, an important resolution before us today. I join my colleagues in support of the more than 500,000 children who are in foster care today and in support of this resolution. I hope we can craft substantive bipartisan legislation to help address the challenges in our Nation's foster care system.

One of the greatest challenges is helping the more than 24,000 youth who age out of foster care each year. Projected outcomes for too many of these young people are sobering: lower high school graduation rates, higher rates of homelessness, and a higher chance of becoming incarcerated than of other youth of their own age.

In hearings before our subcommittee, the Income Security and Family Support Subcommittee, which I serve as ranking member, we have been privileged to hear from many outstanding young men and women who have personally shared their personal stories of life in our Nation's child welfare system.

For instance, Jamal Nutall, a young man from the congressional district which I represent, has worked as an intern in my office. He testified before our subcommittee about the challenges he faced in foster care and the progress he was making towards completing his college education. More recently, we heard from Misty Stenslie with the Foster Care Alumni Association which represents former foster youth. Listening to these stories and understanding what they tell us reveals how much more needs to be done to help those who spend the longest time in foster care, including the thousands who age out of the system each year.

A good place to start would be to ensure that every young person in foster care completes at least their high school diploma. Last year, I introduced House Resolution 733, which recognizes the importance of improving the high school graduation rate of foster youth. I thank the gentleman from Georgia (Mr. LEWIS) for being one of the bipartisan cosponsors of this legislation. We can and should make improving the educational outcomes of foster youth a key test in measuring any legislation designed to help foster children.

Congress is not alone in recognizing the importance of high school graduation for today's youth. America's Promise Alliance, an organization founded by former Secretary of State and General Colin Powell and his wife, has launched a dropout prevention campaign to combat the Nation's high school dropout crisis. The Alliance noted alarming statistics in an April 2008 report. Nearly one in three U.S. high school students drops out before graduating. Approximately 1.2 million students drop out each year, and about 7,000 students drop out each and every day.

To improve the high school graduation rate of foster youth, increased coordination between child welfare and educational agencies is necessary. New foster family placements should not necessarily mean a new school, and foster children should have to be able to remain in a single school in their own community so they can build lasting relationships with friends, teachers, and mentors.

All these steps can and should contribute to raising graduation rates and increasing chances of future success for foster children, especially those who age out of the system.

I urge all Members to join me in supporting this important resolution today. But we should also commit ourselves to producing bipartisan legislation to improve the Nation's foster care and child welfare programs and improving the high school graduation rates and other educational outcomes for children in foster care. Without that simple step, too many will continue to face a desperate future. We owe them far better.

Mr. Speaker, I urge an ''aye'' vote.

I reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I now recognize the gentleman from Washington (Mr. MCDERMOTT), the chairman of the subcommittee, for such time as he may consume.

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

Mr. MCDERMOTT. Mr. Speaker, I am proud to join with my colleague and friend JOHN LEWIS in fighting to do what is right for America's foster kids.

Every year, an estimated 24,000 foster kids reach their 18th birthday. Instead of a celebration, they hit a dead end. Try and remember what it was like when you were 18 years old. As it stands today for foster kids, the support system simply stops for those kids on the day at a point when they are not quite ready for everything they are going to face in the world. No place to live, no money for food, no money to go on for education, no place to live while they finish high school. All of those things are what face our youngsters in foster care today when they hit 18 in many States in this country.

Many of these children do not have access to critical support services like health care. If they are on medication, it ends that day.

□ 1115

They don't get the Medicaid, they don't get the coverage after that. There is no transition for these young people at all. Many are not connected to an adult who can serve as a mentor or someone who can be someone to get advice from when they go on. The system simply discards them. Not surprisingly, trouble can be the end result. Far too many become disconnected from the educational system and the labor force and become much of the homeless that we see on the streets of our city. Many of them wind up in our jails.

When the State removes a child from their biological parents because of abuse or neglect and places that child in foster care, we become the foster parents. Now, most of us did not have parents who threw us out on our own on the day we were 18. In fact, the whole boomerang idea of going back to your parents when you've been through college is very common in this country. We continue to have contact with our children when they're gone, after they're 18. Eighteen is not some magic date. And I believe a child in foster care deserves no less than anyone else's children. So we have some work to do to deliver on that promise, and we can take a big step by approving this bill.

Like many other young people, foster kids need the guidance and support of a caring adult that will last a lifetime. It's our job to make that happen. One way is to transition a child out of the system. We should make sure that when a child leaves foster care, they have a connection with someone, perhaps a lost sibling or some other relative that can be a source of love and support for them. Nurturing doesn't stop at 18, and if it continues, the odds for that foster kid doing well rise dramatically.

We should also provide a significant support system for these children after they become 18. The Chafee Foster Care Independence Program was partly designed to fill this need. But additional supports are needed to provide these young people with skills and resources they need to become successful adults. It's time for Congress to follow suit and ensure that when a child leaves foster care they have an opportunity to prosper as an adult.

I thank Congressman LEWIS for offering this important resolution, and urge my colleagues to support it and to work with us to strengthen our Nation's foster care system, so that young people who age out of the system are not thrown out of it but instead have the same opportunities that other kids have.

Mr. WELLER of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time. I urge bipartisan support.

Mr. LEWIS of Georgia. Mr. Speaker, I have no additional speakers. I urge all my colleagues to support this resolution. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and agree to the resolution, H. Res. 1208.

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

A motion to reconsider was laid on the table.

## RECOGNIZING PRISONERS OF WAR FROM THE VIETNAM CONFLICT

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 986) recognizing the courage and sacrifice of those members of the United States Armed Forces who were held as prisoners of war during the Vietnam conflict and calling for a full accounting of the 1,729 members of the Armed Forces who remain unaccounted for from the Vietnam conflict, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 986

Whereas recent world events have brought Americans closer together, while reinvigorating our patriotism, reminding us of our precious liberties and freedoms, and giving us a greater appreciation for the men and women of the United States Armed Forces who defend our homeland every day;

Whereas the honor and valor of past and present members of the United States Armed Forces inspire many young people to serve their country;

Whereas participation by the United States Armed Forces in combat operations in Southeast Asia during the Vietnam conflict resulted in more than 700 American military personnel being taken prisoner by enemy forces;

Whereas American military personnel who were taken prisoner were held in numerous prisoner of war facilities, the most notorious of which was Hoa Lo Prison in downtown Hanoi, Vietnam, which was dubbed by prisoners held there as the ''Hanoi Hilton'';

Whereas on January 23, 1973, the United States and North Vietnam jointly announced the terms of a cease-fire agreement, which included the release of prisoners of war;

Whereas the return of the American prisoners of war to the United States and to their families and comrades was designated Operation Homecoming;

Whereas on January 27, 1973, the first group of American prisoners of war were released at airfields near Hanoi and Loc Ninh, and the last Operation Homecoming repatriation took place on April 1, 1973;

Whereas many American military personnel who were taken prisoner as a result of combat in Southeast Asia have not returned to their loved ones and their fate remains unknown;

Whereas American military personnel who were prisoners of war in Southeast Asia were routinely subjected to brutal mistreatment, including beatings, torture, starvation, and denial of medical attention and outside information, and were frequently isolated from each other and prohibited from communicating with one another;

Whereas the prisoners, at great personal risk, nevertheless devised a means to communicate with each other through a code transmitted by tapping on cell walls;

Whereas the prisoners held in the Hanoi Hilton included then-Major Samuel R. Johnson, United States Air Force, now a member of Congress from the 3rd Congressional District of Texas, who was shot down on April 16, 1966, while flying his 25th mission over North Vietnam;

Whereas Samuel R. Johnson spent more than half of his time as a prisoner in solitary confinement, and conducted himself with such valor as to be labeled by the enemy as a die-hard resister, and, notwithstanding the tremendous suffering inflicted upon him, demonstrated an unfailing devotion to duty, honor, and country;

Whereas during Samuel R. Johnson's military career, he was awarded 2 Silver Stars, 3 Legions of Merit, the Distinguished Flying Cross, a Bronze Star with ''V'' device for valor, 2 Purple Hearts, 4 Air Medals, and 5 Outstanding Unit awards;

Whereas Samuel R. Johnson retired from active duty in 1979 in the grade of colonel, and personifies the verse in Isaiah 40:31, ''They shall mount with wings as eagles'';

Whereas the American military personnel who were prisoners of war during the Vietnam conflict truly represent the best of America;

Whereas the 35th anniversary of Operation Homecoming begins on February 12, 2008, and ends on April 1, 2008;

Whereas the world acknowledges that the words inscribed by an American prisoner of war in a Hanoi Hilton cell, ''Freedom has a taste to those who fight and die for it that the protected will never know'', are bitterly true and eternally appreciated; and

Whereas the Nation owes a debt of gratitude to these patriots and their families for their courage, heroism, and exemplary service: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) expresses its deepest gratitude for, and calls upon all Americans to reflect upon and to show their gratitude for, the courage and sacrifice of the brave members of the United States Armed Forces, including Samuel R. Johnson of Texas, who were held as prisoners of war during the Vietnam conflict;

(2) urges States and localities to honor the courage and sacrifice of those prisoners of war with appropriate ceremonies and activities;

(3) acting on behalf of all Americans, will not forget the 1,729 members of the United States Armed Forces and the 34 United States citizens who remain unaccounted for from the Vietnam conflict and will continue to press for a full accounting of all of these members; and

(4) honors all of the members of the United States Armed Forces who have fought and died in the defense of freedom.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from California (Mr. HUNTER) will each control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

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

I rise today to urge my colleagues to support House Resolution 986 which recognizes members of the Armed Forces who were held as prisoners of war during the Vietnam conflict, and calls for a full accounting of the 1,729 members who still remain unaccounted for from that conflict.

''Never leave a comrade behind'' is the motto of our Armed Forces. However, one of the regrettable results of war is the possibility of being forced to leave behind missing personnel or prisoners of war.

At the conclusion of the Vietnam War, 2,646 members of the Armed Forces were considered prisoners of war or were declared missing in action. While many servicemembers were returned, 1,729 of our soldiers, airmen, sailors and marines remain unaccounted for to this very day.

During the course of the Vietnam War, as many as 700 American military personnel were held by the enemy. One of the infamous prison facilities in Vietnam was referred to as the ''Hanoi Hilton.'' Located in downtown Hanoi, the prison held American servicemembers including then Lieutenant Commander JOHN MCCAIN, now

Senator MCCAIN, and another of our esteemed colleagues, former Major SAMUEL R. JOHNSON. SAM JOHNSON was shot down April 16, 1966, as he flew his 25th Air Force mission over Vietnam.

Bravery and passion filled the hearts of our servicemembers in Vietnam who willingly gave their life and liberty to protect the rights that Americans hold dear. We honor the sacrifice of those who gave their lives in defense of our Nation, and to those who were prisoners of war as they epitomize the very best of America.

For nearly 7 years, Mr. JOHNSON and 700 servicemembers endured beatings, torture tactics, starvation, denial of medical attention and denial of contact to the outside world. January 27, 1973, marked the beginning of Operation Homecoming, the mission to end the brutal mistreatment of American troops following the cease-fire agreement between the United States and North Vietnam. Operation Homecoming concluded on April 1, 1973, when the last of 591 prisoners of war were released. However, it is clear that much work remains to be done in finding the 1,729 troops who did not return home.

Since 1985, the Vietnamese Government has been working with the United States to help return our servicemembers back to their families, and we appreciate their efforts, and ask them to renew their efforts to help us bring these Americans home.

On behalf of the American people, our deep appreciation and heartfelt thanks go to the prisoners of war from Vietnam and other conflicts and to their families.

I urge my colleagues to join in support of this resolution.

I reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I join the gentlelady from San Diego, my seat mate, Mrs. DAVIS, in this resolution.

Mr. Speaker, the Bible tells us, greater love hath no man than he who lays down his life for a friend. Close behind are those who have served America in war, been captured, been held for long periods of time incommunicado sometimes, from their own colleagues in the particular prison or internment camp, and certainly from their loved ones back in the United States. Those who have to endure in this case, as our POWs did in Vietnam, beatings, brutality, harsh interrogations; and yet those Americans have, in most cases, come out of that furnace of incarceration strengthened.

Indeed, as the gentlelady has mentioned, Pete Peterson, JOHN MCCAIN and our own SAM JOHNSON, who serves with us today, are examples of Americans who endured great difficulty and great hardship, and yet were strengthened and were inspired and had a certain energy that propelled them into this body, and in other cases into the other body, into the U.S. Senate, and they became national leaders.

Mr. Speaker, James Michener wrote in his book, The Bridges at Toko-Ri, when the subject of that book, the hero, the guy who had flown off to hit those bridges again and again didn't return because he'd been shot down, in the book, the commander of that aircraft carrier walks out on the deck after it's clear that this pilot's not going to return, and he reflects and asks himself the question, where does America get such men? People who will join the military, who will get into these high performance aircraft, in the case of a Navy pilot, fly off a carrier, which is a little postage stamp floating at sea, go through enemy air defenses and in a very dangerous situation, hit the target and then try to find that small floating postage stamp once again to recover.

And of course the counterparts to those Navy pilots are Air Force pilots and Marine pilots who fly off that tarmac, and, in the case of North Vietnam, encountered new technology, Russian-made surface-to-air missiles which were extremely deadly, and knowing that if they didn't get back out to the ocean, where they could at least, if their plane was hit, where they could at least parachute into the ocean, they had a high likelihood of being captured. And again and again and again they got into those aircraft and undertook those missions.

SAM JOHNSON was one of those guys and was shot down on his 25th mission. As the gentlelady said, he earned in his service to our Nation two Silver Stars, three Legions of Merit, the Purple Heart, the Bronze Star with the V device. But he earned something more than that, and that's the gratitude of every American, certainly every Member of this body, and in a way he's very symbolic of this incredible group of heroes known as the American POWs from Vietnam, because he's a lot like a lot of the others that I've met, Mr. Speaker, and I know you've met a lot of them too. Self-effacing, modest, great character, and continuing to serve this country.

So I think it's absolutely appropriate that on this 35th anniversary of Operation Homecoming that we honor everyone who served as an American prisoner of war, and especially honor the one who serves today in the House of Representatives, Mr. SAM JOHNSON.

I would reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HUNTER. I would yield to the Republican leader, Mr. BOEHNER, the gentleman from Ohio, as much time as he might consume.

Mr. BOEHNER. Mr. Speaker, I'm proud to have introduced this legislation which marks the 35th anniversary of Operation Homecoming, and honors all Americans held prisoner of war in Vietnam.

On February 12, 1973, the first wave of the longest held POWs from Vietnam left Hanoi for their first taste of freedom, dubbed Operation Homecoming. Our colleague and my friend SAM JOHNSON was one of the men who flew out of Hanoi after nearly 7 years in captivity.

For me and any other American watching, Sam's return, and the return of all those heroes serving in Vietnam, was a bittersweet moment. Yet it was a moment that we must never forget because of what they did to defend the cause of freedom.

□ 1130

This resolution is just one more way for Congress and for our Nation to thank those who were held prisoner of war in Vietnam. And on a personal note, it gives me a chance to thank Sam, once again, for his service and his friendship.

Mr. Speaker, America owes our Vietnam POWs and all of those who serve a debt of gratitude, and it is only fitting that Congress today should recognize their heroic sacrifices today and every day.

Mrs. DAVIS of California. Mr. Speaker, I yield 3 minutes to my friend and colleague, the gentleman from New York (Mr. MCNULTY).

Mr. MCNULTY. Mr. Speaker, I strongly support this measure on the floor today because it's all about priorities. And what that means for me is I need to remember on a daily basis that if it weren't for all of the men and women who served in the United States military through the years, I wouldn't be able to go around bragging, as I often do, about how we live in the freest and most open democracy on earth.

Freedom isn't free. We have paid a tremendous price for it. And I try not to let even a single day pass by without remembering with deepest gratitude all of those who, like my own brother, Bill, made the supreme sacrifice in Vietnam. And I need to remember people like my friend and colleague, SAM JOHNSON, who went to a far-off place, put his life on the line for us, endured torture on behalf of all citizens of the United States of America, but thankfully came back home and rendered outstanding service to his community and to his country.

These are the things that I'm most grateful for today. I am proud and honored to look across the Chamber into the eyes of my friend, SAM JOHNSON, and to assure him that he is one of the reasons why, when I get up in the morning, the first two things I do are to thank God for my life, and veterans for my way of life.

Mr. HUNTER. Mr. Speaker, I would like to yield 2 minutes to the Republican whip, Mr. BLUNT, the gentleman from Missouri.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding, for his work to bring this bill to the floor, and for the moments the entire House is taking to recognize those who have sacrificed for us and the homecoming 35 years ago of our good friend, SAM

JOHNSON, and others. Those who have served in this way have served with particular challenges to their courage and have seen their faith and their families' challenged as well.

Recently in another ceremony in this building reflecting on the Holocaust, the speaker at that ceremony, the White House chief of staff, mentioned his father, a prisoner in another war, World War II, who all the time he was in a prison camp in Germany refused to take off the dog tag symbol that identified him as a Jew.

We all know that story of our colleague in the Senate who saw the guard draw a symbol of a cross on the ground as he had released him from the particular painful way he had been bound to be left overnight and then quickly erased that symbol of his faith.

We've read, many of us, our friend SAM's story about not only his challenge and his strength and faith, but also how his own family didn't know for months and months whether he was alive or dead, and that was a story that was all too frequent among our heroes who served us and served in this capacity. They kept the faith, they honored their country.

The stories go on and on and on about the flag that was found and destroyed and the man who had pieced that flag together in a Vietnamese prison camp was brutally beaten, and as soon as he could regain enough strength and consciousness, he began to get little pieces of cloth and put a flag back together again. That kind of service, that kind of honor, that kind of courage, that kind of patriotism is what we recognize today; and particularly those of us who serve with SAM JOHNSON get to recognize it every day as we see him come courageously to the floor serving his country again.

Mrs. DAVIS of California. Mr. Speaker, at this time I have no further requests for time. I am prepared to close after my colleague has yielded back his time.

I continue to reserve the balance of my time.

Mr. HUNTER. I would like to yield to the gentleman from Virginia (Mr. WITTMAN) 2 minutes.

Mr. WITTMAN. Mr. Speaker, I would like to rise in strong support of this resolution recognizing the courage and sacrifice of American military personnel held prisoner during the Vietnam conflict, and I would like to thank those folks for their extraordinary bravery, their valor, and their commitment to our Nation. We will be eternally grateful for their sacrifice.

I would also like to highlight the courage and the sacrifice of our own Representative SAM JOHNSON of Texas who was a prisoner of war in North Vietnam for 7 years. In the midst of our Nation's war against global terrorism, it's especially fitting that we now take the time to remember and honor our prisoners of war from the Vietnam conflict.

Not all of those who were captured returned to freedom in what was called Operation Homecoming some 35 years ago. Those events, watched by millions of Americans, helped focus the Nation on the ordeal endured by those proud warriors, the prisoners of war, who were routinely subject to brutal mistreatment including beatings, torture, starvation, and the denial of medical attention and outside information. Since the return of these Vietnam-era prisoners of war, America has learned much more about how remarkably special, smart, and strong these men were.

The stories of their courage, heroism, endurance, and exemplary service inspires us all, and we must never forget their sacrifices.

One of those remarkable heroes who came home 35 years ago is our own SAM JOHNSON of Texas. Shot down in 1966, he was a prisoner of war for 7 years. Labeled by the enemy as a die-hard resister, he suffered tremendously and spent more than half his time in solitary confinement. That same indomitable spirit and commitment to serve our Nation continues today where he is an inspiration to all of us.

Mr. Speaker, it is only right that we take time to honor men like SAM JOHNSON and the other prisoners of war from the Vietnam conflict, and I urge all Americans to do so, not forgetting that more than 1,700 American military personnel remain unaccounted for today.

Mrs. DAVIS of California. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, I would like now to recognize the ranking member of the Veterans' Affairs committee, Mr. BUYER, for 2 minutes.

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding, the ranking member. Thank you for bringing this today to the floor.

As all of us get to know SAM, and we see him daily, SAM's voice gives meaning to many who were held as prisoner and allows us to have a deeper appreciation of what it means to lose your liberty. And what SAM JOHNSON has been able to teach all of us is that someone may take away your freedom, someone may beat you and torture you, but they can never touch your character. And what SAM teaches us daily is it is about the power of the individual, and it comes from your character and it comes from who you are morally and spiritually as a person. It is about who you are with your values and your virtues that defines human dignity. When you define that and you're comfortable about yourself, it doesn't matter what someone ever does to you.

When you think about and you read the book on SAM JOHNSON's life, you have a much deeper understanding of what this man went through, but he was able to endure because he was comfortable with who he was as a person.

Now, what SAM does, and he is so humble, is that he then takes that and teaches all of us not only about what they went through, but how each of us, as Americans, should rise to understand each other with greater dignity.

With that, SAM, I think this is so fitting that we honor you today. I know that you feel uncomfortable about doing that. But you are able to give great voice to a lot of your comrades, many who also never came home. And it is not just for those from the Vietnam war; when you speak, you give voice to anyone who was a prisoner of war.

Mrs. DAVIS of California. Mr. Speaker, I continue to reserve.

Mr. HUNTER. Thank you, Mr. BUYER, for your very eloquent statement.

Mr. Speaker, at this point we have one speaker remaining, and that's the man from Texas who stiffens our spine, who gives us resolution when we start to lose our resolve in this House of Representatives, who reminds us that freedom isn't free and that we achieve peace through strength.

I would like to yield the balance of our time to SAM JOHNSON, the gentleman from Texas.

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise to thank Republican Leader BOEHNER for his efforts to recognize the prisoners of war in Vietnam and those of us who are marking 35 years of freedom.

As a former prisoner of war for nearly 7 years, more than half of that time in solitary confinement, I find great comfort that Americans support our troops 110 percent. Trust me when I say it makes a tremendous difference to return to your country with a warm welcome and homecoming party versus people spitting on you or worse. Thankfully, America does not have hundreds of men and women held captive as prisoners of war like Vietnam. For this, I can only say, ''Praise the Lord.''

You know, celebrating a milestone of liberty like 35 years of freedom really puts life in perspective. I have thought about what my battered body felt like before the years of endless torture and extreme starvation, and I thank my loyal wife and family for sticking by me when I was gone.

I also recall the high-caliber Americans held captive with me in Vietnam. By Christmas 1970, my captors ended my solitary confinement after 3½ years and placed me in a huge room full of American heroes, the Hanoi Hilton, now known as the ''Incredible Room Seven.'' The roster of Room Seven included 47 great Americans who spent a combined 108,116 days in captivity. That translates into just under 300 man hours gone. As for me, I spent just under 2,500 days as a POW, and you can Google ''Incredible Room Seven'' to learn about the amazing list of war heroes I have the honor of calling friends, one of whom is JOHN MCCAIN.

While held in captivity, most of us agreed that when, not if, we returned home to America, we would quit complaining about the government and do

something about it. Some of us ran for office. I served in the Texas State House and now in the U.S. Congress. Jeremiah Denton, who blinked the letters ''t-o-r-t-u-r-e'' in Morse code while reading a prepared message from the enemy into a video camera, became a U.S. Senator from Alabama. JOHN MCCAIN served in the House and then in the Senate. Clearly, the thread of public service in Room Seven extended well beyond the military code of conduct.

I mention my 7 years in captivity for another reason as well. Today, for just about the last 7 years, our troops and their families have put their lives on the line, and many times on hold, to defend the freedom of this great Nation. The Nation has troops waging two different battles in two separate remote parts of the world, and our servicemen and women continue to stand up and be counted. Our troops have done an exceptional job. We all hope and pray they come home soon and safely when the time is right.

I would like to close today by dedicating this statement to a dear friend of mine who did not make it home from captivity, Ron Storz. The enemy held me in solitary confinement in a place we POWs named Alcatraz. There were 11 of us held alone in small 3-foot by 8-foot cells, each one adjacent to another. Being the ingenious American servicemen we were, we could communicate with our fellow POWs by tapping on the walls.

Of the 11 of us held in solitary cells, only 10 made it home. The North Vietnamese killed my friend Ron Storz, an Air Force captain, after he rebelled and went on a hunger strike to protest our harsh conditions. Ron Storz carried the banner of valor and heroism. This resolution includes him, too, and it includes all Americans.

All I want to say is God bless America, and today I salute all ex-POWs. Thank you for bringing this measure to the floor. I salute you.

□ 1145

Mrs. DAVIS of California. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HUNTER. We have no more speakers and would yield back the balance of our time.

Mrs. DAVIS of California. Mr. Speaker, I would like to say what an honor it is for me to serve with a great American, Mr. SAM JOHNSON, here in the House, and I thank God, as my colleagues do as well, that he is here to share with us his extraordinary experiences and to remind us of individuals like himself who serve this country with such honor and valor.

Mrs. MILLER of Michigan. Mr. Speaker, I rise today to offer my wholehearted support of honoring members of the United States Armed Forces who were held as prisoners of war during the Vietnam conflict and to ask for a full accounting of those great Americans still listed as missing in action.

The hardship bestowed upon our men and women in the Vietnam war prison camps is well documented. I have two dear friends who spent years as prisoners of war in Vietnam. One is a constituent of mine named Digger O'Dell who spent more than 5 years as a prisoner of war in Vietnam. The other, my colleague in the House, Congressman SAM JOHNSON.

Their bravery, their commitment to our nation and their desire to fight for the freedom of every individual is unquestionable. I rise today in tribute to the service and sacrifice of Digger O'Dell, SAM JOHNSON, and that of their fellow POWs whose bravery under incredible circumstances did great honor to America.

Additionally, we can never forget the 1,729 members of our Armed Forces that remain unaccounted for from this conflict. This is unacceptable to me. This number represents families, loved ones, and comrades who have been left wondering about their fate for the past 30 plus years.

Those families that still await word of the fate of their loved ones deserve the sense of closure this information would bring. I feel that it is our duty as Members of Congress to at the very least work to provide them the opportunity for that closure.

My district is home to thousands of veterans of the Vietnam war and my husband is a member of one of the largest chapter of Vietnam Vets in the Nation. Each time I see a veteran of that conflict I say "Welcome Home" because too many were not welcomed properly when they returned from Vietnam.

That "Welcome Home" means even more to those who spent time in captivity and endured unspeakable abuses because upon their release they returned to the loving embrace of family and friends. And they did so with their honor intact and love of country strengthened.

For those who never returned and whose fate is unknown, we must never stop in our effort to leave no one behind.

I urge you as my friends and colleagues to join me in honoring the courage and sacrifice of all those members of our Armed Services who valiantly served our great Nation in Vietnam. And to every Vietnam Veteran—Welcome Home.

Mrs. DAVIS of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 986, 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. HUNTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

## HONORING WOMEN IN THE ARMED FORCES AND FEMALE VETERANS

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1054) honoring the service and achievements of women in the Armed Forces and female veterans, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1054

Whereas women have historically been an important part of all United States war efforts, voluntarily serving in every military conflict in United States history since the Revolutionary War;

Whereas 34,000 women served in World War I, 400,000 served in World War II, 120,000 served in the Korean War, over 7,000 served in the Vietnam War, and more than 41,000 served in the first Gulf War;

Whereas more than 185,000 women have been deployed in support of Operation Enduring Freedom, Operation Iraqi Freedom, and other missions since 2001;

Whereas over 350 service women have given their lives for our Nation in combat zones since World War I, and more than 85 have been held as prisoners of war;

Whereas over 350,000 women serving in the Armed Forces make up approximately 15 percent of active duty personnel, 15 percent of Reserves, and 17 percent of the National Guard;

Whereas women are now playing an increasingly important role in America's military forces; and

Whereas the women of America's military, past and present, have served their nation in times of peace and war, at great personal sacrifice for both themselves and their families: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) honors and recognizes the service and achievements of current and former female members of the Armed Forces;

(2) encourages all people in the United States to recognize the service and achievements of women in the military and female veterans on Memorial Day;

(3) encourages all people in the United States to learn about the history of service and achievements of women in the military; and

(4) supports groups that raise awareness about the service and achievements of women in the military and female veterans through exhibitions, museums, statues, and other programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. Davis) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

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

Every time I visit military installations, at home and abroad, I'm constantly impressed by the tremendous job our servicemembers are doing, and I'm particularly impressed by our

brave servicewomen, whom I seek out at every chance.

Over 350,000 American women are currently serving in our Armed Forces, following in the footsteps of women who have voluntarily served in every military conflict in United States history since the Revolutionary War.

During the revolution, women served on the front lines as nurses, water bearers and even saboteurs. For years, women had to disguise themselves as men in order to enlist in our military. Although the Army and Navy Nurse Corps were established in the early 1900s, it was not until the Women's Armed Services Integration Act of 1948 that women were granted permanent status in the regular and Reserve Armed Forces.

As Memorial Day approaches, we should recognize that our servicewomen play an increasingly important role in America's military forces. Women serving in the Armed Forces make up approximately 15 percent of active duty personnel, 15 percent of Reserves and 17 percent of the National Guard.

Women are flying helicopters and fighter aircraft. They are saving lives as nurses and doctors, and they are driving support vehicles and policing perimeters.

Servicewomen are also receiving recognition of their service, including awards for valor. Most recently, Private First Class Monica Lin Brown became only the second woman since World War II to receive the Silver Star, our Nation's third highest medal for valor, for her service in Afghanistan. The first woman since World War II to receive this honor was Sergeant Leigh Ann Hester, who received the Silver Star in 2005 for her service in Iraq.

When I visit installations, I am so grateful for the response and insight I receive from women in the Armed Forces. They are adamant they do not want to be treated differently; yet they would like us to understand and recognize the additional burdens that are inherent in the many roles they play as wives, as mothers and caretakers.

Later this week, the Congressional Caucus for Women's Issues will host its annual ceremony at the Arlington National Cemetery to honor our Nation's servicewomen and women veterans and to remember women who have died while on duty serving the United States.

As Chair of the House Armed Services Subcommittee on Military Personnel and co-Chair of the Women's Caucus Task Force on Women in the Military and Veterans, I'm privileged to honor the legacy of servicewomen in the past, the courage with which women serve today, and the enthusiasm inherent in the young women who dream of serving this great Nation in the future.

Part of honoring them is asking the tough questions about the expanding roles our servicewomen are taking on and excelling in. We hear from women in the military in person and through the media about their contributions in combat zones and their willingness to risk their lives in defense of their fellow servicemembers, our country and our families. These are issues we should recognize and address. They deserve nothing less.

We should never fail to remember the sacrifices our servicewomen and their families make to keep our families safe.

This resolution honors the service and achievements of women in the military and women veterans and encourages all people in the United States to do the same and to learn more about these wonderful accomplishments.

Mr. Speaker, thank you for the opportunity to have offered this resolution. I urge my colleagues to join me in supporting it.

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

Mr. WITTMAN of Virginia. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise in support of House Resolution 1054, which honors the service and achievements of women in the Armed Forces and female veterans.

Mr. Speaker, throughout this great Nation's history, women have answered the call without hesitation to defend our democracy and freedom. Since the early days when we fought to gain our independence, women have served with distinction in every one of our Nation's conflicts. Before women were formally allowed to serve in our military, they served on battlefields as nurses, water bearers, cooks and saboteurs.

Frustrated by the gender restrictions of the day but fueled by ardent patriotism, many women found more unorthodox ways to serve. Often disguising themselves as young men, they joined the military and fought steadfastly alongside their brothers in arms.

Mr. Speaker, since 1901 when the Army Nurse Corps was established, formally granting women rank and military status, hundreds of thousands of women have served with honor in the Armed Forces. They have never shrunk from the tough jobs or hesitated to go in harm's way: 34,000 women served in World War I; 400,000 in World War II; 120,000 in Korea; 7,000 in Vietnam; and over 41,000 served in the first Gulf War.

Today, Mr. Speaker, over 350,000 women are serving in our Armed Forces. Over 190,000 have been deployed to Iraq and Afghanistan to help rid the world of tyranny and terrorism. They serve on land, at sea and in the air, doing dangerous jobs such as pilots, military police and convoy truck drivers.

Mr. Speaker, these women, just like the men in our Armed Forces, are volunteers. They have always been volunteers. They have chosen to serve, chosen to make the sacrifices that are inherent in military service. They endure long hours, long separations from their loved ones and the hardships and horrors of combat. And as so many who have served before them, these women have been wounded, imprisoned and have paid the ultimate price for their devotion and duty to this great country.

It is without question that our military forces are unsurpassed. It is also undeniable that women have played a significant role in developing the extraordinarily capable military we are so proud of today. Military women have been pioneers in computer science, space and undersea exploration and medicine. Through their accomplishments America has made great strides in technology, mathematics and engineering.

Mr. Speaker, I would like to thank the gentlelady from California for introducing this resolution to honor America's extraordinary military women and veterans. I join her and all of my colleagues to celebrate the courageous women of our Armed Forces who serve today and who have served in the past. Their indomitable spirit and powerful sense of patriotism guarantee our freedom now and for generations to come.

I, therefore, strongly urge all Members to support this resolution.

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

Mrs. DAVIS of California. Mr. Speaker, I yield 3 minutes to my friend and colleague, the gentlelady from New Hampshire (Ms. SHEA-PORTER), a thoughtful member of the Committee on Armed Services and the Subcommittee on Military Personnel.

Ms. SHEA-PORTER. I would like to thank the sponsor of this important resolution, the gentlewoman from California, SUSAN DAVIS. Congresswoman DAVIS is the Chair of the Military Personnel Subcommittee, and it is my great honor to serve with her.

As we prepare to honor our military and our fallen on Memorial Day, it is appropriate to honor the women who have served, also. Almost 800,000 have served since World War I, and together, women make up almost 15 percent of our active military and 17 percent of our National Guard Reserve forces.

Sadly, many of the women who earned medals and served this country never collect those medals. They served quietly and they left quietly, too humble to tell their tale and too humble to ask for their medals.

In New Hampshire, I recently had the great pleasure to present medals to Hazel Jones, 50 years after she had earned them in World War II. The Dover resident enlisted in the Army in 1944, completed her basic training, and went on to serve her country for the next 17 months, transporting troops and the mail and protecting our national security.

I was really proud to present Hazel with her medals, and I am proud today to honor the hundreds of thousands of other women who have nobly served our beloved country.

While women may not make up the majority of our Armed Forces, they stand and work side by side with the men, and they are critical to our mission. As we celebrate Memorial Day, it is fitting that we take this moment to celebrate their service.

I urge my colleagues to support this resolution.

Mr. FILNER. Mr. Speaker, I am pleased, as a cosponsor of H. Res. 1054, to recognize the service and achievements of the women in the Armed Forces and the nation's women veterans. I thank my San Diego colleague, Congresswoman SUSAN DAVIS, for introducing this important resolution.

These women have been the unsung heroes of every war since the Revolutionary War. So, as we approach Memorial Day, it is fitting that we sing their praises. They are playing an increasingly prominent and important role in our nation's military forces. 350,000 are now serving, making up 15 percent of active duty personnel, 15 percent of Reserves, and 17 percent of the National Guard. More than 185,000 have been deployed since 2001.

Women veterans are second only to elderly veterans as the fastest growing segment of the veteran population. 255,000 women use VA health services today. There are 1.7 million women veterans, 7 percent of the total veteran population—expected to be 10 percent by 2020.

As Chairman of the House Veterans' Affairs Committee, I want to report that Congress has responded to the challenge of meeting the needs of women veterans. Today, there exist within the Department of Veterans Affairs, two main offices specifically focused on addressing the needs of women veterans, put into place by Congress.

The 102nd Congress passed landmark legislation (P.L. 102–484) which authorized VA to provide gender-specific health care at VA medical facilities. The position of Director of Women's Health was also created by this law. This position has recently been elevated to the Chief Consultant on Women Veterans' Health, Strategic Health Care Group, reporting to the Undersecretary for Health (of the Veterans Health Administration). At each medical center, a Women Veterans Program Manager is ready to assist women veterans with their health care.

More recently, Congress passed P.L. 108–422 to extend VA's authority to offer Military Sexual Trauma Counseling and Treatment to active duty service members.

In addition, The Center for Women Veterans was established by the 103rd Congress in P.L. 103–446 to oversee the Department's programs for women veterans. The Center Director reports to and is an advisor to the VA Secretary on matters related to policies, legislation, programs, issues and initiatives affecting women veterans. To name a few of its activities:

Perform outreach to minority women veterans, homeless women veterans with children, elderly women veterans, and women veterans living in rural areas.

Monitor transition assistance program (TAP) briefings to ensure that the gender-specific information about benefits and services is provided to women service members.

Monitor VA Office of Research and Development to ensure that VA research includes the issues of women veterans.

Their goal is to identify any programs that are unresponsive or insensitive to women veterans and to address their deficiencies. The center is concerned with Department-wide legislative policies, within the VHA and VBA (Veterans Benefits Administration) and NCA (National Cemetery Administration), as well as the State offices.

The center is holding the 4th National Summit on Women Veterans' Issues on June 20–22 in Washington, DC.

H.R. 4107, the Women's Veterans Health Care Improvements Act, has been introduced by my colleague serving on the VA Committee, STEPHANIE HERSETH SANDLIN. This is one of a number of ways that we are currently working on behalf of women veterans.

The House VA Committee continues to provide oversight to ensure that the laws we have passed are doing the job and that women veterans are receiving the information, benefits and care they deserve.

In the light of these actions by Congress, it is my hope that all women veterans will receive the care and benefits they have earned through their service and accomplishments that we recognize here today.

Mr. WITTMAN of Virginia. Mr. Speaker, at this time, I have no further requests for time, and I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, it's a joy to celebrate the women of our armed services. At this time, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1054, as amended.

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

A motion to reconsider was laid on the table.

□ 1200

## COMMENDING THE ALASKA ARMY NATIONAL GUARD

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 961) commending the Alaska Army National Guard for its service to the State of Alaska and the citizens of the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 961

Whereas the 297th Infantry and the scout group of the Alaska Army National Guard deployment of almost 600 Alaskans was the largest deployment of the Alaska National Guard since World War II;

Whereas the Alaskans of the 3rd Battalion, 297th Infantry came from 80 different communities across Alaska;

Whereas the 3rd Battalion, 297th Infantry included 75 soldiers from New York, Mississippi, Illinois, Georgia and Puerto Rico;

Whereas the 586 soldiers of the 3rd Battalion, 297th Infantry were mobilized in July of 2006 and deployed to Camp Shelby, Mississippi;

Whereas the 3rd Battalion, 297th Infantry was deployed to Camp Virginia, Camp Navstar and Camp Buehring in Northern Kuwait;

Whereas the 3rd Battalion, 297th Infantry courageously performed route and perimeter security missions, mounted combat patrols and inspections and searches of vehicles going into Iraq from Kuwait, among other assignments;

Whereas the 3rd Battalion, 297th Infantry, over the course of 12 months in Kuwait and Iraq, inspected and searched over 30,000 semi-trucks;

Whereas the 3rd Battalion, 297th Infantry designed all force protection plans in northern Kuwait;

Whereas the families of the members of the 3rd Battalion, 297th Infantry have provided unwavering support while waiting patiently for their loved ones to return;

Whereas the employers of members and family members of the 3rd Battalion, 297th Infantry have displayed patriotism over profit, by keeping positions saved for the returning soldiers and supporting the families during the difficult days of this long deployment, and these employers are great corporate citizens through their support of members of the Armed Forces and their family members;

Whereas the 3rd Battalion, 297th Infantry has performed admirably and courageously; gaining the gratitude and respect of Alaskans and all Americans; and

Whereas members of the 3rd Battalion, 297th Infantry received 3 Bronze Stars, 12 Meritorious Service Medals, 142 Army commendations and more than 200 Army Achievement Medals for their outstanding service: Now, therefore, be it

*Resolved*, That Congress—

(1) commends the 3rd Battalion, 297th Infantry of the Alaska Army National Guard upon its completion of deployment and brave service to the Commonwealth of Alaska and the citizens of the United States; and

(2) directs the Clerk of the House of Representatives to transmit a copy of this resolution to the Adjutant General of the Alaska National Guard for appropriate display.

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

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

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

I rise today in support of House Resolution 961, commending the Alaska Army National Guard for its service to the State of Alaska and the citizens of the United States.

Let me first take a moment to thank Representative DON YOUNG of Alaska for taking the lead and getting this resolution to the floor here today.

The 297th Infantry and the scout group of the Alaska Army National Guard's deployment of almost 600 Alaskans was the largest deployment of the Alaska National Guard since World War II.

The deployment of the 3rd Battalion, 297th Infantry included servicemembers from 80 different communities across Alaska, and included 75 soldiers from New York, Mississippi, Illinois, Georgia and Puerto Rico.

The term ''citizen soldier'' is a term that rings true for these patriots that have stepped forward to serve our great country.

Five hundred eighty-six servicemembers of the 3rd Battalion, 297th Infantry were mobilized in July of 2006 and deployed to Camp Shelby, Mississippi. The 3rd Battalion, 297th Infantry was deployed to Camp Virginia, Camp Navstar, and Camp Buehring in northern Kuwait where they courageously performed route and perimeter security missions, mounted combat patrols and inspections and searches of vehicles going into Iraq from Kuwait.

Over the course of 12 months in Kuwait and Iraq, they inspected and searched over 30,000 semi-trucks and designed all force protection plans in northern Kuwait.

We would like to thank the families of these servicemembers who have provided unwavering support while waiting for their loved ones to return. It is through the support of our families that our servicemembers are able to serve our great Nation, especially during times of war.

In addition, when members of the National Guard deploy, their families are not the only ones affected. Since our servicemembers live and work in their communities, the communities, too, are affected by these deployments, especially their employers. We would like to recognize and thank those employers who have displayed patriotism over profit by keeping positions saved for the returning soldiers and supporting the soldier's families during this time. Our soldiers and their families could not have made it through these difficult times without that support.

The courageousness and dedication to duty of the members of the 3rd Battalion, 297th Infantry is evident in the awards and decorations received during their deployment, which included three Bronze Stars, 12 Meritorious Service Medals, 142 Army commendations, and more than 200 Army Achievement Medals for their outstanding service.

As a Nation, we thank you for your service to the Commonwealth of Alaska and the citizens of the United States upon completion of this deployment.

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

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

Mr. Speaker, I rise in support of House Resolution 961, which commends the Alaska Army National Guard for its service to the State of Alaska and the citizens of the United States.

Mr. Speaker, I am honored to pay tribute to the 586 courageous members of the Alaska Army National Guard's 3rd Battalion, 297th Infantry who recently returned from their year-long deployment in southern Iraq and Kuwait. These brave men and women, representing 80 different communities across Alaska, successfully served as security forces in northern Kuwait and southern Iraq, guarding camps and convoys heading into Iraq since October, 2006.

Alaska's sons and daughters were joined by National Guardsmen from New York, Mississippi, Illinois, Georgia and Puerto Rico as they inspected and searched over 30,000 semi-trucks during their 12 months in Kuwait and Iraq.

Thankfully, Mr. Speaker, all the members of this outstanding unit returned home safely, but not before distinguishing themselves by earning three Bronze Stars, 12 Meritorious Service Awards, 142 Army commendations, and more than 200 Army Achievement Medals for their outstanding service.

Mr. Speaker, not since World War II has the Alaska National Guard had so many of its members deployed. I would be remiss, Mr. Speaker, if I did not also pay tribute today to the incredible families of these brave soldiers who waited at home while their loved ones answered our Nation's call. The families of 3rd Battalion, 297th Infantry also serve, and they deserve our sincerest appreciation and thanks.

Alaska and the entire Nation owe the members of the Alaska Army National Guard's 3rd Battalion, 297th Infantry a debt of gratitude. We are all so proud of their service. Therefore, Mr. Speaker, I strongly urge all Members to support this resolution.

Mr. Speaker, at this time, I yield to the gentleman from Alaska (Mr. YOUNG) such time as he might need.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

First let me thank the chairman of the subcommittee, Mrs. DAVIS, for her fine work in bringing this legislation, and of course, Mr. WITTMAN, for your fine work. As a freshman, I deeply appreciate it. Congratulations on doing an effort for our National Guardsmen for Alaska.

Much has been said today, and I will not repeat that, about the Alaska National Guard, the 3rd Battalion, 297th Infantry, that went to Kuwait and Iraq and what they were able to do.

I would just like to mention one thing. The majority of these young people came from many areas of the State of Alaska, about 80 communities in the State of Alaska. If you think about it a moment, going to Iraq, more so even Kuwait, and the change in temperature, that was a marvelous thing to witness when some of those people came back and told me it was not only hot, but also it was cold, which they're somewhat used to. But they went over without any complaints and returned, by the way, in body, all 586 members, back to Alaska. I have to say, this is what we call the ''citizens' army,'' the families they left behind, the families that welcomed them home.

We have to recognize the importance of the Alaska National Guard and the National Guard of the Nation and the role they play, a role much larger than ever expected to play by being deployed time and time again. I hope we do address that issue in the near future.

I also like to suggest that they did the work over in Iraq and Kuwait by receiving three Bronze Stars, 12 Meritorious Service Medals, 142 Army commendations, and 200 Army Achievement Medals. So they did their job as they were over there.

I had the privilege of going to Camp Shelby in Mississippi when they got off the ship and came back to the United States soil and to speak to them there. As I told them then, I not only support the troops, I respect the troops and the jobs they did. They were charged as civilian soldiers to go overseas. They were charged to do a duty and they did it with great valor, and that I deeply respect them for.

I think this body must recognize the importance of the National Guard, not only in Alaska, but across this Nation, and continue to support the families and individuals themselves as they serve this great Nation.

This is a good piece of legislation in recognition of a great unit. I again thank the chairman and the subcommittee chairman and the ranking member. I do thank all of you, my colleagues, for supporting this resolution and supporting not only the Alaska National Guard, but the National Guard in total.

I rise today to honor the Alaska Army National Guard and the 586 members of the Alaska Army National Guard's 3rd Battalion, 297th Infantry who returned in October from their year long deployment to southern Iraq and Kuwait, in the largest deployment of the Alaska National Guard since World War II.

The 3rd Battalion, 297th Infantry was deployed from October 2006 to October 2007 and spent the year as security forces in northern Kuwait and southern Iraq since October 2006, successfully guarding camps and convoys heading into Iraq.

The guardsmen came from all over my State, with members of the unit hailing from 80 different communities across Alaska, including Anchorage, Fairbanks, Kodiak, Soldotna, Kenai, Nome and many Native villages. Thankfully, all 586 who deployed overseas were able to return safely to those communities.

Many of these Alaskans had never ventured Outside prior to mobilizing, and the climate in the Middle East could not be more different from that of Alaska, but not one hesitated to serve their country, even if it meant facing temperatures of 130 degrees.

They served with distinction as well, inspecting and searching over 30,000 semi-trucks and designing all of the force protection plans for northern Kuwait. They were recognized for their service, earning 3 Bronze Stars, 12 Meritorious Service Medals, 142 Army commendations and more than 200 Army Achievement Medals over the course of their deployment.

I was honored to be invited to their welcome home celebration at Camp Shelby in Mississippi this past October. I was humbled to spend time with them and, as I told the National Guardsmen at Camp Shelby, "You can't support the troops unless you respect them. I humbly respect you because you have done your job as you were charged to do so, and as volunteers. You left your families and you went forth and accomplished what you were taught to do."

I truly believe that the importance of the National Guard to our country cannot be overstated, which is why it is important that we honor these citizen-soldiers. We must not, however, forget the families of these citizen-soldiers, who make their own sacrifice for our country and earn nothing but the thanks of the Republic.

And so I respectfully urge the House to pass this resolution, to thank those citizen-soldiers from Alaska and to thank their families. It is the greatness of these citizens from which America derives its own and we would all do well to remember that.

Finally, I would like to thank my colleagues on both sides of the aisle that cosponsored this resolution.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 961.

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

A motion to reconsider was laid on the table.

## HONORING MEMBERS OF AIR FORCE KILLED IN THE KHOBAR TOWERS TERRORIST BOMBING

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 32) honoring the members of the United States Air Force who were killed in the June 25, 1996, terrorist bombing of the Khobar Towers United States military housing compound near Dhahran, Saudi Arabia, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 32

Whereas June 25, 2008, marks the 12th anniversary of the terrorist bombing of the Khobar Towers United States military housing compound in Dhahran, Saudi Arabia, on June 25, 1996;

Whereas 19 members of the United States Air Force were killed, more than 500 other Americans were injured, and 297 innocent Saudi or Bangladeshi citizens were killed or injured in the terrorist attack;

Whereas the 19 airmen killed while serving their country were Captain Christopher J. Adams, Staff Sergeant Daniel B. Cafourek, Sergeant Millard D. Campbell, Senior Airman Earl F. Cartrette, Jr., Technical Sergeant Patrick P. Fennig, Captain Leland T. Haun, Master Sergeant Michael G. Heiser, Staff Sergeant Kevin J. Johnson, Staff Sergeant Ronald L. King, Master Sergeant Kendall K. Kitson, Jr., Airman First Class Christopher B. Lester, Airman First Class Brent E. Marthaler, Airman First Class Brian W. McVeigh, Airman First Class Peter J. Morgera, Technical Sergeant Thanh V. Nguyen, Airman First Class Joseph E. Rimkus, Senior Airman Jeremy A. Taylor, Airman First Class Justin R. Wood, and Airman First Class Joshua E. Woody;

Whereas the families of these brave airmen still mourn their loss;

Whereas three months after that terrorist bombing, on September 24, 1996, the House of Representatives agreed to House Concurrent Resolution 200 of the 104th Congress, honoring the victims of that terrorist bombing;

Whereas on the fifth anniversary of that terrorist bombing, on June 25, 2001, the House of Representatives agreed to House Concurrent Resolution 161 of the 107th Congress, which was concurred in by the Senate on July 12, 2002, further honoring the victims of that bombing;

Whereas on June 27, 2005, the House of Representatives agreed to House Concurrent Resolution 188 of the 109th Congress, further honoring the victims of that terrorist bombing;

Whereas those guilty of carrying out the attack have yet to be brought to justice; and

Whereas terrorism remains a constant and ever-present threat around the world: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That, on the occasion of the 12th anniversary of the terrorist bombing of the Khobar Towers United States military housing compound in Dhahran, Saudi Arabia, Congress—

(1) recognizes the service and sacrifice of the 19 members of the United States Air Force who died in that attack;

(2) calls upon every American to pause and pay tribute to those brave airmen;

(3) extends its continued sympathies to the families of those who died; and

(4) assures the members of the Armed Forces serving anywhere in the world that their well-being and interests will at all times be given the highest priority.

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

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

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

I stand before you and my colleagues today in support of House Concurrent Resolution 32, honoring members of the United States Air Force who were wounded and killed in the June 25, 1996 terrorist bombing of the Khobar Towers in Dhahran, Saudi Arabia.

The June blast took the lives of 19 airmen from Eglin Air Force Base, Florida, and destroyed the entire front of Dhahran's Khobar Towers housing compound. More than 500 U.S. Air Force troops were wounded, and 297 Middle Eastern citizens were killed or injured as a result of the bombing. Five thousand pounds of plastic explosives disguised in a water tanker truck claimed the lives of servicemembers whose families were left grieving the loss of their loved ones.

Life, our most treasured asset, is too often taken unexpectedly. It was the sworn duty of our airmen to protect and serve this country by all means, and in our commitment to them and others who have given their lives in defense of our great Nation, we honor their selfless sacrifice and take a moment to reflect upon their contribution that provides us the freedoms we enjoy today.

House Concurrent Resolution 32 extends our sympathies to the families of loved ones whose perpetrators have yet been brought to justice.

Although this tragedy acknowledges the cost we pay in our fight against terrorism, we remain proud of our courageous and steadfast troops who are no doubt the best in the world. We call upon every American today to pause and pay tribute to the brave airmen who died, and to take a moment to thank our members of the Armed Forces currently serving around the world and express our appreciation for their duty and honor to protect America's interests around the world.

This resolution recognizes the service and sacrifice of those airmen whose lives were lost on that fateful day. I strongly urge my colleagues to support House Concurrent Resolution 32 in remembrance of the 19 fallen heroes on the 12th anniversary of the Dhahran terrorist bombing.

I thank my good friend and colleague from Florida (Mr. MILLER) for bringing forward this measure, and I urge my colleagues to support this resolution.

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

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

Mr. Speaker, I rise in strong support of House Concurrent Resolution 32, honoring the 19 members of the United States Air Force who were killed, and more than 500 other Americans injured in Dhahran, Saudi Arabia, by a terrorist truck bomb in June, 1996.

I want to commend my colleague on the House Armed Services Committee, Representative JEFF MILLER of Florida, for sponsoring this resolution. This is the fourth time that the House of Representatives has honored on this

floor the sacrifice of those who died or were injured that day. Previous resolutions were passed in 1996, 2001 and 2005.

I note these milestones because they should remind us of important facts. One fact is that the global war on terrorism did not begin on September 11, 2001. It was well before that date that terrorists set out to kill and injure Americans on a large scale. We must never forget, and must be ever vigilant today against the continuing commitment of terrorists to seriously damage America and its interests whenever and wherever they can.

Another fact is that the 19 Air Force personnel who died at Khobar Towers in June, 1996, were defending our freedom and the national security interests of the United States. The resolution today honors them for that sacrifice.

The resolution also serves as a way to extend our continued sympathy to their families.

So, Mr. Speaker, I call upon all Americans to pause and honor the service and sacrifice of those not only 19 Americans who died in the Khobar Towers bombing, but also those who served and continue to serve in the defense of our Nation and its values. I urge my colleagues to support this most worthy resolution.

Mr. Speaker, I yield to the gentleman from Florida (Mr. MILLER) for that time which he might consume.

Mr. MILLER of Florida. I thank the gentleman for yielding.

Mr. Speaker, I do rise today in honor of H. Con. Res. 32, which does honor the members of the United States Air Force that were killed on the 25th of June, 1996 in the Khobar Towers in Dhahran, Saudi Arabia.

This is the 12th anniversary of the terrorist bombing which killed 19 members of the U.S. Air Force and injured over 300 Americans. On that day in 1996, a truck bomb exploded outside the fence around the Khobar Towers compound.

□ 1215

The bomb, estimated at more than 3,000 pounds, detonated about 85 feet from a residential housing unit where U.S. troops were, killing 19 United States Air Force servicemen and wounding hundreds of other Americans. The force of that explosion destroyed or damaged six high-rise apartment buildings and shattered windows throughout the entire residential compound.

Today we honor the 19 airmen who gave their lives in the service of this great Nation. This Congress joins me in paying tribute to those men, who are individually recognized in H. Con. Res. 32.

It's important to note that 12 of the 19 men killed in the attack were based at Eglin Air Force Base in Florida's First District. Several of the airmen, along with their families, were constituents. These brave men, like the men and women currently serving in our military today, were on freedom's watch, prepared to make the ultimate sacrifice in defense of our Nation. As we approach Memorial Day, it's only fitting that we remember the 19 airmen killed at Khobar Towers as well as the many brave men and women who gave their lives for our freedom and our security. It's my sincere hope that all Americans will give pause and honor these heroes and others for their sacrifice.

As we look back to 12 years ago, we know that Khobar Towers and the bombing there was a precursor to the terrorist attacks on the USS *Cole*; the September 11, 2001 attacks on the World Trade Center; and the current global war on terrorism that we fight in Iraq and Afghanistan. No matter where our troops are stationed, we recognize that they are prepared to defend our security, American values, and the American way of life. It's my hope that we can prevent future attacks like the one at Khobar Towers as we aggressively fight terrorism all around the globe.

I want to personally express my deepest appreciation to the families of these heroes who were killed at Khobar Towers. We can never undo the tragedy that they have lived. We can never ease the pain, and I know it's with each of them each and every day. But I hope, and I know that my colleagues join me in this hope, that with the adoption of this resolution, they will take from our actions some solace in the fact that we do not forget those contributions and those sacrifices of their loved ones. They were much more than airmen. They were sons, fathers, brothers, and they are loved ones.

Mr. Speaker, our action on this resolution sends a message to the families of those who died, to our Nation, and to the rest of the world, that we honor the sacrifices of these 19 airmen and the families they left behind. They served with the highest distinction and professionalism which is indicative of the United States military. No one could have served better or given more.

I urge all of my colleagues to join me and the 50 cosponsors in support of this resolution.

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

Mrs. DAVIS of California. Mr. Speaker, I want to thank Mr. MILLER for bringing this resolution forward in honoring the brave men killed in the Khobar Towers bombing.

Mr. BUYER. Mr. Speaker, today I rise in support of H. Con. Res. 32 to honor the 19 airmen that were killed by a cowardly act of terrorism while serving our Nation on June 25, 1996, at Khobar Towers in Dhahran, Saudi Arabia.

June 1996, Mr. Speaker. That is more than 5 years before many people believe the global war on terror began. But the terrible attack on our Nation on September 11, 2001, was by no means the first attack against Americans in the global war on terror. These 19 Americans were killed, and 300 others injured, by a bomb created at the hands of vicious and deceitful extremists who oppose the principles that we all share and that these airmen were helping defend.

These American warriors were in Saudi Arabia to aid in preserving freedom for our friends in Kuwait. They were willing to risk their lives on the other side of the world, far away from their families, far from home, to support a mission to oppose tyranny. We must always remember the price these Americans paid. We must always honor their sacrifice for the freedom of others. Today, I pay tribute to these American airmen. They were brothers, fathers, and sons, and I know their families still mourn their loss. Nothing will ever replace the precious life of a lost loved one, but I offer their families my prayers and sympathy.

These 19 American airmen represent the essence of what makes our Nation great. Their selfless service and the sacrifice that they made in the name of liberty is one that we shall forever be in their debt. We should never let them be forgotten.

Mr. WILSON of South Carolina. Mr. Speaker, I wish to take this opportunity to state my strong support for this legislation. I am grateful to my colleague Representative JEFF MILLER for introducing this bill.

The terrorist bombing of the Khobar Towers in 1996 was a vicious attack upon the United States and our allies in Saudi Arabia. It took the lives of 19 brave U.S. servicemembers and hundreds of civilians were injured. This attack was and remains a clear example of the type of enemy we face in the Global War on Terrorism. And so, it is incumbent upon us all to honor the lives of those lost as we comfort the families that were forever changed by this horrible event.

As we pause to remember their lives and their sacrifice, we should recommit ourselves to doing all we can to protect Americans—those serving overseas and those here at home. We must be ever vigilant of the enemies we face and resolve to do all that is necessary to defeat terrorism wherever it may be.

Mrs. DAVIS of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SERRANO). The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 32, as amended.

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

A motion to reconsider was laid on the table.

## ESTABLISHING POSITION OF DIRECTOR OF PHYSICIAN ASSISTANT SERVICES

Mr. HARE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2790) to amend title 38, United States Code, to establish the position of Director of Physician Assistant Services within the office of the Under

Secretary of Veterans Affairs for Health, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2790

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

***SECTION 1. ESTABLISHMENT OF DIRECTOR OF PHYSICIAN ASSISTANT SERVICES AT VETERANS HEALTH ADMINISTRATION OF DEPARTMENT OF VETERANS AFFAIRS.***

*(a) IN GENERAL.—Section 7306(a) of title 38, United States Code, is amended by striking paragraph (9) and inserting the following:*

*''(9) The Director of Physician Assistant Services, who shall be a qualified physician assistant who shall report to the Under Secretary for Health on all matters relating to the education and training, employment, appropriate utilization, and optimal participation of physician assistants within the programs and initiatives of the Administration. The Director of Physician Assistant Services shall serve in a full-time capacity at the Central Office of the Department.''.*

*(b) DEADLINE FOR IMPLEMENTATION.—The Secretary of Veterans Affairs shall ensure that an individual is serving as the Director of Physician Assistant Services under section 7306(a)(9) of title 38, United States Code, as added by subsection (a), by not later than 120 days after the date of the enactment of this Act.*

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

The Chair recognizes the gentleman from Illinois.

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

Mr. Speaker, I am pleased that the House today is considering H.R. 2790, a bill I authored to elevate the current position of Physician Assistant Advisor to a full-time Director of Physician Assistant Services in the VA Central Office.

I would like to thank my good friend Representative JERRY MORAN for leading the effort with me, as well as Chairman FILNER and Ranking Member BUYER for their cosponsorship of this legislation. I'd also like to acknowledge all of my colleagues on the Veterans' Affairs Committee who joined as cosponsors and the American Academy of Physician Assistants for their tireless work on this bill.

Mr. Speaker, there are currently 1,600 physician assistants serving the Veterans' Health Administration, including many veterans, National Guard, and Reservists. PAs are a critical component of the health care delivery system and are responsible for roughly one-quarter of all primary care patients seen in the VHA.

The change from the current role of PA Advisor, who works part time and is based in the field, to a full-time Director is necessary in order to ensure that PAs are being appropriately and effectively utilized throughout the VHA. Right now the PA Advisor is being left out of strategic planning discussions and long-term staffing narratives, leaving PAs with no voice and no advocate. Additionally, there is a severe disparity throughout the VA facilities in how PAs are being used, what medical services they can perform, and even whether facilities can hire physician assistants. Most importantly, the unnecessary restrictions and widespread confusion are causing the VA to miss a clear opportunity to improve the quality of health care for our veterans.

One of the biggest challenges facing current and future PAs in the VA system is their exclusion from any recruitment and retention efforts or benefits. The VA designates certain positions, such as physicians and nurses, as critical occupations, which are given priority in loan repayment and scholarship programs. Since PAs are not designated as a critical occupation, they are excluded from these moneys, despite the fact that the VA has determined that physician assistants and nurse practitioners are functionally interchangeable and equal in the work that they perform. The underutilization, the lack of recruitment and retention efforts, and pay disparity are all leading PAs to not consider the VHA as a viable employment option.

Physician assistants are very important for veterans living in rural areas, like a large portion of my congressional district. Veterans that live in underserved areas made the same sacrifices as their urban and suburban counterparts. With a disproportionate number of these brave men and women being cared for by PAs, it is critical that we establish a system that will best serve their needs so as not to compromise care to our veterans. Considering the fact that nearly 40 percent of all VA PAs are projected to retire in the next 5 years, the VA is in danger of losing its physician assistants workforce unless some attention is paid to this critical group.

This bill will allow the Director of Physician Assistant Services to become an integral component within the VA system to proactively solve the many issues facing PAs and give PAs a fair and long overdue voice.

Mr. Speaker, this commonsense legislation promotes quality medical care for our veterans. I urge my colleagues to support it.

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

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

As Memorial Day approaches, it's appropriate that we take time this week to consider the next 10 bills that are on the suspension calendar. In doing so, we must be mindful of the heavy sacrifices made by the men and the women of our Armed Forces. It is their sacrifices that allow us to enjoy our American way of life and time-honored traditions like Memorial Day.

For many of us, Memorial Day will be marked with a solemn commemoration at a veterans' cemetery or a befitting memorial. I appreciate Chairman FILNER's expediting these bills through the committee process to bring them to the floor in a timely fashion.

Mr. Speaker, I rise this afternoon in support of H.R. 2790, as amended, a bill to establish the position of Director or Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for Health. I commend my colleagues Mr. HARE and Mr. MORAN for introducing this bill.

There is a strong relationship between military service and the physician assistant profession. In 1965 Duke University established the first PA education program to capture the knowledge of military medical corpsmen that served in Vietnam and transition their experience into the civilian health care system. Today the VA is the largest employer of physician assistants, and they play a central role in enhancing veterans' access to health care, and it's important for VA to continue to advance the utilization of these health care providers.

Establishing this office would be beneficial to veterans. A full-time Director would ensure PAs are used appropriately to provide veterans the health care that they deserve. I urge my colleagues to support this bill.

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

Mr. HARE. Mr. Speaker, I would like to recognize my friend from New Hampshire (Ms. SHEA-PORTER) for such time as she may consume.

Ms. SHEA-PORTER. Mr. Speaker, I'd like to take this opportunity to thank the sponsor of this legislation, the gentleman from Illinois, PHIL HARE, who's a leader and a tireless advocate for veterans.

This Memorial Day we honor the memory of so many who have served this Nation. In honor of their memory, it's fitting that we consider legislation today that will help deliver the benefits that were promised to our veterans and which they earned by their selfless service to our Nation.

The bill before us, H.R. 2790, will create the position of Director of Physician Assistant Services in the VA to manage the education, training, and utilization of physician assistants within the Veterans Health Administration.

PAs play an important part in the health care of our veterans, providing a whole range of diagnostic and therapeutic services, administering physicals, taking patient histories, diagnosing and treating patients. The first PAs were former corpsmen who had served in Vietnam. Their extensive medical training made them ideal candidates for further medical education and the perfect fit for the continuing medical care of their fellow veterans. Since the PA Advisor position was created in the VA in 2000, their ranks have grown, and today almost 1,600 PAs serve in the VA.

PAs go through a very vigorous 2-year-long certification program, and by creating a Director of Physician Assistant Services in the VA, we can help

ensure that their expertise is properly utilized and that our veterans receive the care they deserve. Their utilization may also mean in rural States like mine that veterans have greater access to health care.

It's appropriate that we will pass this legislation today in honor of the veterans who have served our country so bravely. As a proud wife of a veteran myself, working to improve the care veterans were promised and have earned is a top priority for me, and I enthusiastically support this legislation. I urge my colleagues to support this also.

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

Mr. HARE. Mr. Speaker, I urge my colleagues to unanimously support H.R. 2790, as amended.

Mr. MORAN of Kansas. Mr. Speaker, I want to thank Congressman HARE for his leadership on passage of this bill and my colleagues and staff on the House Veterans Affairs Committee for their support. I joined Congressman HARE as an original cosponsor of H.R. 2790. This bill creates a full-time Director of PA Services within the Department of Veterans Affairs. This legislation is beneficial in improving patient care for our Nation's veterans, ensuring that the 1,600 PAs employed by the VA are fully utilized to provide veterans medical care.

As a Member of Congress who represents one of the most rural districts in the country, I know that physician assistants are a key to providing medical care in underserved areas. Often, they are the only health care professional available. PAs help ensure those who live in our communities receive timely access to quality health care.

I want to be certain that PAs are appropriately utilized by the VA to serve our veterans. Like our armed forces that have full-time directors of PA services, this legislation will establish a dedicated expert in the VA Central Office. This PA Director will work to fully integrate the profession into VA health care, ensuring PAs have a stronger voice in the VA so they can better serve our veterans and their patients.

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

GENERAL LEAVE

Mr. HARE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2790, as amended.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HARE) that the House suspend the rules and pass the bill, H.R. 2790, as amended.

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

A motion to reconsider was laid on the table.

□ 1230

## VETERANS BENEFITS AWARENESS ACT OF 2008

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3681) to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to advertise in the national media to promote awareness of benefits under laws administered by the Secretary, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3681

*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 ''Veterans Benefits Awareness Act of 2008''.*

***SEC. 2. AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO ADVERTISE TO PROMOTE AWARENESS OF BENEFITS UNDER LAWS ADMINISTERED BY THE SECRETARY.***

*(a) AUTHORITY TO ADVERTISE.—Subchapter II of chapter 5 of title 38, United States Code, is amended by adding at the end the following new section:*

***''§ 532. Authority to advertise in national media***

*''The Secretary may purchase advertising in national media outlets for the purpose of promoting awareness of benefits under laws administered by the Secretary, including promoting awareness of assistance provided by the Secretary, including assistance for programs to assist homeless veterans, to promote veteran-owned small businesses, and to provide opportunities for employment in the Department of Veterans Affairs and for education, training, compensation, pension, vocational rehabilitation, and healthcare benefits, and mental healthcare (including the prevention of suicide among veterans).''.*

*(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 531 the following:*

''§ 532. Authority to advertise in national media.''

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Florida (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. I would yield myself such time as I may consume.

Mr. Speaker, we are in the midst of a package of 10 separate pieces of legislation that honors our Nation's veterans, our Nation's most deserving citizens, appropriately enough, as we prepare to honor them on Memorial Day. As we honor our fallen heroes, we cannot forget those who need either health or other benefits from our Nation.

That is what these bills do. They extend benefits in a whole range of areas: Health care, substance abuse and spina bifida, reimbursement for emergency treatment outside the VA facilities, construction of new facilities to serve these heroes. We also address our responsibility for oversight of the VA by mandating the revision and update of administrative policies so that the VA can better serve our veterans.

As you know, Mr. Speaker, we have had many opportunities for oversight recently. We have had in a court case the discovery of e-mails which seem to indicate that our VA management was not being totally transparent on the number of suicides, for example, of our recent Iraqi veterans. Just last week, another e-mail was discovered that indicated that we should not adequately diagnose PTSD, post-traumatic stress disorder, and instead give these young men and women lesser kinds of diagnoses, which would cost us less.

It is unacceptable to the Congress of the United States and to the American people that the administration set up to serve our veterans would be finding ways to save money and not treating the veterans for their needs. We intend to root that kind of attitude out of the VA and to make sure that all our veterans, whether they are just coming back from Iraq or Afghanistan, or those that served us earlier in Vietnam or World War II and Korea and the Persian Gulf War I, to make sure that all of their needs are met, and that is what we are committed to and that is what these bills on the floor today indicate.

We also address the compensation cost-of-living adjustment that is so important to our veterans who base their income on the dependency and indemnity compensation. They need an annual increase to cover the cost of living, and this bill before us today will assure that.

It is my hope that on this Memorial Day we, as a Nation, remember the words of President Franklin D. Roosevelt. A half century ago he said ''Those who have long enjoyed such privileges as we enjoy forget in time that men,'' and he would say, I am sure today, women, ''have died to win them.'' President Washington, over 220 years ago, said, ''The best guarantee of the morale of our fighting troops is a sense of how they are going to be treated when they come home.''

So let us remember these words of Roosevelt, of Washington, as we prepare on Memorial Day to recognize and remember those heroes who have died in uniform. Our Nation has a proud legacy of appreciation and commitment, and we have to make sure that they know that we appreciate them and we know that our liberty, which we enjoy today, depended on them.

The bills before us today have come from all of our legislative subcommittees. Members on both sides of the aisle and all the committee worked very hard. I want to thank Chairman MICHAUD of the Health Committee, with his Ranking Member MILLER of Florida, I want to thank the chair and ranking member of the Subcommittee on Economic Opportunity, Ms. HERSETH SANDLIN of South Dakota, and Mr. BOOZMAN of Arkansas, and also the chair and the ranking member of the Disability Assistance and Memorial Affairs, the gentleman from New York, Mr. HALL, and the gentleman from Colorado, Mr. LAMBORN.

We are now looking at H.R. 3681, which would authorize the VA Secretary to purchase national media outlets to inform veterans of their benefits. You would think we would not have to do such legislation, Mr. Speaker, but apparently we do. Over the past 2 years, the Committee on Veterans' Affairs has conducted several hearings to determine how to improve the outreach to our veterans, and while various agencies have made tremendous improvement, more needs to be done to inform veterans of the entitlements they rightfully deserve and how to access those benefits.

Providing our veterans the information they need on television is a crucial component that can affect the livelihood of our veterans and their dependents. So I ask all of you to join me in supporting H.R. 3681.

I would reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 3681, as amended, called the Veterans Benefits Awareness Act of 2008, which would amend title 38 of the U.S. Code to authorize the Secretary of Veterans Affairs to advertise in the national media to promote awareness of benefits under laws administered by the Secretary.

I additionally want to thank my colleague, Mr. BOOZMAN, for introducing this bill, as well as Chairman Herseth Sandlin of the Subcommittee on Economic Opportunity, and Chairman FILNER of the full committee, for expediting this bill through the committee process to bring it to the floor.

Mr. Speaker, as anyone who watches TV or listens to the radio experiences advertising aimed at convincing them of the need for, or the quality of a product or a service, businesses buy advertising, sometimes at very expensive prices because it works. VA should be doing the same thing to bring its outreach programs into the 21st century. H.R. 3681 will clarify VA's authority to use advertising to increase veterans' awareness of the benefits and services that are offered by VA.

I urge my colleagues to support this fine measure and reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield such time as he may consume to a very hard working new member of our committee, in fact, the highest enlisted man ever elected to the Congress of the United States, Command Sergeant Major TIM WALZ of Minnesota.

Mr. WALZ of Minnesota. Thank you to the chairman for his outstanding and tireless work for our veterans. A special thank you also to Mr. BOOZMAN, who has been an unending friend and supporter and effective leader in helping our veterans. I thank you. This is just one more example of your continued work.

I stand in strong support of H.R. 3681, the Veterans Benefits Awareness Act. This just simply, as you have heard the speakers talk about, ensures the ability of the VA to reach out and gather our veterans back in, making sure that those veterans understand all the benefits that are available to them, from suicide prevention to health care benefits, training, education, pension benefits, vocational rehabilitation, assistance for homeless veterans, veterans owning small businesses.

This Nation and this past Congress in the 110th Congress has done much to care for our veterans. One of the problems is that when our veterans return home, only about 36 percent of them enter into the VA system or apply for benefits, and what this does is take advantage of what all 435 Members of this body know well, is you need to advertise well to get that message out. The Department of Defense has done a great job of advertising for recruitment. It's time for the VA to put that money into making sure our veterans get their care.

The Rand Corporation said the capacity of the DOD and the VA to provide mental health services has increased substantially, but significant gaps in access and quality remain. There is a large gap between the need for mental health services and the use of those services.

Last year, this Congress put in a hotline for veterans seeking help with possible suicide and suicide prevention, and that hotline has received over 9,000 calls. Those may have been calls that would have never been received. So this 24-hour national hotline is working. I am pleased that the amendment that I put in to address this with the veterans suicide issue has been addressed. I would also like to thank the ranking member, Representative BUYER from Indiana, for his perfecting amendment on this bill.

This piece of legislation is a great example of bipartisan support that rises above and transcends politics to care for our Nation's veterans. This will be a good piece of legislation. It will get our veterans in. It will fulfill our moral obligation to care for our veterans and it will ensure that future generations of our young Americans understand that if they raise their hands, take an oath, and service this Nation, we will be there to serve them.

With that, I again thank Mr. BOOZMAN. I thank the ranking member and I thank the chairman for continuously moving information and moving legislation forward that helps our veterans.

This bill will ensure that the Department of Veterans Affairs is able to use the power of modern advertising to reach out in as wide-ranging and an effective way as possible to our veterans.

The bill authorizes the Secretary of the VA to purchase advertising in the national media about the benefits VA makes available to veterans. VA offers health care and mental health care benefits, including for the prevention of suicide, an issue that we have been vigorously addressing on the House Veterans Committee; education, training, compensation, and pension benefits; vocational rehabilitation; assistance for homeless veterans, opportunities for veteran-owned small businesses; and direct opportunities for employment in the Department itself, among other things.

But if veterans don't know about these benefits, they're not in a position to take full advantage of them.

There is more than enough evidence that advertising works to promote awareness of whatever the advertising is about. Study after study has shown that advertising through the major media works. In fact, the Department of Defense itself knows that. That's why it devotes a lot of time and energy to advertising, including on television, as a means of recruitment.

We advertise to recruit our servicemembers, many of whom will put themselves in harm's way; that same means should be used to tell them what benefits they have earned when they return. In effect, we are saying to VA, "If our veterans aren't coming to you, use the modern media to go to them!"

This bill is also a perfect illustration of how we on the House Veterans Affairs Committee strive to work on a bipartisan basis to serve our veterans. This bill was introduced by Congressman BOOZMAN on behalf of himself and Congresswoman HERSETH SANDLIN. I offered an amendment to the bill, and then one of my Republican colleagues offered a perfecting amendment, which I was happy to accept. In that way, we worked together to produce a bill that is good for our veterans.

My amendment specified that the advertising VA would do could and should include a focus on suicide prevention, which has been an issue of much concern and some controversy lately. There have been several recent reports about VA's sometimes halting efforts to address what appears to be a series of major emerging mental health problems among our veterans. I have a great deal of confidence in the new Secretary of VA, whom I have been working with on a number of issues, and his commitment to resolve the problems that exist at VA and better serve our veterans.

An excellent and disturbing new report from the think tank the Rand Corp. observed that "The capacity of DoD and the VA to provide mental health services has increased substantially, but significant gaps in access and quality remain," and went on to say in particular, "There is a large gap between the need for mental health services and the use of those services." My amendment was meant to encourage VA to bridge that gap.

On July 25, 2007, the VA began operation of a 24-hour national suicide prevention hotline for veterans. The hotline reported greater than 9,000 calls. Callers included veterans who previously would have called a non-VA suicide hotline, veterans who would not have utilized a non-VA hotline, family members and friends of veterans, and other distressed non-veterans. Bottom line—veterans are calling the hotline. It is common sense that with more outreach, more veterans are likely to call the VA hotline. And advertising in the national media is one form of that outreach.

I am pleased that my amendment to this legislation was adopted, and perfected with the help of the Ranking Member on the VA Committee, Representative BUYER.

I strongly urge the passage of H.R. 3681.

Mr. MILLER of Florida. Mr. Speaker, at this time I yield such time as he

may consume to the gentleman from Arkansas (Mr. BOOZMAN), who has been a strong supporter of VA issues his entire time here in the House of Representatives.

Mr. BOOZMAN. Thank you, Congressman MILLER. Thank you, Congressman WALZ. I always feel like he speaks with such authority when I am around him; I am always concerned he is going to ask me to do 10 pushups or something.

I rise in support of H.R. 3681, the Veterans Benefits Awareness Act. This simple, straightforward legislation authorizes VA to purchase advertising in national media outlets for the purpose of promoting awareness of veterans benefits.

When was the last time you saw the Super Bowl or other prime time recruiting advertisement for one of the military services? Now, when was the last time that you saw the Super Bowl or other prime time ad for veterans health care and benefits sponsored by the Department of Veterans Affairs. Probably never. It's one reason that many veterans and their dependents are not aware of the benefits due to them.

Over the years, Congress has authorized millions to improve outreach, and the results are disappointing. In spite of the additional funding, VA still relies on the public service announcements, pamphlets, meetings with small groups of veterans, and the one-on-one outreach to deliver its message to veterans. Unfortunately, PSAs are often most broadcast at times when few people are watching, and small groups and individual meetings are often difficult to arrange and are not very efficient.

Our veterans continue to tell us that they were not aware of the VA programs that would improve their lives. That is why I introduced H.R. 3681, the Veterans Benefits Awareness Act of 2008, which authorizes VA to purchase advertising in national media outlets for the purpose of promoting awareness of veterans benefits.

H.R. 3681 will provide VA with the authority to buy radio and TV time to ensure that veterans and their dependents are aware of health care options and benefits for education, disability compensation, nondisability pensions, training, loan guarantees, and survivors' programs.

I want to thank Chairwoman HERSETH SANDLIN for moving this bill, for her cooperation in working with the subcommittee; Chairman FILNER, and Ranking Member BUYER for their support; and also to our staffs that worked so hard in preparing these bills. I urge my colleagues to support H.R. 3681.

Mr. FILNER. I have no further speakers.

Mr. MILLER of Florida. We have no further speakers. We urge adoption and yield back the balance of our time.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 3681, as amended.

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

There was no objection.

Ms. HERSETH SANDLIN. Mr. Speaker, I rise in strong support of H.R. 3681, the "Veterans Benefits Awareness Act" which authorizes the Secretary of Veterans Affairs to advertise in the national media to promote awareness of benefits under laws administered by the Secretary.

As an original cosponsor of H.R. 3681, and the Chairwoman of the Veterans' Affairs Economic Opportunity Subcommittee, I would like to thank Representative BOOZMAN, who serves as the Subcommittee Ranking Member, for introducing this important bill. I also would like to recognize Veterans' Affairs Committee Chairman FILNER and Ranking Member BUYER for their strong leadership and for working to quickly move this bill to the House floor.

It is important that Congress not only provide the VA with the resources to properly care for our nation's veterans, but that we also provide them with the authority to promote awareness of benefits that are available to veterans and their dependents.

Again, I thank Representative BOOZMAN for introducing this important bill. I encourage my colleagues to support it.

Mr. FILNER. I urge all my colleagues to support H.R. 3681 and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 3681, as amended.

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

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

H.R. 6081, by the yeas and nays;

H.R. 6074, by the yeas and nays;

H. Res. 1144, de novo.

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

## HEROES EARNINGS ASSISTANCE AND RELIEF TAX ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6081, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. RANGEL) that the House suspend the rules and pass the bill, H.R. 6081, as amended.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 30, as follows:

[Roll No. 331]

YEAS—403

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
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
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
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
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
Oberstar
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)
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
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—30

Andrews
Blumenauer
Crenshaw
Davis (IL)
Davis, Tom
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Engel
Ferguson
Gilchrest
Gillibrand
Gordon
Gutierrez
Hulshof
Israel
Johnson (IL)
Jones (OH)
Kennedy
Kingston
Lynch
Matheson
McMorris Rodgers
Paul
Pryce (OH)
Putnam
Rush
Sessions
Udall (CO)
Wilson (NM)

□ 1311

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## 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 15, 2008.*

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

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Ms. Linda Dixon Rigsby, Assistant Secretary of State for Elections, State of Mississippi, indicating that, according to the unofficial returns of the Special Election held May 13, 2008, the Honorable Travis Childers was elected Representative to Congress for the First Congressional District, State of Mississippi.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
*Clerk.*

Enclosure.

STATE OF MISSISSIPPI,
SECRETARY OF STATE,
*Jackson, MS, May 15, 2008.*

Re unofficial results—First Congressional special runoff election

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

DEAR MS. MILLER: Per your request, enclosed please find a copy of unofficial results for the Special Runoff Election held on Tuesday, May 13, 2008, for Representative in Congress from the First Congressional District of Mississippi. To the best of our knowledge and belief at this time, there is no challenge or recount to this election.

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

If you have any questions or need additional information, please call me at (601) 359–6340; or Phoebe Spencer, Director of Elections Administration at (601) 359–6355. Thank you.

Sincerely,

LINDA DIXON RIGSBY,
*Assistant Secretary of State for Elections.*

## SWEARING IN OF THE HONORABLE TRAVIS CHILDERS, OF MISSISSIPPI, AS A MEMBER OF THE HOUSE

Mr. TAYLOR. Madam Speaker, I ask unanimous consent that the gentleman from Mississippi, the Honorable TRAVIS CHILDERS, 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 Mississippi?

There was no objection.

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

Mr. CHILDERS 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 TRAVIS CHILDERS TO THE HOUSE OF REPRESENTATIVES

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

There was no objection.

Mr. TAYLOR. Madam Speaker, as dean of the Mississippi congressional delegation, I am very, very happy to introduce to the House today the House's newest Member, TRAVIS CHILDERS.

TRAVIS went to work when he was 16 years old following the death of his father. He worked in a local convenience store to help put himself through school and take care of his family. He attended Northeast Mississippi Junior College and graduated from the University of Mississippi. He is a successful realtor, and has served as the Chancery Clerk of Prentiss County for 16 years. He is married to the former Tami Gibson, and the couple has two children, Dustin, a first-year law student at Mississippi College, and Lauren, a freshman at Ole Miss. TRAVIS has been elected four times in the span of 63 days.

He follows in the footsteps of the longest serving Member of Congress, Mr. Jamie Whitten, who used to sit right there, and, most recently, Mississippi's newest Senator, ROGER WICKER.

On behalf of the people of Mississippi, on behalf of this Congress, we welcome Mississippi's newest Representative, TRAVIS CHILDERS.

□ 1315

Mr. CHILDERS. Madam Speaker, my fellow colleagues, thank you for your warm welcome today. It has seemed like a long time in 63 days.

I want to especially thank Congressman TAYLOR, Congressman THOMPSON for your great help in my campaign. Congressman PICKERING, I'm sad that you're leaving us. You all have been so, so very kind to me.

First I want to thank God today that I'm standing here. I thank my community in North Mississippi and the people of the First Congressional District of Mississippi who are some of the finest people in the world. I am humbled by the trust that they've placed in me. I am grateful for their support, and I am forever committed to working for the people of North Mississippi every single day.

I thank my wife of 27 years for standing beside me and again, being a great part of the reason that we are standing in this wonderful place today. And then our two fine children, Dustin and Lauren, for standing by me and their mother.

I want to thank my mother, who's in the gallery today, who always believed in me.

I want to thank every person who had a part of my life, and there have been so many and I wish I could introduce you to them, but that's not possible.

I wish my wonderful grandparents and my father and my sister could be here.

I want to let everyone here know that I'm ready to roll up my sleeves and get to work. The campaign is one

thing, but I'm ready to work, Congressmen.

As a local official, I worked hard and I worked with both parties. I focused on balancing budgets and creating jobs. This will still be my approach, and these will be my priorities in Congress.

I pledge to work as hard as I can to mend our failing economy and help bring down the skyrocketing cost of gas, groceries and health care.

I look forward to meeting and working with every single one of you. I look forward to standing up for the values of the people who I have the honor of serving. And I pledge to work every day for the people of the First District of the great State of Mississippi.

## 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 Mississippi, the whole number of the House is 435.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

## GAS PRICE RELIEF FOR CONSUMERS ACT OF 2008

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6074, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SERRANO). The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 6074.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 324, nays 84, not voting 26, as follows:

[Roll No. 332]

YEAS—324

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, David
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dent
Dicks
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Gallegly
Gerlach
Giffords
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—84

Akin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bishop (UT)
Blunt
Boehner
Bonner
Boustany
Brady (TX)
Broun (GA)
Burgess
Calvert
Cannon
Carter
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Deal (GA)
Doolittle
Everett
Fallin
Feeney
Flake
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey
Granger
Hall (TX)
Hastings (WA)
Hensarling
Hoekstra
Inglis (SC)
Issa
Johnson (GA)
Johnson, Sam
King (IA)
Kline (MN)
Lamborn
Lampson
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCrery
McKeon
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pitts
Poe
Price (GA)
Radanovich
Renzi
Rohrabacher
Scalise
Schmidt
Shadegg
Shimkus
Shuster
Smith (NE)
Sullivan
Tancredo
Thornberry
Tiahrt
Walberg
Weldon (FL)
Weller
Westmoreland
Young (AK)

NOT VOTING—26

Andrews
Blumenauer
Crenshaw
Davis (IL)
Davis, Tom
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Ferguson
Gilchrest
Gillibrand
Gutierrez
Hulshof
Israel
Kennedy
Kingston
Matheson
McMorris Rodgers
Paul
Pryce (OH)
Putnam
Rush
Sessions
Udall (CO)
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). One minute remains in this vote.

□ 1328

Messrs. COLE of Oklahoma, LAMPSON and MILLER of Florida changed their vote from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## FRANK SINATRA DAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1144, 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. 1144, 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. McDERMOTT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 402, nays 3, not voting 29, as follows:

[Roll No. 333]

YEAS—402

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
Blunt
Boehner
Bonner
Bono Mack

Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
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
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
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
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—3

Conaway
Neugebauer
Poe

NOT VOTING—29

Andrews
Blumenauer
Buyer
Crenshaw
Davis (IL)
Davis, Tom
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Ferguson
Gilchrest
Gillibrand
Gohmert
Gutierrez
Hulshof
Israel
Kennedy
Kingston
Matheson
Paul
Pryce (OH)
Putnam
Rush
Saxton
Sessions
Taylor
Udall (CO)
Wilson (NM)

□ 1337

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.

The title was amended so as to read: ''Resolution expressing support for the designation of a Frank Sinatra Day, in honor of the dedication of the Frank Sinatra commemorative stamp.''

A motion to reconsider was laid on the table.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4789

Mr. TOWNS. Mr. Speaker, I ask unanimous consent to remove myself as a cosponsor of H.R. 4789.

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

There was no objection.

## VETERANS EMERGENCY CARE FAIRNESS ACT OF 2008

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3819) to amend title 38, United States Code, to require the Secretary of Veterans Affairs to reimburse veterans receiving emergency treatment in non-Department of Veterans Affairs facilities for such treatment until such veterans are transferred to Department facilities, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3819

*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 ''Veterans Emergency Care Fairness Act of 2008''.

**SEC. 2. MANDATORY REIMBURSEMENT OF VETERANS RECEIVING EMERGENCY TREATMENT IN NON-DEPARTMENT OF VETERANS AFFAIRS FACILITIES UNTIL TRANSFER TO DEPARTMENT FACILITIES.**

(a) CERTAIN VETERANS WITHOUT SERVICE-CONNECTED DISABILITY.—Section 1725 of title 38, United States Code, is amended—

(1) in subsection (a)(1), by striking ''may reimburse'' and inserting ''shall reimburse''; and

(2) in subsection (f)(1), by striking subparagraph (C) and inserting the following new subparagraph (C):

''(C) until—

''(i) such time as the veteran can be transferred safely to a Department facility or other Federal facility; or

''(ii) such time as a Department facility or other Federal facility agrees to accept such transfer if—

''(I) at the time described in clause (i), no Department facility or other Federal facility agrees to accept such transfer; and

''(II) the non-Department facility in which such medical care or services is furnished makes and documents reasonable attempts to transfer the veteran to a Department facility or other Federal facility.''.

(b) CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITY.—Section 1728 of such title is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

''(a) The Secretary, under such regulations as the Secretary shall prescribe, shall reimburse veterans entitled to hospital care or medical services under this chapter for the reasonable value of emergency treatment (including travel and incidental expenses under the terms and conditions set forth in section 111 of this title) for which such veterans have made payment, from sources other than the Department, where such emergency treatment was rendered to such veterans in need thereof for any of the following:

''(1) An adjudicated service-connected disability.

''(2) A non-service-connected disability associated with and held to be aggravating a service-connected disability.

''(3) Any disability of a veteran in the veteran has a total disability permanent in nature from a service-connected disability.

''(4) Any illness, injury, or dental condition of a veteran who—

''(A) is a participant in a vocational rehabilitation program (as defined in section 3101(9) of this title); and

''(B) is medically determined to have been in need of care or treatment to make possible the veteran's entrance into a course of training, or prevent interruption of a course of training, or hasten the return to a course of training which was interrupted because of such illness, injury, or dental condition.'';

(2) in subsection (b), by striking ''care or services'' both places it appears and inserting ''emergency treatment''; and

(3) by adding at the end the following new subsection:

''(c) In this section, the term 'emergency treatment' has the meaning given such term in section 1725(f)(1) of this title.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. I thank the Speaker.

This bill comes to us from a great new Member from the State of Ohio (Mr. SPACE), and I'm going to yield to him as much time as he may consume to explain the bill.

Mr. SPACE. Mr. Speaker, I would like to thank Chairman FILNER, as well as Ranking Member BUYER, for their cosponsorship on this legislation as well as for their work in bringing H.R. 3819, the Veterans Emergency Care Fairness Act, to the floor today.

This legislation has been about a year in the making. Last March, I received a letter from Terry Carson, CEO of Harrison Community Hospital in Cadiz, Ohio, a small town in the 18th Congressional District for the State of Ohio. Mr. Carson wrote to me about a problem he was experiencing in his 25-bed rural hospital when providing emergency care for veterans.

Currently, the VA reimburses non-VA hospitals for emergency care provided to veterans up to the point of stabilization. Once the patient is deemed stable enough to transfer, he or she is moved to a VA hospital. The problem that Mr. Carson brought to my attention is that oftentimes, veterans experience a waiting period for a bed in the VA hospital. During this limbo time, the VA is not required to reimburse the community hospital for care. Meanwhile, people like Mr. Carson feel morally obligated to continue care despite the fact that they cannot count on reimbursement. Worse even than non-VA hospitals footing the bill is the case of veterans who are paying out of pocket.

The Veterans Emergency Care Fairness Act closes this loophole by requiring the VA to cover the cost of care while the transfer to a VA hospital is pending and if the community hospital can document attempts to transfer the patient.

I believe this legislation is the best solution for the VA, community hospitals, and, most importantly, our Nation's veterans. To that end, this legislation is supported by the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, the Vietnam Veterans of America, the Ohio Hospital Association, the Air Force Sergeants Association, the Military Order of the Purple Heart, the Veterans Administration itself, and a bipartisan group of our colleagues here in the House.

This bill is a perfect example of how our system is supposed to work: a constituent contacts his Member of Congress, the Member listens, and an appropriate commonsense legislative fix is found. I'm proud to have had a chance to advocate for Mr. Carson, to advocate for the veterans he treats, and to advocate for the veterans across the country.

Once again, I would like to thank all of my colleagues in this bipartisan effort, and I urge all of those who have not joined thus far in supporting H.R. 3819.

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

Mr. Speaker, I rise in support of H.R. 3819, the Veterans Emergency Care Fairness Act, a bill to amend title 38 of the United States Code to require the Secretary of Veterans Affairs to reimburse veterans receiving emergency treatment in non-Department of Veterans Affairs facilities for such treatment until such veterans are transferred to department facilities.

I commend my colleague from Ohio, ZACK SPACE, for introducing this bill. Providing health care services to those who have honorably served our country is an important mission of the Department of Veterans Affairs. However, in an emergency, a veteran may not always be in close proximity to a VA health care facility.

Mr. Speaker, in 2000 under Public Law 106–117, the Veterans Millennium Health Care Act, Congress authorized the VA to reimburse or pay for the emergency non-VA treatment of certain enrolled veterans who have no medical insurance and no other recourse for payment.

□ 1345

Current authorities for reimbursement of this emergency treatment are discretionary, and VA medical professionals must determine after the fact whether an actual emergency existed where a delay in obtaining treatment would have been hazardous to that veteran.

This bill appropriately resolves the current billing issues and standardizes requirements for VA to cover the cost of an eligible veteran's emergency care. H.R. 3819 would standardize the definition of emergency treatment for veterans seeking reimbursement for emergency services rendered in a non-VA facility.

By supporting this bill, we remove the financial uncertainty for veterans in an emergency health care status.

I urge my colleagues to support the bill.

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

Mr. FILNER. Mr. Speaker, this is a perfect example of the way we do the best legislation. Mr. SPACE from Ohio encountered a problem in his district, looked into solving it. It turns out it's a problem in every district.

So we thank Mr. SPACE for his work on this, for his recognizing the problem. It is an unacceptable position for a veteran to be in, that they're in never-neverland where they have been stabilized in a hospital but yet not accepted at a VA hospital and they are liable for the cost. What you have done is take that worry and that cost off of the veteran and allowed us to deal with him or her in a very respectful and clear way.

So we thank Mr. SPACE for this legislation.

I don't have any further speakers, and I would reserve the balance of my time.

Mr. BUYER. At this time, I yield such time as she may consume to the ranking member of the O&I Subcommittee of Veterans' Affairs, Ms. GINNY BROWN-WAITE of Florida.

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman.

Mr. Speaker, I rise in favor of this bill, H.R. 3819, the Veterans Emergency Care Fairness Act. This bill, introduced by my colleague, Representative SPACE, closes a loophole that saddles America's hospitals with unnecessary costs.

Mr. Speaker, America's veterans answered the call of duty and fought gallantly for our freedoms. And everyone is thankful for that. However, it is up to the government of the United States to care for our vets, not private hospitals. This bill ensures that the private hospitals providing a bed for a vet while they await care at a VA hospital are reimbursed for that care.

Like Mr. SPACE, I've been contacted. Previously, he was contacted by a constituent. I've been contacted by constituents and actually intervened in getting the VA to pay for the hospital care. Once this becomes law, neither I nor other Members will have to be in the bill collection business because the VA clearly should be paying for this without having to have a Congressperson call, asking them to look into it.

As a cosponsor of this important bill, I'm looking forward to voting in favor of it, and I urge my colleagues to do the very same.

Mr. BUYER. Mr. Speaker, I urge my colleagues to support the bill and yield back my time.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3819, as amended.

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

There was no objection.

Mr. FILNER. I urge my colleagues to unanimously support this bill, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 3819, 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. FILNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

## LONGITUDINAL STUDY OF VOCATIONAL REHABILITATION PROGRAMS

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 3889) to amend title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a longitudinal study of the vocational rehabilitation programs administered by the Secretary, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3889

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

***SECTION 1. LONGITUDINAL STUDY OF DEPARTMENT OF VETERANS AFFAIRS VOCATIONAL REHABILITATION PROGRAMS.***

*(a) STUDY REQUIRED.—Chapter 31 of title 38, United States Code, is amended by adding at the end the following new section:*

***"§3122. Longitudinal study of vocational rehabilitation programs***

*''(a) STUDY REQUIRED.—(1) Subject to the availabilty of appropriated funds, the Secretary shall conduct a longitudinal study of a statistically valid sample of each of the groups of individuals described in paragraph (2). The Secretary shall study each such group over a period of at least 20 years.*

*''(2) The groups of individuals described in this paragraph are the following:*

*''(A) Individuals who begin participating in a vocational rehabilitation program under this chapter during fiscal year 2009.*

*''(B) Individuals who begin participating in such a program during fiscal year 2011.*

*''(C) Individuals who begin participating in such a program during fiscal year 2014.*

*''(b) ANNUAL REPORTS.—By not later than July 1 of each year covered by the study required under subsection (a), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the study during the preceding year.*

*''(c) CONTENTS OF REPORT.—The Secretary shall include in the report required under subsection (b) any data the Secretary determines is necessary to determine the long-term outcomes of the individuals participating in the vocational rehabilitation programs under this chapter. The Secretary may add data elements from time to time as necessary. In addition, each such report shall contain the following information:*

*''(1) The number of individuals participating in vocational rehabilitation programs under this chapter who suspended participation in such a program during the year covered by the report.*

*''(2) The average number of months such individuals served on active duty.*

*''(3) The distribution of disability rating of such individuals.*

*''(4) The types of other benefits administered by the Secretary received by such individuals.*

*''(5) The types of social security benefits received by such individuals.*

*''(6) Any unemployment benefits received by such individuals.*

*''(7) The average number of months such individuals were employed during the year covered by the report.*

*''(8) The average annual starting and ending salaries such individuals who were employed during the year covered by the report.*

*''(9) The number of such individuals enrolled in an institution of higher learning, as that term is defined in section 3452(f) of this title.*

*''(10) The average number of academic credit hours, degrees, and certificates obtained by such individuals during the year covered by the report.*

*''(11) The average number of visits such individuals made to Department medical facilities during the year covered by the report.*

*''(12) The average number of visits such individuals made to non-Department medical facilities during the year covered by the report.*

*''(13) The average annual income of such individuals.*

*''(14) The average total household income of such individuals for the year covered by the report.*

*''(15) The percentage of such individuals who own their principal residences.*

*''(16) The average number of dependents of each such veteran.''.*

*(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:*

*''3122. Longitudinal study of vocational rehabilitation programs.''.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I yield myself as much time as I might consume.

As I said earlier, amongst this package of bills are legislation from both sides of the aisle. This one comes to us from the ranking member of the Subcommittee on Economic Opportunity, Mr. BOOZMAN, and I thank him for this important bill.

What H.R. 3889 does is require the VA to conduct what is called a longitudinal study for at least 20 years of the veterans who began participating in the VA's Vocational Rehabilitation and Employment Program. The bill requires annual reports to Congress to assist with better management of the program.

It's an important step in ensuring that the Vocational Rehabilitation and Employment Program has services that are meeting the needs of our veterans as they seek to heal from their injuries and reenter civilian life.

So I hope we all support H.R. 3889.

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

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

Mr. Speaker, I rise in support of H.R. 3889, as amended, which would amend title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a longitudinal study of the vocational rehabilitation programs administered by the Secretary. I appreciate Chairman FILNER for moving this legislation through the committee to bring it to the floor.

Mr. Speaker, too often we support benefit programs such as VA's Vocational Rehabilitation and Employment without requiring or verifying how well the program is achieving its goals. In the case of the VR&E, the program has two goals: employment and developing independent living skills for those too disabled to work.

Unfortunately, there is too little long-term data to judge the program's success in preparing disabled veterans for their return to the workforce. H.R. 3889 would require the VA to study three cohorts of veterans for 20 years to determine the outcomes of their participation in this program.

Mr. Speaker, I thank the foresight of my colleague, Dr. JOHN BOOZMAN, for bringing this needed legislation before the House, and I urge my colleagues to support its passage.

I reserve the balance of my time.

Mr. FILNER. We reserve the balance of our time.

Mr. BUYER. I now yield to Dr. BOOZMAN of Arkansas such time as he may consume.

Mr. BOOZMAN. Thank you, Mr. BUYER.

Mr. Speaker, I introduced H.R. 3889 to determine whether the VA's Vocational Rehabilitation and Employment Program was meeting its goals of employment and independent living for disabled veterans.

To do that, my bill would require that the Department of Veterans Affairs conduct a 20-year longitudinal study of three cohorts of disabled veterans who participate in the VR&E Program during years 2009, 2011 and 2013. The data VA collects and reports to Congress will enable us to fine-tune the program to achieve higher rehabilitation rates and to provide the most appropriate education and training leading to full employment.

Mr. Speaker, the bill specifies 15 different data points that must be collected and authorizes VA to add any other data points they deem appropriate. With this information, I believe veterans who participate in voc rehab will be more successful in finding gainful employment over their working career.

This is a good bill that does not require offsets and will improve the lives of veterans, and I urge my colleagues to support H.R. 3889, as amended.

I want to thank the Chair of my subcommittee, Ms. HERSETH SANDLIN, for her support and hard work. I also want to thank Chairman FILNER and Ranking Member BUYER as always for bringing the bill forward. Again, I want to thank the staff on both sides for helping to prepare this.

Mr. BUYER. Mr. Speaker, I also want to thank the chairman of the Economic Opportunity Subcommittee, STEPHANIE HERSETH SANDLIN, and Dr. BOOZMAN. They worked very well together on these issues, and I urge my colleagues to pass this bill.

I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 3889, as amended.

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

There was no objection.

Ms. HERSETH SANDLIN. Mr. Speaker, I rise in strong support of H.R. 3889, a bill to require the Department of Veterans Affairs to conduct a longitudinal study of the vocational rehabilitation programs administered by the VA.

I would like to thank Representative BOOZMAN, the Ranking Member of the Veterans' Affairs Economic Opportunity Subcommittee, which I Chair, for introducing H.R.

3889 to help determine the effectiveness and long-term outcomes of the VA's vocational rehabilitation programs for disabled veterans. These vocational rehabilitation programs are important factors in helping disabled veterans obtain and keep suitable jobs. They also help seriously disabled veterans achieve independence in daily living.

I also would like to thank Veterans' Affairs Committee Chairman FILNER and Ranking Member BUYER for their support of the bill and for working to quickly move this legislation to the House floor.

I support H.R. 3889 to ensure the VA's vocational rehabilitation services are helping disabled veterans reach their rehabilitation goals.

Again, I thank Representative BOOZMAN for introducing this important bill. I encourage my colleagues to support it.

Mr. FILNER. I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 3889, as amended.

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

A motion to reconsider was laid on the table.

## JUSTIN BAILEY VETERANS SUBSTANCE USE DISORDERS PREVENTION AND TREATMENT ACT OF 2008

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5554) to amend title 38, United States Code, to expand and improve health care services available to veterans from the Department of Veterans Affairs for substance use disorders, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5554

*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 ''Justin Bailey Veterans Substance Use Disorders Prevention and Treatment Act of 2008''.*

***SEC. 2. EXPANSION OF VETERANS SUBSTANCE USE DISORDER PROGRAMS.***

*Subsection (d) of section 1720A of title 38, United States Code, is amended by adding at the end the following new paragraph:*

*''(3)(A) Each plan under paragraph (1) shall ensure that the medical center provides ready access to a full continuum of care for substance use disorders for veterans in need of such care.*

*''(B) In this paragraph, the term 'full continuum of care' includes all of the following care, treatment, and services:*

*''(i) Screening for substance use disorder in all settings, including primary care settings.*

*''(ii) Detoxification and stabilization services.*

*''(iii) Intensive outpatient care services.*

*''(iv) Relapse prevention services.*

*''(v) Outpatient counseling services.*

*''(vi) Residential substance use disorder treatment.*

*''(vii) Pharmacological treatment to reduce cravings, and opioid substitution therapy referred to in paragraph (2).*

*''(viii) Coordination with groups providing peer to peer counseling.*

*''(ix) Short-term, early interventions for substance use disorders, such as motivational counseling, that are readily available and provided in a manner to overcome stigma associated with the provision of such interventions and related care.*

*''(x) Marital and family counseling.*

*''(C) The Secretary shall provide for outreach to veterans who served in Operation Enduring Freedom or Operation Iraqi Freedom to increase awareness of the availability of care, treatment, and services from the Department for substance use disorders.''.*

***SEC. 3. REQUIREMENT FOR ALLOCATION OF DEPARTMENT RESOURCES TO ENSURE AVAILABILITY FOR ALL VETERANS REQUIRING TREATMENT FOR SUBSTANCE USE DISORDERS.***

*(a) EQUITABLE ALLOCATION OF FUNDING; ANNUAL REPORT.—Section 1720A of title 38, United States Code, as amended by section 2, is further amended by adding at the end the following new subsection:*

*''(e)(1) The Secretary shall ensure that amounts made available for care, treatment, and services provided under this section are allocated in such a manner that a full continuum of care (as defined in subsection (d)(3)(B)) is available to veterans seeking such care, treatment, or services, without regard to the location of the residence of any such veterans.*

*''(2)(A) In addition to the report required under section 1703(c)(1) of this title (relating to furnishing of contract care and services under this section), the Secretary shall include in the budget documents which the Secretary submits to Congress for any fiscal year a detailed report on the care, treatment, and services furnished by the Department under this section during the most recently completed fiscal year.*

*''(B) Each report under subparagraph (A) shall include data on the following for each medical facility of the Department:*

*''(i) The number of veterans who have been provided care, treatment, or services under this section at the facility for each 1,000 veterans who have received hospital care (if applicable) or medical services at the facility.*

*''(ii) The number of veterans for whom substance use disorder screening was carried out under subsection (d)(3)(B)(i) at the facility.*

*''(iii) The number of veterans for whom a substance use disorder was identified after a screening was carried out under subsection (d)(3)(B)(i) at the facility.*

*''(iv) The number of veterans who were referred by the facility for care, treatment, or services for substance use disorders under this section.*

*''(v) The number of veterans who received care, treatment or services at the facility for substance use disorders under this section.*

*''(vi) Availability of the full continuum of care (as defined in subsection (d)(3)(B)) at the facility.*

*''(C) Each report prepared under subparagraph (A) shall be reviewed by the Committee on Care of Severely Chronically Mentally Ill Veterans authorized by section 7321 of this title. The Committee shall provide an independent assessment of the care, treatment, and services furnished directly by the Department under this section to veterans. Such assessment shall include a detailed analysis of the availability, the barriers to access (if any), and the quality of such care, treatment, and services.''.*

*(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to fiscal years beginning on or after October 1, 2009.*

***SEC. 4. PILOT PROGRAM FOR INTERNET-BASED SUBSTANCE USE DISORDER TREATMENT FOR VETERANS OF OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.***

*(a) FINDINGS.—Congress makes the following findings:*

*(1) Stigma associated with seeking treatment for mental health disorders has been demonstrated to prevent some veterans from seeking such treatment at a medical facility operated by the Department of Defense or the Department of Veterans Affairs.*

*(2) There is a significant incidence among veterans of post-deployment mental health problems, especially among members of a reserve component who return as veterans to civilian life.*

*(3) Computer-based self-guided training has been demonstrated to be an effective strategy for supplementing the care of psychological conditions.*

*(4) Younger veterans, especially those who served in Operation Enduring Freedom or Operation Iraqi Freedom, are comfortable with and proficient at computer-based technology.*

*(5) Veterans living in rural areas find access to treatment for substance use disorder limited.*

*(6) Self-assessment and treatment options for substance use disorders through an Internet website may reduce stigma and provides additional access for individuals seeking care and treatment for such disorders.*

*(b) IN GENERAL.—Not later than October 1, 2009, the Secretary of Veterans Affairs shall initiate a pilot program to test the feasibility and advisability of providing veterans who seek treatment for substance use disorders access to a computer-based self-assessment, education, and specified treatment program through a secure Internet website operated by the Secretary. Participation in the pilot program is available on a voluntary basis for those veterans who have served in Operation Enduring Freedom or Operation Iraqi Freedom.*

*(c) ELEMENTS OF PILOT PROGRAM.—*

*(1) IN GENERAL.—In designing and carrying out the pilot program under this section, the Secretary of Veterans Affairs shall ensure that—*

*(A) access to the Internet website and the programs available on the website by a veteran (or family member) does not involuntarily generate an identifiable medical record of that access by that veteran in any medical database maintained by the Department;*

*(B) the Internet website is accessible from remote locations, especially rural areas; and*

*(C) the Internet website includes a self-assessment tool for substance use disorders, self-guided treatment and educational materials for such disorders, and appropriate information and materials for family members of veterans.*

*(2) CONSIDERATION OF SIMILAR PROJECTS.—In designing the pilot program under this section, the Secretary of Veterans Affairs shall consider similar pilot projects of the Department of Defense for the early diagnosis and treatment of post-traumatic stress disorder and other mental health conditions established under section 741 of the John Warner National Defense Authorization Act of Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2304).*

*(3) LOCATION OF PILOT PROGRAM.—The Secretary shall carry out the pilot program through those medical centers of the Department of Veterans Affairs that have established Centers for Excellence for Substance Abuse Treatment and Education or that have established a Substance Abuse Program Evaluation and Research Center.*

*(4) CONTRACT AUTHORITY.—The Secretary of Veterans Affairs may enter into contracts with qualified entities or organizations to carry out the pilot program required under this section.*

*(d) DURATION OF PILOT PROGRAM.—The pilot program required by subsection (a) shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.*

*(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs $1,500,000 for each of fiscal years 2010 and 2011 to carry out the pilot program under this section.*

*(f) REPORT.—Not later than six months after the completion of the pilot program, the Secretary shall submit to Congress a report on the pilot program, and shall include in that report an assessment of the feasibility and advisability of the pilot program, of any cost savings or other benefits associated with the pilot program, and recommendations for the continuation or expansion of the pilot program.*

***SEC. 5. REPORT ON RESIDENTIAL MENTAL HEALTH CARE FACILITIES OF THE VETERANS HEALTH ADMINISTRATION.***

*(a) REVIEW AND REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of Veterans Affairs, acting through the Office of the Medical Inspector of the Department of Veterans Affairs, shall—*

*(1) conduct a review of all residential mental health care facilities, including domiciliary facilities, of the Veterans Health Administration; and*

*(2) submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the review conducted under paragraph (1).*

*(b) ELEMENTS OF REPORT.—The report required by subsection (a)(2) shall include the following:*

*(1) A description of the availability of care in residential mental health care facilities in each Veterans Integrated Service Network (VISN).*

*(2) An assessment of the supervision and support provided in the residential mental health care facilities of the Veterans Health Administration.*

*(3) The ratio of staff members at each residential mental health care facility to patients at such facility.*

*(4) An assessment of the appropriateness of rules and procedures for the prescription and administration of medications to patients in such residential mental health care facilities.*

*(5) A description of the protocols at each residential mental health care facility for handling missed appointments.*

*(6) Any recommendations the Secretary considers appropriate for improvements to such residential mental health care facilities and the care provided in such facilities.*

***SEC. 6. TRIBUTE TO JUSTIN BAILEY.***

*This Act is enacted in tribute to Justin Bailey, who, after returning to the United States from service as a member of the Armed Forces in Operation Iraqi Freedom, died in a domiciliary facility of the Department of Veterans Affairs while receiving care for post-traumatic stress disorder and a substance use disorder.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, this bill is named after Justin Bailey, who was a veteran of the Iraq War who died in a domiciliary facility of the Department of Veterans Affairs while receiving care for PTSD and a substance use disorder, a very tragic story but one that seems to be becoming all too familiar.

We have seen in recent weeks internal communications between members of the VA staff who we rely on to treat soldiers like Justin Bailey who seem to not take the symptoms of PTSD or suicide very seriously. They try to manipulate the data so we don't know all the facts. They try to get cheaper treatment if a diagnosis other than PTSD is made, and we are not serving our veterans when this occurs. We must not take lightly the commitment of servicemembers like Justin Bailey who choose to defend the country and freedoms that we enjoy.

We know the problems that veterans who have served in past wars face. We know about post-traumatic stress disorder. We know about the high reported incidence of substance abuse, and that it is what we call a common co-morbidity to mental health issues. And we, of course, unfortunately know about the high rate of homelessness. We know about these issues because we have seen entire generations of veterans tackle these problems, many without proper support from the VA and many who find themselves on the streets homeless or we see in statistics on suicide.

We must commit ourselves that whatever is necessary to prevent the newest generation of veterans from Afghanistan and Iraq will be done so they do not experience these same devastating issues.

There is growing concern about the reported effects of combat deployments on Operation Enduring Freedom and Operation Iraqi Freedom servicemembers. The suicide rates are on the rise back to where they were in our Vietnam era.

We know the rate of post-traumatic stress disorder among these veterans has been estimated at about a third. I think if you include hidden symptoms of traumatic brain injury we're up to probably double that or more.

We know that the rate of homelessness amongst this group is growing. The same cycles that we saw with Vietnam are repeating themselves.

We cannot as a Congress, as a Nation allow this to happen again. We must reinforce our commitment to take care of those who have served. This is a cost of war. We're spending $1 billion, Madam Speaker, on the Iraq and Afghanistan Wars every two days, $1 billion every 2 days. Shouldn't our servicemembers get all the treatment they need? We have the money. It's a question of our will and our priorities.

□ 1400

So I urge you to support H.R. 5554. We would improve and expand the VA health care services available for veterans for substance use disorders, and require that all VA medical centers provide access to the full continuum of care for these disorders.

We also want to make sure that the Secretary reaches out to our OIF/OEF veterans with substance abuse disorders, and make sure that the funding is in place for the full continuum of care no matter where a veteran lives.

We also ask for a complete report on the services furnished by the Department in the last fiscal year, and have a 2-year pilot program on providing assessment, education and treatment via the Internet to veterans with substance use disorders. And finally, we would require the VA to conduct a review and report on the residential mental health facilities within the system.

I urge my colleagues to support H.R. 5554. We will hear from Congressman MICHAUD from Maine, the chairman of our Health Subcommittee, who wrote this bill. And he will have a chance to really explain it better after we hear from our ranking member.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, H.R. 5554, as amended, the Justin Bailey Veterans Substance Use Disorders Prevention and Treatment Act of 2008, would amend title 38, United States Code, to expand and improve health care services available to veterans from the Department of Veterans Affairs for substance abuse disorders.

Unfortunately, many veterans who have experienced combat trauma have difficulty dealing with the demands of military service and/or readjusting to home life often turn to alcohol and drugs to ease the pain that has become part of their lives. VA has dedicated more than $458 million to improve access and quality of care for veterans who require substance use treatment since it began implementing the Mental Health Strategic Plan in 2005.

H.R. 5455, however, would be much more comprehensive and require that VA provides a ''full continuum of care'' to veterans suffering from substance use disorders at all VA medical centers or through contracts with local providers. This full continuum of care would include comprehensive screening for substance use disorders in all settings, detoxification and stabilization services, intensive outpatient and residential care, pharmacological treatments, and peer-to-peer and family and marital counseling.

This legislation would also direct VA to conduct a pilot program for Internet-based substance use disorder treatment for veterans of Operations Iraqi Freedom and Enduring Freedom.

Some of our veterans are confronted with a new form of challenge in their life, which for some is greater than the warfare which they had faced, where it has no clear front and has no clear refuge. And in the case of our OIF/OEF veterans in the wars in Iraq and Afghanistan, over 30 percent of those veterans who have received VA care have been diagnosed with a possible mental health problem and 12 percent of these with a possible substance use disorder.

Outreach to every veteran is critical, and I'm pleased that under the leadership of Secretary Peake, VA has started contacting nearly 570,000 recent combat veterans to talk to them about available VA medical care and benefits.

Providing a full continuum of care in all settings will go a long way to enhance access to care and help at-risk veterans recognize the signs, treat the symptoms, and overcome the stigma that prevents many veterans from seeking care.

Problems associated with substance use disorder can have lasting effects on the mental and physical health of our veterans, and I commend the Subcommittee on Health Chairman MICHAUD and Ranking Member MILLER for their leadership on the bill.

We can make significant progress in ensuring that the mental health wellness care that veterans seek and deserve is available with the passage of this bill.

Madam Speaker, I reserve the balance of my time.

Mr. FILNER. Madam Speaker, I yield 2 minutes to the author of the bill and the Chair of our Health Subcommittee of the Veterans' Committee in the Congress, the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Thank you, Mr. Chairman.

I rise today in support of H.R. 5554, the Justin Bailey Veterans Substance Use Disorders Prevention and Treatment Act of 2008. This legislation does amend title 38, United States Code, to expand and improve health care services available to veterans for substance use disorders.

It requires that all VA medical centers provide ready access to a full continuum of care for substance use disorders. And it explicitly defines that ''full continuum of care'' as ranging from initial screening through outpatient care and family therapy. We have an obligation to take care of the men and women who chose to fight for our freedom and the freedom of all oppressed people.

This legislation had strong bipartisan support during its development. I want to thank members of the Health Care Subcommittee, especially Mr. MILLER, for their support and contributions to this legislation, as well as the committee staff on both sides of the aisle.

I also would like to thank Congresswoman BERKLEY, who has been a true advocate for our veterans, and who has been strongly involved in the development of this legislation as well.

I also want to thank you, Mr. Chairman, for your leadership, as well as Ranking Member BUYER for your leadership in this legislation. I encourage my colleagues to support it.

Mr. BUYER. I urge my colleagues to adopt this legislation, and I yield back the balance of my time.

Mr. FILNER. Madam Speaker, I yield 5 minutes to a very active, aggressive member of our committee, who is always there when we need her, the gentlelady from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Madam Speaker, I also would like to thank the chairman of our full committee, Mr. FILNER, for being so supportive, and the chairman of our subcommittee, Mr. MICHAUD, for helping to make this legislation a reality today. I'm very grateful for the opportunity to be part of this important piece of legislation.

Nationally, one in five veterans returning from Iraq and Afghanistan suffer from PTSD. Twenty-three percent of members of the Armed Forces on active duty acknowledge that they have a significant problem with alcohol. Veterans must receive the help they need to deal with these conditions.

The effects of substance abuse are devastating, including significantly increased risk of suicide, exacerbation of mental and physical health disorders, breakdown of family support, and increased risk of unemployment and homelessness. Veterans suffering from mental health problems are at increased risk for developing a substance abuse disorder.

A constituent of mine, Lance Corporal Justin Bailey, was a 1998 graduate of Las Vegas High School. Upon returning from a tour of duty in Iraq, he was diagnosed with PTSD and was discharged from the Marines in 2004. He developed a substance abuse disorder, and with the encouragement of his parents, checked himself into a VA facility in west Los Angeles to get the treatment that he needed and recognized that he needed.

He sought treatment for a drug abuse problem, and yet he was given five additional medications on a self-medication program. With those five additional medications in his system, Justin overdosed and died on January 26, 2007.

The loss of a child is devastating enough, but what made matters worse is the way that Justin's parents were treated by the VA. They were treated with indifference and apathy at the West L.A. facility that their son died at. They were handed Justin's belongings in a trash bag.

Last August, 8 months after Justin's death, the Baileys returned to Los Angeles to meet with the Chief of Staff at the West L.A. facility. They came away from the meeting feeling that the Chief of Staff had been completely unprepared and seemed out of touch with the needs of the veterans. The Chief of Staff went so far as to state that his staff didn't know how to treat veterans of the Iraq and Afghan war because they were young, and the staff was not tough enough on these younger veterans, they tended to give them anything they asked for.

I'm very pleased that the committee included my amendment to require the VA to conduct a review of all residential mental health care facilities, including domiciliary facilities, and agree to rename the bill in Justin's honor. I know this means a great deal to Justin's family.

Passage of the Justin Bailey Substance Use Disorder Treatment and Prevention Act will help to ensure that we have the mental health resources and substance abuse treatment programs needed to care for our veterans. The assessments of residential mental health facilities required will help us to learn how well the VA is performing and what we can do to improve these services, including expanded availability at VA hospitals.

The availability of treatment for PTSD, including substance abuse disorder counseling, will save many lives. This must remain a top priority.

A review of the services provided to our veterans is needed to ensure that what happened to Justin does not happen to anyone else ever again.

It's imperative that we provide adequate mental health services for those who have sacrificed for our great Nation and those who continue to serve.

I wholeheartedly support H.R. 5554 and urge my colleagues to do the same.

Mr. FILNER. I want to thank the gentlelady from Nevada for putting a real face to this problem. I know it means a lot to the family, but it means a lot to all of us. So thank you.

Another great member of our committee, Mr. RODRIGUEZ from Texas, dealt with mental health issues in his previous life, and I will yield to him as much time as he might consume.

Mr. RODRIGUEZ. Thank you, Mr. Chairman. And I want to personally thank you for this piece of legislation.

I had the pleasure and the opportunity to serve 7 years in the area of mental health and work with heroin addicts, substance abusers and community mental health.

One of the things that I've realized is that a lot of people that do substance abuse as the result of having mental health problems as well as post-traumatic stress. During the Vietnam War, we left our soldiers and we abandoned them. A large number of them now find themselves as part of those statistics of being homeless. Part of the statistics are a large number of veterans that are committing suicide. This program that will allow the continuum of care is going to allow an opportunity for them to be able to get access to service. I want to thank both sides and the chairman for their leadership in this area.

In addition, let me just say that this area is one of the areas where we really need to make an emphasis. I am really pleased to see that, because when you do abuse drugs, when people do abuse alcohol, one of the difficulties is the fact that the family gets impacted. This allows an opportunity for that intervention to occur.

Thank you very much, and congratulations on this legislation.

Mr. FILNER. Thank you, Mr. RODRIGUEZ, for your expertise.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5554, as amended.

The SPEAKER pro tempore (Mrs. TAUSCHER). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CONYERS. Madam Speaker, I rise to voice my strong support for H.R. 5554, the ''Justin Bailey Veterans Substance Use Disorders Prevention and Treatment Act of

2008." This legislation grants to our veterans access to a comprehensive continuum of substance abuse treatment services provided by Department of Veterans Affairs medical centers. The bill also requires the Secretary of Veterans Affairs to inform veterans of Operations Enduring Freedom or Iraqi Freedom about the availability of such care.

Madam Speaker, we have sent thousands of otherwise healthy young men and women to Iraq and Afghanistan to fight. Many of those who were lucky enough to escape unscathed physically, are suffering agonizing symptoms emotionally. Depression, anxiety, and symptoms of post-traumatic stress disorder plague countless veterans returning from the battlefield. Without proper treatment, our veterans turn to self-medicating these psychiatric symptoms by abusing alcohol and other substances.

It would be negligent, if not hypocritical, of us not to offer comprehensive substance abuse treatment for all returning veterans. This legislation ensures that a "continuum" of services, including screening for substance use disorders, detoxification and stabilization services, intensive outpatient services, relapse prevention services, counseling services, and other necessary services, are offered to our returning veterans.

Of course, these services require funding. H.R. 5554 ensures that funding for a full continuum of substance abuse treatment is made available to veterans seeking such care. Although H.R. 5554 authorizes a pilot program for Internet-based substance use disorder treatment, let us not sell our veterans short by cutting corners on care. More funding is needed to ensure that enough psychiatrists, nurses, psychologists, and social workers are available to care for our returning veterans. As well, more research funding is required in order to better understand and treat disorders of substance abuse and dependence which plague our veterans.

Madam Speaker, I find it appalling that we ask our young men and women in the Armed Forces to sacrifice life and limb overseas in Iraq and Afghanistan, yet when those very soldiers return home, we deny them vital mental health and substance abuse treatment services. Let us begin to right this wrong by supporting H.R. 5554, and improve substance abuse treatment services available to our veterans.

Mr. FILNER. 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 California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5554, as amended.

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

A motion to reconsider was laid on the table.

## REQUIRING REGULAR UPDATES TO HANDBOOK FOR DESIGN FURNISHED TO VETERANS ELIGIBLE FOR SPECIALLY ADAPTED HOUSING ASSISTANCE

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5664) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to update at least once every six years the plans and specifications for specially adapted housing furnished to veterans by the Secretary, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5664

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

**SECTION 1. REQUIREMENT FOR REGULAR UPDATES TO HANDBOOK FOR DESIGN FURNISHED TO VETERANS ELIGIBLE FOR SPECIALLY ADAPTED HOUSING ASSISTANCE BY SECRETARY OF VETERANS AFFAIRS.**

Section 2103 of title 38, United States Code, is amended—

(1) by striking "The Secretary" and inserting "(a) PLANS AND SPECIFICATIONS.—The Secretary"; and

(2) by adding at the end the following new subsection:

"(b) HANDBOOK FOR DESIGN.—The Secretary shall make available to veterans eligible for assistance under this chapter, without cost to the veterans, a handbook containing appropriate designs for specially adapted housing. The Secretary shall update such handbook at least once every six years to take into account any new or unique disabilities, including vision impairments, impairments specific to the of upper limbs, and burn injuries.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

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

Madam Speaker, again we thank and we draw on the expertise of Mr. RODRIGUEZ of Texas for this bill. It's a commonsense solution to assist our Nation's veterans.

We would simply require the Secretary of the VA to furnish and update a handbook for designs of specially adapted housing to include vision impairments, impairments to the upper limbs, and burn injuries.

Ensuring that our brave men and women have a comfortable home to heal from the injuries of war is the very least we can do for our veterans. This is especially true since the last time this VA pamphlet was published was 30 years ago, in 1978.

I feel confident that with this legislation the VA can provide improved guidance to incorporate today's medical breakthroughs in health care and any advanced technologies. I hope all my colleagues will support H.R. 5664.

Madam Speaker, I reserve the balance of my time.

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

I rise in support of H.R. 5664, as amended, a bill which would amend title 38, United States Code, to direct the Secretary of Veterans Affairs to update at least once every 6 years the plans and specifications for specially adapted housing furnished to veterans by the Secretary.

I thank my colleague, Mr. RODRIGUEZ of Texas, for introducing this bill, and Subcommittee Chairwoman STEPHANIE HERSETH SANDLIN, Ranking Member BOOZMAN and full committee Chairman FILNER for their efforts to bring the bill before the House.

Madam Speaker, many of our most severely disabled veterans qualify for the specially adapted housing program that provides grants for up to $50,000 to modify the veteran's home. This bill would require the VA to update the handbook on adapted homes designs on a 6-year cycle, to include adaptations for a wider variety of disabilities and to provide the handbook to qualified veterans.

□ 1415

In the previous Congress, we allowed the homes of a family member to be adapted where the veteran temporarily resides. I think that was a good move that we had done that, and this measure that Mr. RODRIGUEZ has brought is one that is prudent and it should be passed.

Madam Speaker, I reserve the balance of my time.

Mr. FILNER. Madam Speaker, I yield such time as he may consume to the author of the legislation, the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Chairman FILNER and Ranking Member BUYER, thank you very much for this opportunity regarding H.R. 5664, a bill that I introduced to correct a bureaucratic oversight in the way that the Veterans Administration advises contractors as they deal with renovating housing for disabled veterans.

Madam Speaker, our veterans have made difficult sacrifices and secured our freedom and the way of life. This Memorial Day we honor veterans with our words and our actions, and this bill is a reflection of that.

My bill seeks to ensure that veterans whose homes are updated under the program benefit from all that modern technology and construction practice can provide. Today's veterans, particularly those from Iraq and Afghanistan, are sustaining injuries that in past conflicts would have resulted in their death. The variety of these injuries requires a fresh look at the ways the VA provides guidance to veterans in using special adaptive housing grants. The primary guidance that the VA provides contractors who modify homes under this grant program is VA pamphlet 26–13, titled "Handbook for Design: Specially Adaptive Housing." The guide was last updated in 1978. This bill requires an update of this guide at least every 6 years.

I would like to thank also Congressman HALL for his assistance in getting the bill in the Economic Opportunity Subcommittee and being able to make it happen as quickly as possible, getting the cost of it assessed, and I believe that the bill will go a long way in

assisting our veterans and making sure that we have good housing.

Let me just give you one of the examples that we had. For example, the particular bill required that arm bars be built in these homes, that arm bars be installed in a restroom for a veteran who had his arms amputated, and there are other types of options that can be utilized, keyless entries and other forms. So this is definitely a bill that is helpful, and the purpose is to allow construction contractors who are updating disabled veterans' homes to be more flexible in employing state-of-the-art technology.

Once again thank you very much for allowing me this opportunity, Chairman FILNER.

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

Mr. FILNER. Madam Speaker, I urge my colleagues to support this bill.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 5664, as amended.

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

There was no objection.

Ms. HERSETH SANDLIN. Madam Speaker, I rise in strong support of H.R. 5664, a bill to direct the VA to update the plans and specifications for specially adapted housing furnished to veterans.

As the Chairwoman of the Veterans' Affairs Economic Opportunity Subcommittee, I would like to thank Representative RODRIGUEZ for introducing this important bill. I also would like to thank Veterans' Affairs Committee Chairman FILNER and Ranking Member BUYER for their support of the bill.

The VA's main grant program guide, which is provided to contractors to draw up plans and specifications to modify homes, was last updated in 1978. H.R. 5664 will ensure that the 30-year-old guide contains up-to-date directions and is applicable for today's veterans, who often come home from battle with injuries different than servicemembers from previous military conflicts.

Again, I thank Representative RODRIGUEZ for introducing this important bill. I encourage my colleagues to support it.

Mr. FILNER. 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 California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5664, as amended.

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

A motion to reconsider was laid on the table.

## SPINA BIFIDA HEALTH CARE PROGRAM EXPANSION ACT

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5729) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide comprehensive health care to children of Vietnam veterans born with spina bifida, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5729

*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 ''Spina Bifida Health Care Program Expansion Act''.*

***SEC. 2. PROVISION OF COMPREHENSIVE HEALTH CARE BY SECRETARY OF VETERANS AFFAIRS TO CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA.***

*(a) PROVISION OF COMPREHENSIVE HEALTH CARE.—Section 1803(a) of title 38, United States Code, is amended by striking ''such health care as the Secretary determines is needed by the child for the spina bifida or any disability that is associated with such condition'' and inserting ''health care under this section''.*

*(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to care furnished after the date of the enactment of this Act.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Madam Speaker, in this Congress we are blessed with having many new Members who take an active role in the legislative process and are writing legislation, and one of those is the gentleman from Indiana (Mr. ELLSWORTH), who brings us this bill, and I yield to him such time as he may consume.

Mr. ELLSWORTH. I thank the gentleman for yielding.

Madam Speaker, I rise today in strong support of H.R. 5729, the Spina Bifida Health Care Program Expansion Act.

This important issue came to my attention by my constituents Honey Sue Newby and the Nesler family of New Harmony, Indiana. Honey Sue's story is quite heart wrenching. She's a woman who lives with a complicated neurological disorder rooted in spina bifida, and her parents, Suzanne and Ron Nesler, provide her with around-the-clock attendance and care. Ron is Honey Sue's stepfather and, together with Suzanne, serves as her guardian and primary caregiver.

Honey Sue's biological father served 8 years as a marine and completed three combat tours in Vietnam. The VA concedes that Honey Sue's condition is the direct result of her biological father's exposure to Agent Orange, the defoliant and herbicide used by our Armed Forces in Vietnam.

For years the Neslers have attempted to clear seemingly insurmountable bureaucratic hurdles when seeking medical care for Honey Sue. Suzanne and Ron have to provide a letter from the doctor to the VA each and every time that she seeks care that her condition is directly related to her spina bifida. The Neslers have to repeat this routine despite the fact that Honey Sue is recognized by the VA as a level III child. At the VA level III children are eligible to the same full health care coverage as a military veteran with 100 percent service-connected disability.

H.R. 5729 will provide the Neslers and other people facing the same challenges with relief from the tedious administrative burdens by providing the beneficiaries of the Spina Bifida Health Care Program with comprehensive care. No longer will the burden be on the Neslers to prove that Honey Sue's condition and various health ailments are related to spina bifida and therefore Agent Orange. The requirement has been removed.

When this bill is passed by Congress and signed by the President, Honey Sue and the estimated 1,200 children—and, Madam Speaker, that's important to know that this is only 1,200 children with levels I, II, and III spina bifida as caused by a parent's exposure to Agent Orange will receive the same full health care coverage as military veterans with a 100 percent service-connected disability. This bill will give families the peace of mind that their children will have access to attendant care when they are no longer capable of providing for them. I know that this concern is of great importance to the Neslers.

Madam Speaker, the Congressional Budget Office estimates that the VA already provides roughly 90 percent of the comprehensive health care needs of these beneficiaries. In fact, the CBO estimates that the implementation of this program will add around $2,500 per person in 2009. This is a small price to pay, Madam Speaker, to ensure Honey Sue receives the health care she needs and Suzanne and Ron do not have to spend their days navigating their way through a frustrating maze of administrative paperwork.

I would like to thank the chairman, BOB FILNER, and the ranking member, Mr. BUYER, and the very capable staff of the Veterans' Affairs Committee for their leadership on this issue. I'd also at this time like to thank one of my staff in Evansville, Indiana, Emily Hayden, who has worked exceedingly hard to help the Neslers with the red tape that this bill aims to fix. Emily has shown such care and consideration for so many of my constituents that she deserves recognition. I'm proud to have her on my staff.

Madam Speaker, H.R. 5729, the Spina Bifida Health Care Program Expansion Act, follows through on these promises made to our brave servicemembers who have fought for our freedoms.

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

I rise in support of H.R. 5729, as amended, the Spina Bifida Health Care Program Expansion Act, which would amend title 38, United States Code, to

direct the Secretary of Veterans Affairs to provide comprehensive health care to children of Vietnam veterans born with spina bifida, and for other purposes.

Spina bifida is a developmental birth defect that affects the spinal cord. It is a debilitating disease that can cause a number of neurological problems including paralysis and cognitive disorders.

Under its current authorities, VA is providing monetary allowances, vocational training, and certain medical care benefits to more than 1,100 children of veterans from Vietnam and Korea who were born with spina bifida. The VA Spina Bifida Health Care Program began in 1997 as a benefit for children of Vietnam veterans exposed to Agent Orange. In 2003 Congress expanded this program to children of certain Korean conflict veterans as well. However, medical care benefits under the program are limited to those necessary for the treatment of spina bifida and related medical conditions.

Although VA is supporting about 90 percent of the health care needs of these beneficiaries, the current requirement to receive prior approval for services creates an undue administrative burden for those families seeking treatment for their children. As these children age, it is especially important that the complete and comprehensive health care is available to them.

Madam Speaker, I am pleased to support H.R. 5729, and I commend the gentleman from Indiana for bringing this to our attention. This bill expands VA's authority to cover all health care services needed for those who suffer with spina bifida as a result of their parents' service to our country.

Madam Speaker, I urge my colleagues to adopt this legislation.

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

Mr. FILNER. Madam Speaker, I would thank again the gentleman from Indiana (Mr. ELLSWORTH) for recognizing a problem, for having so much energy, and bringing us a solution.

We salute you for doing that.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 5729, as amended.

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

There was no objection.

Mr. FILNER. 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 California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5729, as amended.

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

A motion to reconsider was laid on the table.

## VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2008

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5826) to increase, effective as of December 1, 2008, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5826

*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 ''Veterans' Compensation Cost-of-Living Adjustment Act of 2008''.

**SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.**

(a) RATE ADJUSTMENT.—Effective on December 1, 2008, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2008, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under sections 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—

(1) PERCENTAGE.—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2008, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) ROUNDING.—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

**SEC. 3. PUBLICATION OF ADJUSTED RATES.**

The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased under that section, not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

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

This bill is called the Veterans' Compensation Cost-of-Living Adjustment Act, which was introduced by myself and Mr. RODRIGUEZ of Texas. And I want to thank our ranking member, Mr. BUYER, who, of course, supported this legislation and helped us to get here with unanimous support from our committee.

The fact that we were able to get this bill to the floor only a month after its introduction shows the House leadership's commitment to our Nation's veterans and their survivors.

Since 1976 Congress has passed a measure to direct the Secretary of Veterans Affairs to increase the rates of basic compensation for disabled veterans and the rates of dependency and indemnity compensation, so-called DIC, to their survivors and dependents, along with other benefits, in order to keep pace with the rising cost of living. The disability COLA here would be effective on December 1 of this year and will be equal to that provided on an annual basis to Social Security recipients.

Madam Speaker, this bill will provide over 3 million disabled veterans from the World War I era through the current conflicts in Iraq and Afghanistan that VA estimates will be receiving disability compensation for the coming fiscal year. It will help over 300,000 of their survivors during the same period.

Many of the nearly 3.5 million recipients of these benefits depend on these tax-free payments not only to provide for their own basic needs but those of their spouses, children, and parents as well. Without an annual COLA increase, these veterans and their families would see the value of their hard-earned benefits slowly erode.

□ 1430

We would be derelict in our duty if we failed to guarantee that those who sacrifice so much for this country receive benefits and services that don't keep pace with their necessities. I know we have had some disagreement over the past weeks over what, and how, our priorities for veterans should be funded. But on this bill, there is no disagreement. The veterans compensation COLA is included in the CBO baseline. In layman's terms, that means we have already paid for this.

Regardless of whether or not you agree or disagree with the funding of the war in Iraq, our young men and women who have served in our Armed

Forces deserve to be adequately compensated for injuries due to their military service. We fund the war, we must fund the warrior, and their families and their survivors, by ensuring their benefits will keep pace with their living expenses. Let's ensure that these benefits make ends meet at the end of the month.

Madam Speaker, as we approach our country's 140th Memorial Day commemoration, I ask all my colleagues to support this bill and send a clear message of support to our troops: You will be taken care of when you return, and we will not forget your sacrifice.

No action by a Member of Congress is more irritating to many Americans than those who say they support the troops but then turn a cold shoulder when those same troops come home, become veterans, and need our help to become whole again. That costs money; money we should not hesitate to spend, just like our military men and women did not hesitate to offer to lay down their lives to defend our freedom and the way of life that we cherish.

I ask my colleagues to consider these facts when voting on the full portfolio of veterans' legislation that is under consideration on the floor today, and of course to support passage of this bill, the Veterans' Compensation Cost-of-Living Adjustment Act of 2008.

I would reserve the balance of my time.

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

Madam Speaker, I rise in strong support of H.R. 5826, the Veterans' Compensation Cost-of-Living Adjustment Act of 2008. I would like to thank my colleagues, Mr. HALL of New York, chairman of the Disability Assistance and Memorial Affairs Subcommittee, and Mr. LAMBORN of California, the ranking member of the subcommittee, as well as the bill's sponsor, Mr. RODRIGUEZ of Texas, for the leadership on this bill.

This veterans' COLA would increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain disabled veterans. The COLA adjustment includes wartime disability compensation, additional compensation for dependents, clothing allowance, dependency and indemnity to surviving spouse, and dependency and indemnity compensation to children.

Madam Speaker, this is an important annual authorization, which provides much-needed assistance to our Nation's veterans, and every year receives unanimous support from the House.

With that, I yield back my time.

Mr. FILNER. Madam Speaker, I would yield such time as he may consume to the gentleman from Texas (Mr. RODRIGUEZ) who authored this bill.

Mr. RODRIGUEZ. Let me also once again thank Chairman BOB FILNER and Ranking Member BUYER. Thank you very much for the opportunity to speak regarding H.R. 5826, and thank you for allowing me the opportunity, Mr. Chairman, to sponsor this piece of legislation.

I want to also just take this opportunity on this bill to thank the chairman because I have had the opportunity to serve on the VA Committee for, prior to being gone for 2 years, 8 years, and I know we had a series of things that occurred and we were not able to make things happen during that period of time, and there was a great deal of frustration. But I do want to thank the chairman because this past year and a half has been one of the highlights, at least in my career serving on the VA committee, having the opportunity to not only hear and be able to make something happen for our veterans and be able to do the right thing. We have been able to make some significant pieces of legislation. So I wanted to take this opportunity to thank the chairman for his leadership in allowing us to make that happen.

We are all keenly aware of the burden our current economy places upon our American families. The same difficulties are magnified with the veterans and the families who rely on disability compensation provided through the VA. H.R. 5826, the Veterans Compensation Cost-of-Living Adjustment Act of 2008, seeks to address these challenges by increasing the compensation rates in line with the Consumer Price Index Social Security COLA.

We all know the difficulty that we are hearing back home with the cost of gasoline, the cost of food, and people losing their homes. This is essential, this cost of living. It's minimal, but yet it's extremely critical and important. I want to thank you for allowing me this opportunity once again to speak today, and for the considering of H.R. 5826, and I ask your support and I ask the possibility of a vote on this particular legislation, Mr. Chairman.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5826.

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

There was no objection.

Mr. FILNER. Madam Speaker, I urge all my colleagues to support H.R. 5826 and would yield back our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5826.

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

The yeas and nays were ordered.

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

## DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY AUTHORIZATION AND LEASE ACT OF 2008

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5856) to increase, effective as of December 1, 2008, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5856

*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 ''Department of Veterans Affairs Medical Facility Authorization and Lease Act of 2008''.

**SEC. 2. AUTHORIZATION FOR FISCAL YEAR 2009 MAJOR MEDICAL FACILITY PROJECTS.**

The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2009 in the amount specified for each project:

(1) Seismic corrections, Building 2, at the Department of Veterans Affairs Palo Alto Health Care System, Palo Alto Division Palo Alto, California, in an amount not to exceed $54,000,000.

(2) Construction of a polytrauma healthcare and rehabilitation center at the Department of Veterans Affairs Medical Center, San Antonio, Texas, in an amount not to exceed $66,000,000.

(3) Seismic corrections, Building 1, at the Department of Veterans Affairs Medical Center, San Juan, Puerto Rico, in an amount not to exceed $225,900,000.

**SEC. 3. MODIFICATION OF AUTHORIZATION AMOUNTS FOR CERTAIN MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS PREVIOUSLY AUTHORIZED.**

(a) MODIFICATION OF MAJOR MEDICAL FACILITY AUTHORIZATIONS.—Section 801(a) of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109–461) is amended—

(1) in paragraph (1)—

(A) by striking ''$300,000,000'' and inserting ''$625,000,000''; and

(B) by striking the second sentence; and

(2) in paragraph (3), by striking ''$98,000,000'' and inserting ''$769,200,000''.

(b) MODIFICATION OF AUTHORIZATION FOR CERTAIN MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS PREVIOUSLY AUTHORIZED IN CONNECTION WITH CAPITAL ASSET REALIGNMENT INITIATIVE.—

(1) CORRECTION OF PATIENT PRIVACY DEFICIENCIES AT THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, GAINESVILLE, FLORIDA.—Paragraph (5) of section 802 of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109–461) is amended by striking ''$85,200,000'' and inserting ''$136,700,000''.

(2) CONSTRUCTION OF A NEW MEDICAL CENTER FACILITY AT THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, LAS VEGAS, NEVADA.—Paragraph (7) of such section is amended by striking ''$406,000,000'' and inserting ''$600,400,000''.

(3) CONSTRUCTION OF A NEW OUTPATIENT CLINIC, LEE COUNTY, FLORIDA.—Paragraph (8) of such section is amended—

(A) by striking ''ambulatory'' and all that follows through ''purchase,'' and inserting ''outpatient clinic in''; and

(B) by striking ''$65,100,000'' and inserting ''$131,800,000''.

(4) CONSTRUCTION OF A NEW MEDICAL CENTER FACILITY, ORLANDO, FLORIDA.—Paragraph (11) of such section is amended by striking ''$377,700,000'' and inserting ''$656,800,000''.

(5) CONSOLIDATION OF CAMPUSES AT THE UNIVERSITY DRIVE AND H. JOHN HEINZ III DIVISIONS, PITTSBURGH, PENNSYLVANIA.—Paragraph (12) of such section is amended by striking ''$189,205,000'' and inserting ''$295,600,000''.

**SEC. 4. AUTHORIZATION OF FISCAL YEAR 2009 MAJOR MEDICAL FACILITY LEASES.**

The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2009 at the locations specified, and in an amount for each lease not to exceed the amount shown for such location:

(1) For an outpatient clinic, Brandon, Florida, $4,326,000.

(2) For an outpatient clinic, Colorado Springs, Colorado, $3,995,000.

(3) For an outpatient clinic, Eugene, Oregon, $5,826,000.

(4) For the expansion of an outpatient clinic, Green Bay, Wisconsin, $5,891,000.

(5) For an outpatient clinic, Greenville, South Carolina, $3,731,000.

(6) For an outpatient clinic, Mansfield, Ohio, $2,212,000.

(7) For an outpatient clinic, Mayaguez, Puerto Rico, $6,276,000.

(8) For an outpatient clinic, Mesa, Arizona, $5,106,000.

(9) For interim research space, Palo Alto, California, $8,636,000.

(10) For the expansion of an outpatient clinic, Savannah, Georgia, $3,168,000.

(11) For an outpatient clinic, Sun City, Arizona, $2,295,000.

(12) For a primary care annex, Tampa, Florida, $8,652,000.

**SEC. 5. AUTHORIZATION OF CONSTRUCTION OF MAJOR MEDICAL FACILITY, OKALOOSA COUNTY, FLORIDA.**

(a) AUTHORIZATION.—The Secretary of Veterans Affairs shall carry out a major medical facility project to construct a new medical facility of the Department of Veterans Affairs in Okaloosa County, Florida, in an amount not to exceed $54,475,000.

(b) FACILITY LOCATION.—The facility authorized to be constructed pursuant to subsection (a) shall be built in accordance with option 2 of the report to Congress dated June 26, 2007, required to be submitted under section 823 of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109–461; 120 Stat. 3449).

(c) PLAN FOR SHARING OF INPATIENT AND OUTPATIENT SERVICES.—Not later than 180 days after the date of the enactment of the Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a plan that sets forth terms and conditions for the sharing of inpatient and outpatient services at the medical facility authorized to be constructed pursuant to subsection (a).

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009 MAJOR MEDICAL FACILITY PROJECTS.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2009 for the Construction, Major Projects, account—

(1) $345,900,000 for the projects authorized in section 2;

(2) $1,694,295,000 for the increased amounts authorized for projects whose authorizations are modified by section 3; and

(3) $54,475,000 for the project authorized in section 5.

(b) AUTHORIZATION FOR APPROPRIATIONS FOR FISCAL YEAR 2009 MAJOR MEDICAL FACILITY LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2009 for the Medical Facilities account, $60,114,000, for the leases authorized in section 4.

**SEC. 7. FACILITIES ADMINISTRATION.**

Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report updating the progress of the Secretary in complying with section 312A of title 38, United States Code.

**SEC. 8. ANNUAL REPORT ON OUTPATIENT CLINICS.**

(a) ANNUAL REPORT REQUIRED.—Subchapter I of chapter 81 of title 38, United States Code, is amended by adding at the end the following new section:

**''§ 8119. Annual report on outpatient clinics**

''(a) ANNUAL REPORT REQUIRED.—The Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report on community-based outpatient clinics and other outpatient clinics. The report shall be submitted each year not later than the date on which the budget for the next fiscal year is submitted to the Congress under section 1105 of title 31.

''(b) CONTENTS OF REPORT.—Each report required under subsection (a) shall include the following:

''(1) A list of each community-based outpatient clinic and other outpatient clinic of the Department, and for each such clinic, the type of clinic, location, size, number of health professionals employed by the clinic, workload, whether the clinic is leased or constructed and operated by the Secretary, and the annual cost of operating the clinic.

''(2) A list of community-based outpatient clinics and other outpatient clinics that the Secretary opened during the fiscal year preceding the fiscal year during which the report is submitted and a list of clinics the Secretary proposes opening during the fiscal year during which the report is submitted and the subsequent fiscal year, together with the cost of activating each such clinic and the information required to be provided under paragraph (1) for each such clinic and proposed clinic.

''(3) A list of proposed community-based outpatient clinics and other outpatient clinics that are, as of the date of the submission of the report, under review by the National Review Panel and a list of possible locations for future clinics identified in the Department's strategic planning process, including any identified locations in rural and underserved areas.

''(4) A prioritized list of sites of care identified by the Secretary that the Secretary could establish without carrying out construction or entering into a lease, including—

''(A) any such sites that could be expanded by hiring additional staff or allocating staff to Federal facilities or facilities operating in collaboration with the Federal Government; and

''(B) any sites established, or able to be established, under sections 8111 and 8153 of this title.''.

(b) DEADLINE FOR FIRST ANNUAL REPORT.—The Secretary of Veterans Affairs shall submit the first report required under section 8119(a) of title 38, United States Code, as added by subsection (a), by not later than 90 days after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end of the items relating to subchapter I the following new item:

''8119. Annual report on outpatient clinics.''.

**SEC. 9. TECHNICAL CORRECTION.**

Section 807(e) of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109–461) is amended by striking ''Medical Care'' each place it appears and inserting ''Medical Facilities''.

SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Madam Speaker, this is one of the most important and difficult pieces of legislation to come to the Health Subcommittee of our committee. The chairman, Mr. MICHAUD of Maine, has done an incredibly good job, along with his ranking member, Mr. MILLER. I would yield to Mr. MICHAUD such time as he might consume to explain the bill.

Mr. MICHAUD. Thank you very much, Mr. Chairman.

I rise today in strong support of H.R. 5856, the Department of Veterans Affairs Medical Facilities Authorization and Lease Act of 2008. This legislation authorizes the Department of Veterans Affairs to build or lease major medical facilities across this country. I believe we must do everything possible to take care of the men and women who defend our Nation and fight for freedom around the world.

The facilities authorized in this legislation will provide the much-needed physical facilities around the country where we can take care of veterans for different health care reasons. This legislation has strong bipartisan support. We did take a lot of time working with the minority members and had hearings on this bill and actually went around the country to look at the facilities that the VA currently has. This bill is desperately needed to make sure that we keep upgrading and building the facilities that are needed around this great Nation of ours.

I do want to thank the staff on both the majority side and minority side for all their efforts in really moving this legislation forward. Especially I want to thank Mr. MILLER, who has been a strong supporter of this legislation. We spent hundreds of hours going through this proposal with committee staff and within the VA staff as well. I especially want to thank you, Mr. Chairman, and Ranking Member BUYER, for your interest in this legislation as well.

This legislation did receive a lot of interest from a variety of Members of Congress on both sides of the aisle, and we wish we could accommodate all the interest and concerns that we heard, but we were unable to do that at this time. We will be able to move forward with report language in this legislation that actually requires the VA to report back to the Veterans' Affairs Committee on how we deal with some of the lower cost items, CBOCs around the country, and look forward to that report. Hopefully, we will be able to move forward in a more aggressive way

and get the facilities that we need around the country.

With that, I would urge my colleagues to strongly support H.R. 5856.

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

Madam Speaker, I rise in support of H.R. 5856, the VA Medical Facility Authorization and Lease Act, which would authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 2009. I want to extend my compliments to Chairman MICHAUD and Mr. MILLER, and I think when Chairman MICHAUD thanked me for the interest, I think he meant, Thank you for the cooperation. I enjoyed working with you and your staff and the chairman in getting a bill to the floor.

Madam Speaker, this bill authorizes $2.2 billion to improve access to health care for our Nation's veterans. As we consider this construction authorization bill that includes VA's fiscal year 2008 and 2009 request, I would like to share my enthusiasm for the announcement Secretary Peake made on April 24, 2008, to change course in Denver and move to a joint facility, with which I know Chairman MICHAUD also concurs.

Secretary Peake announced that the VA intends to construct a new bed tower in partnership with the University of Colorado at Denver and the University of Colorado Hospital on university property at the former Fitzsimons Army Medical Center campus. Madam Speaker, I have been a strong supporter of moving forward with a joint use facility and believe that the idea of collaboration promises significant value as we move in to providing veterans access to care in the 21st century VA system.

There has been a long and detailed history of planning for a shared facility to replace the existing Denver VA Medical Center. Discussions between VA and the University of Colorado Hospital regarding the relocation of the Denver Veterans Medical Center to Fitzsimons campus started in the year 2000, and I am pleased to see this collaboration again moving forward.

H.R. 5856 would provide VA to authorize in the amount of not to exceed $769.2 million for the replacement of the Denver, Colorado VA Medical Center. This authorization was requested by the administration in February in its fiscal year 2009 budget submission.

Madam Speaker, I recommend at this time that we retain this $769.2 million authorization for a major medical facility in Denver contained in this bill as a placeholder. However, as the planning and design of the Denver partnership is further defined, it will be necessary to amend the authorization of this project.

H.R. 5856 also includes authorization for the construction of a fifth polytrauma center in San Antonio, Texas. VA's four current polytrauma centers are located in Richmond, Virginia; Tampa, Florida; Minneapolis, Minnesota; and Palo Alto, California. These centers provide a valuable service to injured servicemembers and veterans and are designed to provide comprehensive inpatient rehabilitation services for individuals with complex, severe, and disabling traumas. Creating a fifth polytrauma center in San Antonio reinforces our commitment to the veterans and servicemembers who have honorably served our country by expanding access to the southwest United States.

I also want to thank Chairman FILNER and Chairman MICHAUD with regard to the report language in the bill. We had some matters outside the bill that we needed to work through. I know the chairman had visited deep south Texas and I also went to deep south Texas to work on these issues that were brought to us by Mr. ORTIZ and Mr. HINOJOSA, and we were able to work through those, not only working with these members, being on the ground, talking to the veterans, working with the administration, and having that report language in here as we work with the University of Texas, I think, was prudent and wise.

I want to thank Chairman MICHAUD and Chairman FILNER for working through these matters.

I reserve the balance of my time.

Mr. FILNER. Madam Speaker, as I said before, we have some very active new members in our caucus, and Mr. KAGEN from Green Bay, Wisconsin, brought to us some needs he would like to speak on, and I am glad we know there are other needs in Green Bay besides a new quarterback. I would yield to him such time as he may consume.

Mr. KAGEN. Thank you for your kind comments about the needs for quarterbacks. I want to thank you for quarterbacking this bill, H.R. 5856 to the House floor and towards a successful passage. It has the support of Republicans and Democrats alike. While we may be divided about war policy and foreign policy, we are united behind the support of our troops.

□ 1445

Now, what does this bill do? It provides for 11 construction projects, $60 million, and 12 new leases in 2009. The construction projects range from Denver, Colorado, to San Antonio, Texas, to New Orleans, Louisiana. They involve lease projects from Eugene, Oregon, to Mesa, Arizona, to Mansfield, Ohio, and, of course, Green Bay Wisconsin, where the needs of our veterans require the construction of a new CBOC and also the presence of an outpatient surgical specialty area. This bill will take a major step toward developing the infrastructure of our Veterans Administration.

Let me add by saying that as a physician who has served for 6 years in veterans hospitals, we need to invest in our infrastructure of the Veterans Administration throughout the country, not just in Green Bay. H.R. 5856 authorizes $5.8 million in fiscal year 2009 for the lease of a new facility to expand the Community Based Outpatient Clinic in Green Bay. This lease will extend for 20 years.

Heretofore, we have had thousands and thousands of veterans in Northeast Wisconsin who had to drive beyond Green Bay, beyond Appleton, south to Milwaukee, to Zablocki in order to get the care they require. The new facility will offer specialty services heretofore not available in Northeast Wisconsin; lab work, radiology, physical therapy, pharmacy, mental health care services, dietetics, dental, podiatry, dermatology, urology, neurology, audiology, and social work. For many soldiers, the Comp and Pen examinations will be done closer to home, not just for their convenience, but also for their personal-family economy. After all, when the price of gasoline reaches $4 per gallon, it costs everyone a lot more to travel.

Madam Speaker, 1,500 patients now are waiting on a fee basis for service at the veterans facility in Green Bay. Hundreds and hundreds of veterans are on waiting lists to receive care that they require.

This project could not have happened without the strong bipartisan support of not just the chairman, but also the ranking member. So I thank you, Mr. FILNER, and also the subcommittee chairman as well. Thank you for putting your best efforts forward to making sure that the veterans in Green Bay and Northeast Wisconsin get the care they need close to home.

Mr. BUYER. Madam Speaker, I reserve my time.

Mr. FILNER. Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Chairman, once again, thank you for this piece of legislation. As indicated earlier, we have four major polytrauma centers throughout the country. The fifth one has been selected by a commission that was established, with the selection of the site in San Antonio. These polytrauma centers look at those veterans that are the most vulnerable in our community, the ones that have multiple problems. So this major polytrauma center in San Antonio is going to be a great addition.

Let me just add also that as we look at providing services to our veterans, one of the realities is that approximately 80 percent of our veterans never get to have any degree of access, so we understand that there is a big void out there. What happened at Walter Reed, in spite of the fact that that is a DOD facility, we also need to look at the facilities in the VA sites. And we know that we have been negligent in not providing the resources to upgrade those.

The reports that are going to be required by this language allow an opportunity for us to get a good grasp of what some of our needs are out there in terms of our VA facilities, and allows an opportunity for us to improve on

those, from nursing homes that are out there to clinics and to others.

As also indicated, in South Texas we have a large number of our veterans that don't have access and have to travel long distance for access to health care. I want to thank the leadership on both sides for going there and listening to the reports, Congressman ORTIZ, Congressman HINOJOSA, Congressman CUELLAR and others, about the lack of services for our veterans in Deep South Texas and the need for some of these facilities and resources.

Once again, I thank the chairman for allowing me this opportunity and for passing this piece of legislation.

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

Mr. RODRIGUEZ, when you go back to Texas over the Memorial Day break, I want you to share with your good friends in Deep South Texas how much I enjoyed the visit and their tequila. I don't know what it is about tequila that makes you either forget or remember the most, but I really enjoyed that, and you have much to smile for when you go back to Texas.

When I went to Deep South Texas, I also went to San Antonio and toured not only the burn unit at Brook and the Intrepid at Fort Sam Houston, but also I went over to the VA hospital and met with your hospital director and the team for the polytrauma center, and they are extraordinary. If you have the opportunity at all, I welcome you to visit the other polytrauma centers, or any of them. It is extraordinary what they do in that full continuum of care, and it is seamless as they move from the military to the VA and then back in.

There are always some bumps in the road, so as you take on this fifth site in your backyard, too often we place that burden on the families to be the case manager, and now in Wounded Warrior we say okay, we are going to assign case managers. But as we open up that fifth polytrauma center, we are going to look to your leadership to make sure the fifth site opens up and opens well. I just wanted to share that with you.

Mr. RODRIGUEZ. Mr. BUYER, I want to thank you also, because I do have a beautiful community, and we have a large number of both Afghan and Iraqi theatre soldiers that have come to the San Antonio area and the community there. We know that we have had our problems and our difficulties, but we are expanding those services, and I am extremely elated.

One thing I tell our veterans now is if they ever have had difficulties in the past, I am urging them to go back, go back and visit the VA. There is a lot of enthusiasm out there, and I am really pleased. Thank you very much for those comments, and you are welcome to come down and share a tequila.

Mr. BUYER. Please also know that I spoke with John Barnes, who is the owner of Panther Racing. We coordinated with the Surgeon General of the Army, and he is going to take the Indy car which is sponsored by the National Guard along with some of the Indy drivers to Fort Sam Houston to go to Brook Army Hospital to the burn unit and the Intrepid, and I think that is going to occur the first week of June.

I also would like to compliment Chairman FILNER and Chairman MICHAUD with regard to working with myself and Mr. LATHAM as we addressed his concerns that were brought to the committee in Northeast Iowa. We also had other issues that were brought regarding Fort Ord. As we all know, CARES was sort of that snapshot in time, and now we are 4 years beyond CARES and it is almost being overtaken by certain events. So I appreciate Chairman FILNER allowing us to work through some of these in our language, and we are going to have to address CARES No. 2 probably or redux here in the upcoming future.

With that, I urge my colleagues to adopt the bill.

Madam Speaker, I yield back my time.

Mr. FILNER. Madam Speaker, I certainly appreciate the remarks of Mr. BUYER and the bipartisan work that was necessary to get this bill to the floor in the current form.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I would ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5856.

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

There was no objection.

Mr. MILLER of Florida. Madam Speaker, I rise today in strong support of H.R. 5856, the VA Medical Facility Authorization and Lease Act of 2008. I am pleased that this bill will comprehensively address the needs of veterans throughout the Nation.

Important to delivering high quality care to our Nation's veterans is the planning for the construction of VA's substantial health care infrastructure. It is vital that veterans can continue to receive care where they need it most and will be able to receive it where they need it in the future. They have given so much for our country, and providing them with timely access to the best health care possible is just one important way we can show them how thankful we are for what all they have done.

This legislation improves access to care for veterans by ensuring that current VA facilities are modernized and that future construction occurs where it is needed. That means keeping track of where veterans live and locating facilities in those areas. Too often, veterans must travel great distances to receive their health care, but this is something that we can fix, and the VA Medical Facility Authorization and Lease Act of 2008 is an important step in that direction.

I commend Chairman MICHAUD for his work on this legislation through the Subcommittee on Health and the full Veterans' Affairs Committee, and look forward to its passage.

Mr. FILNER. 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 California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5856.

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

The yeas and nays were ordered.

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

## PROVIDING FOR PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR CERTAIN PARENTS

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6048) to amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6048

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

**SECTION 1. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.**

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

**"SEC. 208. CHILD CUSTODY PROTECTION.**

"(a) RESTRICTION ON CHANGE OF CUSTODY.—If a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order, that changes the custody arrangement for that child that existed as of the date of the deployment of the servicemember, except that a court may enter a temporary custody order if there is clear and convincing evidence that it is in the best interest of the child.

"(b) COMPLETION OF DEPLOYMENT.—In any preceding covered under subsection (a), a court shall require that, upon the return of the servicemember from deployment in support of a contingency operation, the custody order that was in effect immediately preceding the date of the deployment of the servicemember is reinstated, unless there is clear and convincing evidence that such a reinstatement is not in the best interest of the child.

"(c) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD'S BEST INTEREST.—If a motion for the change of custody of the child of a servicemember is filed, no court may consider the absence of the servicemember by reason of deployment, or possibility of deployment, in determining the best interest of the child.

"(d) CONTINGENCY OPERATION DEFINED.—In this section, the term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10, United States

Code, except that the term may include such other deployments as the Secretary may prescribe.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title II the following new item:

''208. Child custody protection.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

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

Madam Speaker, this bill, which was introduced by Mr. TURNER of Ohio, a member of our committee, amends the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation.

This measure restricts the ability of a court to order change in a custody arrangement that predates the deployment of a servicemember. It mandates that once a deployment is completed, the custody arrangements will be reinstated if changed during the deployment. The bill also requires that a court may not consider the absence of the servicemember because of deployment as a factor in determining the best interests of the child. Importantly, this bill provides courts with the ability to order a temporary custody arrangement or to prevent the reinstatement of a prior custody arrangement when the servicemember returns upon a showing of clear and convincing evidence that it is in the best interests of the child.

We are faced with a conflict between the protection of the rights of our servicemembers, which is a Federal responsibility, and child custody issues, which are traditionally within the purview of our States. I believe that Mr. TURNER's bill strikes the necessary balance between these interests and provides an important safeguard for our servicemembers and their children, and I urge my colleagues to support the measure.

I reserve the balance of my time.

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

Madam Speaker, H.R. 6048 would amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces deployed in supporting a contingency operation.

Very briefly, this bill would place restrictions on changes in child custody that a court could order during a period of a servicemember's deployment and upon the servicemember's return from deployment. Also, this bill would exclude consideration of military service from a court's determination of a ''child's best interests.''

Madam Speaker, I would explain to my colleagues that the paramount consideration in child custody cases is the best interests of the child. The simple fact that a servicemember parent is subject to deployment should not be permitted to work against him or her in child custody cases.

At this time I would defer to the author of this legislation, Mr. TURNER, who is an active member of the Veterans Affairs Committee, for a more detailed explanation of his legislation.

Madam Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. TURNER).

Mr. TURNER. Madam Speaker, I would like to thank House leadership, the House Armed Services Committee chairman, Chairman SKELTON, Ranking Member HUNTER, as well as the leaders from House Judiciary, Chairman JOHN CONYERS, and the Veterans Affairs Committee Chair and ranking member for their assistance in bringing H.R. 6048 to the floor today. I would like to thank our presiding Chair, ELLEN TAUSCHER, also for her support of this bipartisan bill.

This bill was originally included as an amendment to the House version of last year's National Defense Authorization Act when it passed the House by voice vote. The purpose of this bill is straightforward. It provides certainty to servicemembers deployed in a contingency operation that their child custody arrangements will be protected.

Imagine the stress and conflict in serving your country and fearing that a court will take your children away because of your service. In some cases, courts have overturned established custody arrangements because a custodial parent has served our country in a contingency operation such as Iraq or Afghanistan.

Recently, many cases have come to light where servicemembers who have been deployed have had their military service used against them in custody hearings. One such case was that of Eva Slusher. Eva spent nearly $25,000 and years trying to regain custody of her daughter after fighting courts that used her deployment as a factor against her.

We have heard from other servicemembers who have had similar court battles. In fact, recently my office learned about a servicemember who during her custody proceedings was told by a judge that the mere possibility of her deployment weighed against the best interests of the child in denying her custody.

Madam Speaker, I would like to submit for the RECORD two letters that were written to my office by servicemembers detailing their stories of how this legislation could have helped.

□ 1500

One of those letters is from Heather Watkins, and I want to read some excerpts from that letter. She writes:

At the time of the final custody hearing for my children, the court stated that even though he believed I was a good parent, my being stationed on the USS *Dwight D. Eisenhower* prevented me from being able to care for my children. Shared custody was granted.

In a subsequent court proceeding, the court again stated that he believed I was a good parent and stated that, with the way of the world today, I cannot be sure that you will not be called off of shore duty and deployed back to sea.

In June 2005, I was honorably discharged. It was implied to me by the court that once I was out of the Navy, I would be able to obtain custody of my children. This has not proven to be true. I was proud to serve my country in the Armed Forces for 13 years, but at this time I believe my children were the price I paid for the privilege of protecting the United States of America.

DEAR SIR AND MADAM, I urge you to support the Bill for amendment of the Service Members Civil Relief Act to provide for the protection of child custody for parents who are members of the Armed Forces deployed in the support of a contingency operation as presented by Congressman Mike Turner.

I have been separated/divorced from my ex-husband since 1998. At the time of my divorce I did not dream that my being a Proud Active member of the United States Armed Services could or would be utilized as a tool to separate me from my children.

At the time of the final custody hearing for my children the court stated that even though he believed that I was a good parent, my being stationed on the USS *Dwight D. Eisenhower* prevented me from being able to care for my children. Shared custody was granted.

I re-enlisted in 2001 on the advice of my lawyer to maintain work and income stability. My ship was in dry dock for many months of scheduled maintenance and I was on the shore duty portion of my enlistment contract. My next court date was in October 2001. At the time of my court date, the terrorist attack of September 11 against the United Stated of America was very fresh in the minds of the U.S. citizens and the court. He again stated that he believed that I was a good parent and stated that, with the way of the world today, I cannot be sure that you will not be called off of shore duty and deployed back to sea. The court also voiced concerns that I would join the reserves and not be available to my children. The custody arrangement for my children was left unchanged.

In June 2005, I was Honorably Discharged. It was implied to me by the court that once I was out of the Navy, I would be able to obtain custody of my children. This has not proven to be true. As of today, I do not have custody of my children. The court does not wish to hear this case again. I have permission to change venue but am unable to find a Judge or court that will hear my case.

I have not spoken to or had other contact with my children since 12–26–2007. My calls to them have been unanswered and unreturned. I have been unable to get any assistance on local or state levels.

I was proud to serve my country in the Armed Forces for 13 years but at this time I believe my children were the price I paid for the privilege of protecting the United States of America. Again, I urge you to support this Bill as presented by Congressman Mike Turner and prevent any other children being separated from loving parents by virtue of their serving their country.

Respectfully,

HEATHER A. WATKINS.

Another letter I have is from Eva Slusher, and she writes that she was a full-time member of the Kentucky

Army National Guard, proudly serving her country for nearly 19 years. In February of 2003, she was called to Active Duty to support the war on terror. She writes:

Initially, it was believed that I was going to Iraq, but once we arrived at Fort Knox, it was decided that our Personnel Services Detachment would be better used at Fort Knox to assist with the large number of troops mobilizing and that they were not equipped to facilitate. When I was alerted, I had three days to report. As a single parent, I made arrangements for my child, packed her up and moved her, and wrapped up all my affairs, financial and otherwise, in those three days. My ex-husband and I decided that Sara should stay with him while I was gone, but that it would only be temporary and that she would come back home when our tour was over.

After her tour was over, custody to her was refused.

In August 2004, we went to court. I was under the impression that we were there to have my rights as the custodial parent enforced as no one had filed a motion to change custody. However, the next week I received the ruling that Sara was to stay with her father as she was settled in and that was in her best interest. I was penalized for the time spent away from her in service of my country.

She ends with: Everyone wants to talk about supporting our troops. I beg you to support this legislation in order to support our troops.

MAY 19, 2008.

MEMBERS OF CONGRESS,
*Washington, DC.*

DEAR MEMBERS OF CONGRESS:

I am writing this letter in reference to Congressman Turner's Bill, HR 6048. I, personally, experienced the injustice of losing custody of my child, for no other reason than service to my country. It cost me 2 years of anguish and nearly $25,000 to get my daughter back. This proposed legislation is necessary to prevent this discrimination against our servicemembers.

I am LT Eva Slusher (formerly Crouch). I am a full time member of the Kentucky Army National Guard, proudly serving my country and State for nearly 19 years. I joined the military when I was 17 years old and a senior in high school. The military has paid for my college education and provided me with reliable, steady employment all of these years.

I am also a mother. My daughter, Sara, was born in 1994. Her father and I were divorced in 1996. When we divorced, I was award primary physical custody of my daughter, and her father had visitation. My military service was not questioned. This arrangement went unchallenged, even when I moved over 150 miles away from my ex-husband. I raised that child by myself, without any help from him while I worked full time and put myself through college. Sara was my life. Every day revolved around her. I volunteered at her school every other Monday (my day off); she played softball, soccer and cheered. I was an assistant coach of her soccer and cheerleading. I cooked dinner, helped with homework, bathed her and read her bedtime stories every night. I was an exceptional, loving and attentive mother.

In February 2003, I was called to active duty to support the War on Terror. Initially, it was believed that I was going to Iraq, but once we arrived at Ft. Knox, it was decided that our Personnel Services Detachment would be of better use at Ft. Knox to assist with the large number of troops mobilizing that they were not equipped to facilitate.

When I was alerted, I had 3 days to report. As a single parent, I had to make arrangements for my child, pack her up and move her and wrap up all of my affairs (financial and otherwise) in those 3 days. My ex-husband and I decided that Sara should stay with him while I was gone, but that it would only be temporary and that she would come back home when my tour was over.

I was very fortunate to have stayed in country and close enough that I could visit with Sara on the weekends. Nearly every weekend, I drove the 4½ hours from Ft. Knox to Ashland, KY to see her. I would pick her up and we'd stay in a hotel, and go to movies, dinner, shopping, etc. Many weekends, I would stop by Frankfort on my way and pick up one of her friends, so she could stay in touch with them. I spent about $300 per trip on gas money, hotels, food and entertainment, but it was all worth it to be with my daughter.

On July 20, 2004, as I pulled into my driveway, I called my ex-husband on the cell phone and told him I was home and that I would be picking Sara up the next day, and to please have her things packed. His response was ''Not without a court order''. Until that moment, no one made any indication to me that Sara would not be coming home as planned. I immediately hired an attorney to file a motion to have my daughter returned to me. In August 2004, we went to court. I was under the impression that we were there to have my rights as the custodial parent enforced, as no one filed a motion for change of custody. However, the next week I received the ruling that Sara was to stay with her father, as she was settled in there and it was in her ''best interest''. I was penalized for the time spent away from her in service to my country. When I got divorced the courts deemed me a fit parent, but now, suddenly, because I served my country, I should not be allowed to raise my child anymore? I was completely appalled! It never occurred to me that this could happen. Soldiers are protected under the Servicemember's Civil Relief Act, or so I thought; an employer has to give me my job back after I return from a deployment, but they don't have to give me my child back? That is insane!

I was devastated. After having a life that was so full of her, I now came home to an empty house every day! I didn't know what to do with myself! Sara was terribly distraught over the whole situation, to the point that we had to take her to Cincinnati Children's Hospital for stomach problems, all stress related. I only got to see her every other weekend, and she would cry and beg me not to make her go back. It ripped my heart out! Why would a parent put his child through all of this? The real question is: How could our justice system allow this to happen? I still don't have an answer for that.

After the Court ruling, I hired a new lawyer and we appealed the ruling. In September 2005, they ruled in my favor and my ex-husband appealed to the Kentucky Supreme Court. In September 2006, they also ruled in my favor and my daughter came home on October 15, 2006. I spent more than 2 years and between $20,000 and $25,000 in legal fees. Sara is now a happy, healthy, well adjusted child, but I lost so much time with her, and she is not the child I set out to raise. Our lives were turned upside down and the results are everlasting. All of this because I was deployed . . .

It is a disgraceful injustice to punish a Soldier for their service. The military has done so much for me: a college education, a way to pay my bills and feed my family, a sense of honor and pride . . . When they called on me to do my part, what should I have done? Said ''No thanks, I need to stay home . . .'' Even if that were an option, which it is not, I could not do that. It is not the right thing to do. Loyalty, Duty, Respect, Selfless Service, Honor, Integrity, and Personal Courage: these are the things I stand for, should I lose my child for that? What kind of message is that sending? How is the United States Military supposed to recruit when you send a message like that? Don't we, as Soldiers, already sacrifice enough? How is a Soldier to concentrate on his/her mission while worrying about what will happen to their children? No Soldier should have to incur the emotional and financial cost that I have, only because they serve their country.

I have my daughter back home with me, but I cannot sit back and allow this to happen to others if I can do anything about it. Since my story was publicized, I have learned that many other Soldiers have also had to deal with similar situations. Not to mention that every unmarried parent in the military, and every parent that has children from previous relationships and any parent that may be divorced in the future has to be concerned with whether or not they may be penalized for their service. This is not the way to treat our military service members.

Due to the nature of military service, there really needs to be guidance at the federal level. This issue needs to be spelled out as it is in Congressman Turner's Bill: (1) No court may permanently alter an existing custody agreement while a military parent is deployed; (2) Upon the return of the service member from deployment, any temporary change in custody shall be immediately reversed; and (3) No court may consider a military parents' deployment in determining the best interest of the child. Had this been the law in 2004, my daughter and I would not have had to deal with the separation, stress, expense and lifelong effects of a prolonged custody battle.

Everyone wants to talk about supporting our troops, I beg you to support this legislation in order to support troops. We are not asking for any special consideration, only that our military service not be used against us.

Very Respectfully,

V. EVA SLUSHER,
*Frankfort, KY.*

She has since regained custody of her daughter.

This bill prevents judges from changing the custody arrangements of servicemembers and their children during a servicemember's deployment unless clear and convincing evidence says a change would be in the best interest of the child. The purpose of this provision is to ensure that while one parent is deployed, another party cannot permanently change custody arrangements. Temporary orders may be enacted and entered until the serving parent returns.

Additionally, the bill requires a return to the original predeployment custody arrangement after the servicemember returns from the contingency operation. And, finally, the bill prohibits the use of a servicemember's absence because of their deployment, or the possibility of deployment, against that servicemember when ascertaining the best interest of the child. Their service cannot be used against them.

Much is asked of our servicemembers, and mobilization can disrupt and strain relationships at home. This additional protection is needed to provide them peace of mind that the courts will not take away their children because they answered the country's call to serve or have the possibility of being called to serve. This bill protects them and it protects their children.

Again, I thank the House leadership for their support of this bill, and I urge my colleagues to vote for it.

Mr. BUYER. As a practicing attorney during my private law practice in Monticello, Indiana, I handled a number of child custody cases, and as an Army JAG officer on Active Duty I provided legal assistance to servicemembers in child custody cases. I have a practitioner's perspective on these issues, and, quite frankly, they are some of the hardest cases I have seen where two parents are in a legal contest over the custody of their child.

From my perspective, I appreciate Mr. TURNER's objective of ensuring fair treatment of servicemembers in child custody matters when they are deployed and when they return home.

When I first learned just a few days ago that this bill had been introduced on the suspension calendar without any consideration by the Veterans' Affairs Committee, the committee of jurisdiction, I read the bill and had some questions. I wanted to know what were the official positions of the Department of Defense and the American Bar Association, Family Law Section. The answer was that neither had been asked for an official position, so none was available. There has never been a legislative hearing on this bill by any House committee to examine the legislation and to allow stakeholders to present their views.

Mr. TURNER's initiative and passion on this issue is commendable. As this legislation moves forward, I would like to work with my distinguished colleague from Ohio to ensure that the final product does what we would all like it to accomplish.

Madam Speaker, this amendment to the Servicemembers Civil Relief Act would, to the extent as applicable, have a preemptive effect on the existing body of State case law and statutory law in terms of substantive Servicemembers Civil Relief Act rights and protections, as well as the burdens of proof and procedures of each jurisdiction. However, I want to make clear that this legislation should be construed to provide additional remedies to those already available under the Servicemembers Civil Relief Act and State law. This measure is intended to expand the rights and protections of servicemembers, and not to result in any limitation of the Servicemembers Civil Relief Act as it applies to military family care plans, other custody cases, and family court matters not having a custody order in effect.

Madam Speaker, I want to thank Mr. TURNER for his active support and advocacy of our Nation's servicemembers and veterans, and I look forward to working with him as this bill goes to the United States Senate.

I yield back the balance of my time.

Mr. FILNER. Madam Speaker, we are coming to the conclusion of the 10-bill package that the Veterans' Affairs Committee presented today on the floor in anticipation of the Memorial Day holiday. We honor those whose lives were lost serving their Nation, and in their memory we have presented these 10 bills that provide a variety of benefits in all kinds of ways. And I thanked all the members of our subcommittees, but I want to thank the staff on both the majority and minority side who have participated in the drafting and the amending of these bills. It takes a lot of work from the staff, and we want to both, Mr. BUYER and I, thank them.

I will yield to the gentleman from Indiana.

Mr. BUYER. I thank the gentleman for yielding. All of these bills that we brought to the floor today take many, many hours on behalf of not only the staff on the Republican side but also the Democrat side, and they have grown together and they work well together. I want to thank the gentleman for his cooperation.

Mr. FILNER. Thank you, Mr. BUYER.

Madam Speaker, as I said, as we prepare for Memorial Day, I think all of us in this Congress want to assure the servicemembers who have served this Nation in the past and those who are deployed today.

We are fighting a war that is very divisive in this country and in this Congress, but we are united in saying that every young man and woman who comes back from that conflict is going to get all the care, the love, the attention, the honor, and dignity that they deserve.

They are coming back with enormous difficulties, many of them. Because of the advances in our medicine and the incredible expertise on the battlefield of those who medivac these injured out, the incredible medical teams in the forward base hospitals and the regional hospitals and in Germany, we are saving lives that in previous wars would not have been saved. If you survive a battlefield injury, you will have a 95 percent chance of surviving the war. That is an incredible statistic when compared to any other war in history.

But that means, when these soldiers come back there is a very high percentage of those with brain injury, a very high percentage of those with psychological wounds, one of which we refer to as PTSD, posttraumatic stress disorder. And we have an obligation as a Nation to treat every single one of these with the maximum quality of health care that they can get in this Nation. And yet, we have had examples of soldiers all around the Nation who have simply not gotten the attention that they require.

We have had reports of soldiers showing up to medical facilities saying they had PTSD or suicidal thoughts, being told that there was nobody to meet with them for 4 or 5 weeks, and they would go home and commit suicide. We have had lots of reports of those who did not receive adequate care. At the same time, we were not getting the full information on the numbers of cases of PTSD, the amount of resources needed to deal with them, or the number of suicides that were committed or are being committed by our Nation's veterans.

Madam Speaker, each month we have 1,000 suicide attempts by those under care of our VA system. And those under care mean only about one-fifth of all the veterans in our Nation. That is an astounding statistic which says that we have a job to do about mental health and about dealing with these, especially psychological injuries.

And we know what happens if we don't do our job right with these young men and women. We already had the canaries in the mine with our Vietnam vets. When our veterans returned from Vietnam, many of us who were opposed to that war made a mistake. We did not differentiate between the war and the warrior, and so the warriors did not get all the care, the love, the attention, the honor, and dignity that I talked about earlier. And this society has paid a heavy price for that. Individuals, families, neighborhoods have paid a heavy price. Half of the homeless on the street tonight, Madam Speaker, are Vietnam vets, about 200,000.

There have been more deaths by suicide of Vietnam vets than died in the original war by combat. And we have had the head of our mental health agency in this Nation say that the same will be probably true of Iraq; we will have more suicides than battlefield deaths.

That is not only a tragedy, but it is a preventible tragedy. We have to say that we are going to put the resources in to deal with these issues. It is part of the cost of war. As I said earlier, Madam Speaker, we are spending $1 billion every 2 days on the war in Iraq. Surely we can spend the hundreds of millions or billions that are required to treat the mental health needs of our older veterans and our newer veterans. This is absolutely required. We must do this job and do it right.

As George Washington said, the biggest factor in the morale of our fighting troops is the sense of how they are going to be treated when they come home. We have to do a better job of treating them when they come home.

Our committee, Madam Speaker, and this Congress provided in this fiscal year and the coming fiscal year almost $20 billion of new money for health care. That represents over a 40 percent increase in the budgets that we started off with 2 fiscal years ago. Our job is to make sure that the money is spent right, our oversight job. Now that they have the resources, are they hiring the

mental health professionals? Are they doing the diagnoses and treatments?

It is absolutely apparent, Madam Speaker, that tens of thousands of our young people are getting out of the military or the Reserve or the National Guard without being adequately diagnosed for brain injury or PTSD. Let me say that again. We have tens of thousands of our young people being discharged from the military or from the Reserve or National Guard without diagnosis for PTSD or brain injury. That means tens of thousands of ticking time bombs are out on the street. We need to do a better job.

There is a stigma against adequate evaluation and early treatment. The military, or at least many members of the military, seem to give their younger troops the sense that it is not macho, it is not marine-like, it is not soldier-like to have mental illness. That it is a weakness. You have got to buck up, sergeant, and not have any mental illness. So we have folks who get a questionnaire about some of the risk factors, and they just say no. They know they are supposed to say no, because they want to be home, they don't want any influence on their future career or any possible promotion. So there is a dynamic within our military not to adequately diagnose.

The VA says they have mandatory screening for these illnesses, for these injuries when people come to the VA for treatment. Well, they may not come to the VA for treatment. We don't have an outreach that goes after every single one of them. And when they come in, they get a questionnaire by an intake clerk of two questions. Anybody who wants not to have any of the stigma of mental illness knows to say no on those two questions. Besides, we are told there are 15 risk factors for PTSD and suicide. Why don't we ask about all of them? Why don't we have a mandatory evaluation by competent mental health personnel before anybody gets discharged or leaves the National Guard or leaves the Reserves? This has to be done, Madam Speaker. We have to get rid of the stigma and do it in a way where we allow the soldiers to do it as part of their company, for example, so they have that comradeship and with their family to help both diagnosis and treatment.

So we have a big job to do as we celebrate this Memorial Day. We have a job to do with the 1.6 million troops who have been deployed already, 800,000 of them have returned home. We have a great deal to do with the other 23 million of our veterans from previous wars.

□ 1515

We have to do this job right, Madam Speaker. And on this Memorial Day, let us recommit ourselves to doing the job right.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I would ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and add extraneous material to H.R. 6048.

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

There was no objection.

Mr. FILNER. I would yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 6048.

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

A motion to reconsider was laid on the table.

## ADDITIONAL TEMPORARY EXTENSION OF SMALL BUSINESS PROGRAMS

Ms. VELÁZQUEZ. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 3029) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3029

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

**SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.**

(a) IN GENERAL.—Section 1 of the Act entitled ''An Act to extend temporarily certain authorities of the Small Business Administration'', approved October 10, 2006 (Public Law 109–316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 110–136 (121 Stat. 1453), is amended by striking ''May 23, 2008'' each place it appears and inserting ''March 20, 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on May 22, 2008.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

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

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

There was no objection.

Ms. VELÁZQUEZ. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, today we will consider a short-term extension for programs in the Small Business Act and Small Business Investment Act. The measure extends the authorization of the Small Business Administration and these programs through March 20, 2009. This measure will ensure continued operations at the agency.

The legislation comes before us at a time when the American economy is facing many challenges. Fallout from the subprime crisis is driving a tightening of the credit market, the average price of a gallon of gas is almost $4, and unemployment is rising.

Entrepreneurs can help reverse these trends, if they have the proper tools. Throughout the 110th Congress, the Committee on Small Business has been working to improve and revitalize the economic environment for business activity. With nearly 20 bills passed out of the House, these reforms have been a collaborative and bipartisan effort. With the input of Ranking Member CHABOT and other Members of this body, this has included major changes to SBA programs which affect millions of small businesses.

We have already passed measures into law that will help small businesses cope with rising energy costs, as well as become part of the solution. The President also signed a bill earlier this year that provides needed assistance to veteran business owners. And just last week, the House and Senate cleared a package to strengthen the SBA's disaster relief initiatives, which failed so many Americans during Hurricane Katrina.

The House has also reported legislation that is awaiting Senate action. These include reforms to streamline the SBA access to capital initiatives, improve contracting opportunities, and increase the outreach of entrepreneurial programs. We will continue working with the Senate to get these reforms signed into law.

This extension would allow the chamber to move its own versions, setting the groundwork so we may work out any differences. In the interim, and in the midst of a weakened economy, it is essential that these programs continue to serve small firms. The SBA is the sole Federal agency charged with assisting these entrepreneurs, and this bill allows the agency to continue to meet their needs.

I urge support of the bill.

I reserve the balance of my time.

Mr. CHABOT. Madam Speaker, I rise today in support of this particular legislation, and I yield myself such time as I may consume.

The bill is very simple, Madam Speaker. It extends the authorization of all programs authorized by the Small Business Act, the Small Business Investment Act, and any program operated by the Small Business Administration for which Congress has already appropriated funds. This extension will last until March 20, 2009.

The extension is necessary because authorization for various programs operated by the Small Business Administration ceases on May 23, 2008, so in just a couple of days.

Working in a bipartisan effort with Chairwoman VELÁZQUEZ, as she always does, she's reached out many occasions to work in a bipartisan fashion in the committee. The committee has ordered 15 bills to be reported out of the committee, all of which have passed this body, the House of Representatives.

The most recent action taken by the House was the recent passage of legislation to extend the Small Business Innovation Research Program. With the passage of this bill, the House has finished all the necessary work to reauthorize all of the programs overseen by the Small Business Administration.

Even though the House finished its deliberations, we operate in a bicameral legislative system, of course, and time is needed for the legislative process to run its course and enable the two bodies to resolve any disagreements on the best way to move the Small Business Administration forward and helping America's entrepreneurs. That work simply cannot be completed by this Friday, and given the upcoming legislative work on appropriations matters, it remains unclear when the two bodies will be able to commence deliberations to iron out their differences.

As a result of the need for following regular order and ensuring due deliberation of important issues to the American economy, I would urge my colleagues to suspend the rules and pass S. 3029.

However, there are additional items that I believe this House should address when it comes to small business. We're looking at access to capital in the Small Business Administration, and that is one of the areas that small businesses all around the country struggle it, with, access to capital.

Taxes is another big issue, and that's why I believe that the tax cuts that we pass should be made permanent because many of the people who would benefit from those, that tax relief are small business owners, and they hire about 70 percent of the new workers in this country. So I believe we should make those tax cuts permanent.

Regulatory reform needs to happen. Small businesses continue to be overregulated, as many parts of our economy are. Health care is important. That's why we believe that Association Health Plans should pass. We ought to make sure that businesses are able to provide health care for their employees.

But there's one area that this Congress, I believe, has been woefully remiss in not addressing, and that's the area of energy, the fact that whether it's natural gas to heat our homes in the wintertime, or whether it's filling up one's gas tank at all-time record highs of almost $4 a gallon, it's absolutely unconscionable that Congress has not acted in a responsible manner and a bipartisan manner to actually do something to bring those gas prices down. Why are we seeing these gas prices at all time highs?

Well, we are far too reliant upon foreign sources of energy. Is there anything we can do about this? Absolutely.

I've been in Congress for 14 years, and I've voted 11 times to allow us to explore and drill and go after energy up in Alaska, in ANWR, where we believe we have up to 16 billion barrels of oil which is being kept off-limits.

So we're essentially handcuffing ourselves and saying, you can't go up there at all, even though most Alaskans are all for it. They believe that we should be able to go up there, as do most of their representatives, as do an awful lot of Members of this House. And we had the votes in previous Congresses to pass that here in the House. As I say, I voted for it 11 times. But we didn't have the votes over in the Senate.

But I just think it's absolutely outrageous that we've kept 16 billion barrels of oil off-limits. And that's only the start. We've also kept the entire Outer Continental Shelf off-limits. We think we have 86 billion barrels of oil there, and trillions of cubic feet of natural gas to heat our homes in the wintertime, which we've kept off-limits.

Now, we're not going to go after it, but Cuba has entered into an agreement with China to go after this oil out there that we ought to be getting. And so they're going to take advantage of it and we're not. And that's one of the main reasons that we see these high gas prices out there, because we have to buy the oil from somewhere, so we continue to buy it from some of the most unstable parts of the world, like the OPEC countries especially in the Middle East.

We're also buying oil from Venezuela. Hugo Chavez is down there, really a bitter enemy of the United States, yet we're forced to buy his oil. We buy oil from Mexico and Canada, Nigeria and other countries around the world as well. But we ought not to allow ourselves to be so dependent on foreign sources of energy.

We ought to go after those areas that we have control over, that we don't have to ask anybody's permission. But this Congress has kept that oil off-limits, and that's one of the main reasons we see prices as high as they are right now.

In addition, if we had the crude oil here, which we don't, but if we had it, we can't refine it quickly enough to be able to put it into our cars. Why? Because we don't have enough oil refineries in this country.

Back 30 years ago, which is the last time, more than 30 years, 32 years ago is the last time we built an oil refinery in this country. The regulations now make it virtually impossible to build an oil refinery. So we ought to change those regulations. We ought to make sure that we do it, you still build these refineries in an environmentally safe manner, just as we go after the oil in ANWR and the Outer Continental Shelf in an environmentally safe and friendly manner. But those are the types of things that we need to do. But because we take no action in those areas, we haven't built an oil refinery in this country in over 30 years.

We've put nuclear off-limits, no more nuclear power plants about 20 years ago. France can produce 75 percent of their electricity, completely, safely. But we can't do that in the United States? I don't think so. I think that's just a very bad policy that we enacted about 20 years ago, making it impossible to build nuclear power plants. We need to change that.

Finally, we need as well to make sure that we have sufficient dollars going into research so that we can go after the cutting edge types of energies that are going to power us in the future, solar, wind, biomass, hydrogen fuel cells that we may be able to power our cars by in the future.

But most of these things, for the most part, are in the future. Yes, we do have wind now. But we're talking about less than 1 percent of the power in this country. So we have to have energy going in; we have to have sufficient dollars going into those technologies of the future.

But the bottom line is that at this time oil is one of the principal ways that we power our automobiles and other important things in this country. And when we put that stuff off-limits and we continue to buy it from foreign sources, we're going to continue to see these high prices. And that's just wrong.

The American people are suffering right now. We should have taken this action a long time ago. But since we didn't, we need to do it immediately. And that's what really bugs me when I hear people talk about, well, even if we opened up ANWR now, we're not going to have that oil for years. Well, that's why we should have opened up ANWR a long time ago. But we can't go back and undo what was, we can't go back and do what we didn't do back then, but if we passed it now, a lot of the price at the gas pump is reflected in speculators, what they think oil is going to be like in the future. If we opened up ANWR, I think you'd see an immediate effect on the prices at the pump that we would pay.

People are sick and tired of the high prices we're paying. It's time that Congress act, and we ought to act sooner rather than later.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Speaker, I have no further speakers, if the ranking member is prepared to close.

Mr. CHABOT. I would like to yield such time as he may consume to the gentleman from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. Madam Speaker, may I inquire how much time is remaining.

The SPEAKER pro tempore. Eleven minutes.

Mr. SHIMKUS. Madam Speaker, this short-term extension is important. It's just too bad that we couldn't extend the low cost of energy that we had 18 months ago. Eighteen months ago the price of a barrel of crude oil was $58.31. Today it's $128 a barrel, a $70 increase.

What's important to small businesses is the cost of doing business. And the increase in energy cost, the increase in liquid fuel cost, the increase in electricity cost, bears a disproportionate share of the cost today, more so than 18 months ago.

□ 1530

Mr. WU. Would the gentleman yield?

Mr. SHIMKUS. I would be honored to yield to my friend from Oregon.

Mr. WU. Would my friend care to cite to us the price of a barrel of oil when this administration took power in 2001?

Mr. SHIMKUS. It was $27 a barrel when this administration came in.

Mr. WU. Would the gentleman care to cite the price of a barrel of oil when the war in Iraq began?

Mr. SHIMKUS. Do you know what it was?

Mr. WU. I was hoping——

Mr. SHIMKUS. I will debate this issue. This issue is about supply. I don't care who's responsible. This issue is about bringing more supply into the market. When a barrel costs $128 versus $58, this is what you get: You get gas prices that were at $2.33 when this Congress got sworn in to prices today that are $3.80 because we will not expand our supply.

Now, if you add climate change, my friend from Oregon is a good friend of mine, and I know he's concerned about climate change and global warming and a cap-and-trade system, conservatively, that's going to add 50 cents to a gallon of gas to comply with climate change. So today the average price $3.80, plus 50 cents, $4.30.

Now, I think yesterday in Chicago without the climate change gas tax increase, it was $4.50 a gallon.

So the debate is when are we going to say that it's okay to do these things? When is it okay that we can take coal and turn it into liquid fuel? When is it okay to go off the Outer Continental Shelf and harvest those billions of barrels of oil, those trillions of cubic feet of natural gas? When is it going to be okay to say let's continue to move aggressively in cellulosic and biofuels, coal-to-liquid, OCS, wind, and solar?

In 20 years, we're going to increase our electricity demand by 50 percent. We have to bring on more supply. We have to bring on more baseload supply because in rural America, which I represent, in over 30 counties it takes 2½ hours to drive from one part of my district to another. We don't have mass transit. We don't have light rail. In fact, it's an agricultural economy. It runs on big diesel trucks to haul the cattle, to haul the horses, to haul the hay. Diesel prices have doubled.

And so because of that, what we're trying to say is it is time that we start addressing and bring this to the floor. The chairwoman herself said in her opening statement, We have brought policies here, this Congress, to lower the cost for small business. That's kind of like the Speaker's promise in 2006, We've got a plan to lower gas prices. It didn't happen. It went up.

Ms. VELÁZQUEZ. Would the gentleman yield?

Mr. SHIMKUS. I would be honored to yield.

Ms. VELÁZQUEZ. H.R. 6——

Mr. SHIMKUS. It's a failure.

Ms. VELÁZQUEZ. You know why? Because your President, our President refuses to implement the provisions, at least the one that would lower the cost of loans for small businesses.

Mr. SHIMKUS. When your party will come to the floor and debate bringing more supply to the market, we can negotiate. But when you say, We're going to solve our 50-percent increase in demand on energy with solar and wind, it just doesn't pass the laugh test. We just can't get there.

We've got to expand nuclear power. We've got to expand coal-fired power. We've got to turn coal into liquid fuels. We've got to bring on more supply. Yes, we can do it. I've got it here. In fact, Illinois is going to be a great wind power State.

Mr. WU. Would the gentleman yield?

Mr. SHIMKUS. I would be happy to yield.

Mr. WU. I look forward to debating the gentleman from Indiana on this issue. As you know, this Congress has acted on every item that you have cited except for drilling on the Arctic Wildlife Reserve. We've acted on every other single one.

Mr. SHIMKUS. Do you know how big the Arctic Wildlife Refuge is?

Mr. WU. I believe it is a very, very short-term supply.

Mr. SHIMKUS. No. Do you know how big it is?

Mr. WU. It is a very large expanse of land.

Mr. SHIMKUS. It is the size of the State of South Carolina.

Do you know what the drilling platform is?

Mr. WU. Would the gentleman care to—I mean, we're asking——

Mr. SHIMKUS. We're debating back and forth.

Do you know how big the drilling platform would be?

Mr. WU. It would be a substantial size.

Mr. SHIMKUS. No, it would not be a substantial size. It would be the size of Dulles Airport. It would be like putting on a football field a postage stamp. That's the perspective. That's what gets lost in this debate. We can do it.

You know what? If you look at the OCS here, we do drill in the western gulf. Remember when Katrina went rolling up the gulf and we saw that big picture, tell me the environmental disaster that occurred with those derricks in the western gulf with Katrina rolling over the top of them. Can you name one? There wasn't one.

Mr. WU. Would the gentleman yield?

Mr. SHIMKUS. I would be happy to yield.

Mr. WU. I do believe that the oil derricks, as Katrina came through, were evacuated and covered, and the people who were responsible for those rigs did do a good job in Katrina, and I would be happy to concede that to the gentleman.

But I also want to mention to the gentleman that experts ranging from the CEO of Exxon to academicians on the topic all estimate that the current price of a barrel of oil should be about $60 a barrel. Instead, it's twice that price.

Let me just finish my statement.

Mr. SHIMKUS. I'm not going to argue. It's my time. I will debate, but I won't argue. It's my time.

Mr. WU. And most individuals agree that there are three reasons why the price is $128 a barrel rather than $60 a barrel. The three reasons are our presence in Iraq, instead of lowering the price of oil, it increased the price of oil; the permission from Wall Street to speculate on a purely financial basis in commodity futures; and the third reason is the lowering of the value of the U.S. dollar. Two of those policies are intentional policies, and the third policy was passed by the Republican Congress.

Mr. SHIMKUS. And because I'm enjoying this type of debate, I will concede the dollar price.

But let me tell you why, if we had our own resources, if we were drilling our own oil, isn't it criminal that we're relying on imported crude oil to fund our energy needs? Wouldn't it be better to use American dollars to drill on American soil in American land on American OCS? Then we wouldn't have to worry about the dollar, because an American dollar is an American dollar is an American dollar. And we wouldn't have to worry about our trade imbalances because we import all of this crude oil.

Now, to point two, the speculators. Do you know why they're bidding the price up? Because we won't open supply. They're taking a position that I am going to bid this up, and you know what? Those dummies in Congress, they're not going to open up more supply. So what I hold is going to cost more in the future. It's a futures market. It's risk management. They're betting about our inability to go here. Billions of barrels of oil, trillions of cubic feet of natural gas. We won't go there. They're betting against us going there.

Mr. WU. Will the gentleman yield?

Mr. SHIMKUS. I'm from Southern Illinois. It's the Saudi Arabia of coal, 250 years worth. Fifty percent of our electricity that we generate today is by coal. We could also use that coal as the South Africans have done for 40 years. The Germans did it in World War II. Take that coal and turn it into liquid fuel.

We have had four budget airlines go broke. Why did they go broke? They couldn't afford the price of aviation fuel. How did South African airlines fuel their jets? Coal-to-liquid technology. Taking South African coal, turning it into aviation jet fuel. That's what our competitive advantage is. Our advantage is using our natural resources. Not assuming that our natural resources are an environmental hazard.

That's our policy. Don't go after our natural resources. It's an environmental hazard. Most countries say go after your natural resources; it makes you stronger. It makes you more competitive. It lowers the cost of doing business. It creates jobs. Look at the jobs that would be created here in southern Illinois. Build a coal mine, that creates jobs. Operate the coal mines, that creates jobs. Build a coal-to-liquid refinery, jobs. Operate the coal-to-liquid refinery, jobs. Build a pipeline, American jobs. Low-cost fuel, American jobs.

For every dollar a barrel increase on aviation fuel, do you know how much it costs us taxpayers? $60 million just to fund the Air Force.

So this policy of no supply hurts the taxpayers. And we have to pay for it. We had the authorization bill of the Coast Guard. For every dollar increase in diesel fuel, do you know what it cost the Coast Guard to operate and make sure our shores are protected? $24 million for every dollar increase.

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

Ms. VELÁZQUEZ. Madam Speaker, let me just say in closing that I, too, am concerned and outraged about the fact that we are dealing with an energy crisis that is impacting small businesses, but more important is the fact that we passed an energy bill that has provisions that will provide low-cost loans for small businesses to be able to cope with energy and the gas prices, and yet the President refuses to implement the program.

So I would ask the gentleman, Mr. SHIMKUS, to join with me in asking the administration and asking the President to implement this provision contained in a bill that was overwhelmingly supported, a bipartisan bill, the energy bill.

And then the gentleman comes here and gives this great speech about energy prices, and yet whenever there is an opportunity for the gentleman to support legislation that would provide relief to small businesses and consumers, he votes against it. Even today on the Gas Price Relief for Consumers Act, Mr. SHIMKUS voted against it.

Mr. SHIMKUS. Would the gentlelady yield?

Ms. VELÁZQUEZ. Not on this point. I will not yield.

Mr. SHIMKUS. You're referring to me. I would be happy to debate if you're going to bring my votes to the floor.

Ms. VELÁZQUEZ. Reclaiming my time.

You had a lot of time. You claimed a lot of time.

The gentleman voted against this bill.

Mr. SHIMKUS. Will the gentlelady yield?

Ms. VELÁZQUEZ. I will not yield at this time.

So, Madam Speaker, I will ask that the Members of this House support the reauthorization of the Small Business Administration, and I will invite everyone who is concerned about energy prices to come and support the bills that we pass that would provide relief to consumers and to small businesses.

You should put your money where your mouth is.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the Senate bill, S. 3029.

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

A motion to reconsider was laid on the table.

## EXPRESSING CONDOLENCES AND SYMPATHY TO THE PEOPLE OF SICHUAN PROVINCE, CHINA

Mr. WU. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1195) expressing condolences and sympathy to the people of the People's Republic of China for the grave loss of life and vast destruction caused by the earthquake of May 12, 2008 in Sichuan Province, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1195

Whereas on Monday, May 12, 2008, at 2:28 p.m. local time, a massive earthquake measuring 7.9 on the Richter scale struck a mountainous region of Sichuan Province in southwest China;

Whereas the epicenter of the earthquake was Wenchuan County, 60 miles northwest of the provincial capital of Chengdu;

Whereas the earthquake destroyed 80 percent of structures in some of the towns and small cities near the epicenter;

Whereas the death toll is currently estimated to exceed 22,000 and is expected to rise as the scope of the damage becomes clearer;

Whereas tens of thousands of people across southwest China remain buried beneath rubble, and hundreds of thousands of people are injured or homeless;

Whereas an estimated 900 eighth and ninth grade students and their teachers remain trapped, with as many as hundreds dead, after a school collapsed in Dujiangyan, a county located southeast of the epicenter;

Whereas another school with up to 1,000 students and teachers inside collapsed in the city of Mianyang;

Whereas two chemical plants have collapsed in Shifang, northeast of the epicenter, spilling 80 tons of toxic ammonia;

Whereas more than 150 people have been killed in the provinces of Gansu and Shaanxi, and in Chongqing municipality;

Whereas the People's Republic of China has mobilized 50,000 police and civilian rescue workers, who have been working tirelessly in disaster areas to aid in rescue and recovery efforts;

Whereas the tremors of the powerful earthquake were felt as far south as Vietnam and Thailand and set off another, smaller earthquake near the outskirts of Beijing, 900 miles away;

Whereas the earthquake is China's largest natural disaster since a previous earthquake struck the city of Tangshan in eastern China in 1976; and

Whereas the People's Republic of China has said that it is spending $120 million on rescue efforts and that it would accept international aid to cope with the disaster: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) extends its condolences and sympathy to the people of the People's Republic of China for the grave loss of life and vast destruction caused by the massive earthquake centered in Sichuan Province;

(2) vows its full support for the people of the People's Republic of China as well as the members of the Chinese American community in the United States who have relatives in the affected areas of China; and

(3) expresses confidence that the people of the People's Republic of China will come together to help those in need and succeed in overcoming the hardships incurred because of this tragedy.

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

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

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

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

There was no objection.

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

For the past week, the world has been shocked and saddened by the aftermath of the horrendous earthquake that struck the Chinese Sichuan Province last Monday, May 12. Chinese news reports now confirm that the 7.9 Richter scale magnitude earthquake has claimed the lives of over 40,000 people.

□ 1545

The number of fatalities climbs higher each day as the full scale of the devastation unfolds. Chinese authorities estimate that, despite strenuous rescue efforts, in the end as many as 50,000 people could have perished from the earthquake and its aftermath.

Particularly heartbreaking are the hundreds, perhaps thousands, of children who were killed as their schools collapsed on them. These young lives were cut far, far too short, and it is so tragic that had the earthquake occurred just 2 or 3 hours later, or had the schools that the children were in

met applicable building codes, these young lives would have been spared.

We are all deeply moved by the images of parents overwhelmed by grief at the side of the limp, lifeless body of their child. As we speak, hundreds of parents are sifting through the wreckage with desperate hope that their child may still be alive under all that schoolhouse rubble.

Rescue workers continue to work tirelessly, day and night. Stories of heroism and miraculous survival are interwoven with tales of loss and devastation.

Doctors and nurses tend to injured victims around the clock, as hospitals handle many times their normal number of trauma injuries.

This earthquake is the most devastating natural disaster to strike China since 1976, and sadly, as major aftershocks continue to hit the area, the turmoil continues.

Just yesterday, Chinese media reported that more than 200 rescue workers were buried and killed by mudslides while they were repairing roads in Sichuan Province.

While the 1.3 billion people across China unite in grief for 3 days of mourning, it is fitting that this body expresses our deepest sympathies for the people of China. With this resolution, we offer our condolences to the people of China as they cope with this awful tragedy. Our thoughts and prayers are with them.

House Resolution 1195 also vows the full support of the House of Representatives to the people of China and expresses our confidence that they will succeed in coming together to help those in need and overcome this terrible disaster.

Finally, the House also extends its condolences and support to members of the Chinese American community here in the United States who have relatives and friends in the affected areas of China.

I urge strong support of this resolution, and I encourage my colleagues to join me in doing the same.

Madam Speaker, I reserve the balance of my time.

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

Today, we rise to offer our heartfelt condolences and sympathies to the people of China for the horrific loss they suffered as a result of the gigantic earthquake that struck Sichuan Province in southwestern China on May 12 of this year. The 7.9 earthquake struck without warning during the busiest time of the day when schools and office buildings were full of people. And as Congressman WU states, the toll of the dead has not yet been completed, except we know it remains in the tens of thousands, including those that remain missing. At least 10 to 12 million people remain displaced, and we all saw with horror on television the school that had collapsed on over 900 children on that one particular site.

I want to thank Mr. WU for sponsoring this resolution so that the House of Representatives can stand with the people of China in their hour of need. I also want to commend the American people for showing their generosity in pledging humanitarian support for the victims. In America, the sense of loss is perhaps felt strongest in the Chinese American communities where loved ones pray and hope for positive news from across the Pacific.

Madam Speaker, I chaired the U.S.-China Interparliamentary Exchange for 7 years, and I'm now the vice-chair. I had the opportunity to travel extensively in China, including the Chengdu area in 2005, as part of our official business. To see the utter destruction on television comes as a complete shock. I echo the words of the President in saying that we admire the spirit and the character of the Chinese people as they desperately strive to put their lives back together.

I also want to commend the Chinese Government for not being embarrassed or too proud to seek out and receive help from American resources. I only wish that the Government of Burma were as open under these particular and similar circumstances.

I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. WU. At this time, I would like to yield 2 minutes to the gentlelady from California, BARBARA LEE, of the Ninth District of California.

Ms. LEE. Madam Speaker, first let me thank and applaud Congressman WU for his leadership in offering this very important resolution today.

It is with great sadness that all of us have watched the news reports of thousands of people who have been displaced or who have died as a result of the earthquake in China last week. I have talked with constituents in my district who have family and friends affected by this tragedy.

I was particularly pained by the children who were trapped in the collapsed schools and buildings. It is my hope and my prayer, like those of this entire body, that more survivors will be found and that more families will be reunited.

I want to extend my condolences to the Chinese people and especially to those families who have lost their loved ones.

The people of my district, the Ninth Congressional District of California, are rallying together in solidarity to provide humanitarian relief in response to the quake.

Donations to humanitarian relief agencies are already flowing in, and our local Chinatown Chamber of Commerce is working with the local Red Cross to place donation canisters at local restaurants and businesses to help raise additional funds. I know that 14 of the canisters have already been placed.

The people of my district and myself will do everything we can to help with the relief and recovery efforts during this tragic time. This is a natural disaster of enormous proportions that requires an unprecedented response. As a country, we must extend our hand of friendship and our heart of compassion.

My heart and my prayers go out to the people of China, but I know that with the world unified in assisting with these efforts that the people will receive some form of relief very quickly.

I thank Congressman WU for your leadership and for your compassion and for giving us the opportunity to talk about this very important, tragic natural disaster that has turned really into a human disaster.

Mr. MANZULLO. I recognize Mr. SMITH of New Jersey, ranking member of the Subcommittee on Africa and Global Health, for as much time as he may consume.

Mr. SMITH of New Jersey. I thank my good friend for yielding, Madam Speaker, and I especially want to thank Mr. WU, the gentleman from Oregon, for offering this very important resolution, and I'm very proud to be one of the cosponsors.

Madam Speaker, when a friend is struck by a tragedy, perhaps the death of a family member, we all know what to do. We call them up, we visit with them, we reach out to them. And that's what they need at that moment, to know that they are not alone, that they are accompanied by friends.

I think that is with nations as well. When tragedy strikes a nation, other nations have to reach out and remind them that they are part of a great human family and that other nations grieve with them. So it is right that our country should make this gesture after the tragedy that struck the great Chinese people.

Madam Speaker, lest anyone doubt the importance of this gesture, let me remind them of the outpouring of support that came from every corner of the globe after the attack on the World Trade Center in 2001. That meant so much to us.

Madam Speaker, many of us in this House number Chinese human rights activists among our friends, and among the list of people we admire most are people like Harry Wu, Joseph Kung, Wei Jingsheng, Bob Fu, and so many others come to mind. Over the past 10 days, I have been reminded of them as I have seen their mixture of practical earnestness and great generosity in the Chinese people's response to this tragedy, the outpouring of help from everywhere throughout China. The Chinese people continually amaze me for their willingness to stand by the unfortunate and the oppressed, and that sentiment is very strong among the people.

So, Madam Speaker, let us ask God to comfort all of those who have lost family members and friends in this terrible earthquake. I hope we can remember particularly the parents. Several days ago, I read an article in the Los Angeles Times, which I will enter into the RECORD, which reminds us, as

the headline says, ''One-Child Policy Adds to the Grief of China Quake.'' This is in the L.A. Times.

In Chinese culture, parents shower an extraordinary love on their children, investing their time and hope in them. The Chinese Government has cruelly and forcibly prevented most mothers and fathers from having more than one child, making brothers and sisters literally illegal. Now these parents have lost that one child. So we need to keep them in our prayers as well.

CHINA'S 1-CHILD POLICY CAUSES EXTRA PAIN

(By Christopher Bodeen)

After their daughter was born, Bi Kaiwei and his wife, Meilin, decided to adhere to China's one-child policy and its slogan, ''Have fewer kids, live better lives.''

For them and other couples who lost an only child in this week's massive earthquake, the tragedy has been doubly cruel. Robbed of their sole progeny and a hope for the future, they find it even harder to restart their shattered lives, haunted by added guilt, regret and gnawing loss.

''She died before becoming even a young adult,'' said Bi, an intense, wiry chemical plant worker, standing beside the grave of 13-year-old Yuexing—one of dozens sprinkled amid fields of ripened spring wheat and newly planted rice. ''She never really knew what life was like.''

Yuexing, a bright sixth-grader, was in school when Monday's quake struck, bringing the Fuxin No. 2 Primary School crashing down, killing her and 200 other students. Teachers had locked all but one of the school's doors during break time, parents said, leaving only a single door to escape through.

Many among the more than 22,000 people killed across central China were students in school. Nearly 6,900 classrooms collapsed, government officials said Friday, in an admission that highlighted a chronically underfunded education system especially in small towns and compounded the anger of many Chinese over the quake.

In Wufu, a farming village two hours north of the Sichuan provincial capital of Chengdu, most of the dead students were a couple's only child—born under a policy launched in the late 1970s to limit many families to one offspring. The policy was meant to rein in China's exploding population and ensure better education and health care.

The ''one-child policy'' has been contentious inside China as well as out. The government says it has prevented an additional 400 million births. But critics say it has also led to forced abortions, sterilizations and a dangerously imbalanced sex ratio as local authorities pursue sometimes severe birth quotas set by Beijing and families abort girls out of a traditional preference for male heirs. The policy is law but there are exceptions.

Farther down the lane from where Yuexing is buried, 10 more graves were laid out, some accompanied by favorite items—textbooks for English and music, a pencil box, a Chinese chess set. At one, grandmother threw herself to the dirt and wailed as her husband lit a handful of ''spirit paper'' believed to comfort the dead in the afterlife.

Another bereaved parent, Sang Jun, stood where his daughter, Rui, is buried, a simple mound of dirt beside his quake-shattered farmhouse. The house is surrounded by burned bushes—a traditional disinfectant. ''The house is gone and the child is dead,'' said Sang, who wore a T-shirt and plastic sandals. His parents, both in their 70s, looked on with tears in their eyes.

Resistance by ordinary Chinese has forced Beijing to relax the policies, allowing many rural families to have a second child if the first was a girl. But in Wufu, the family planning committee seems to have prevailed on most families to stop at one child. Slogans daubed on boundary walls and houses all along the rutted country road leading to Wufu call on families to ''stabilize family planning and create a brighter future.''

Standing in the rubble of the school holding his daughter's ID and a posed shot taken at a local salon, Bi—pronounced ''Bee''—said starting a new family, either by having another child or adoption, is simply imponderable.

''I'm 37 years old and my child was 13. If we were to do it again, I'd be 50 when this stage comes along,'' Bi said.

Parents who lose children in disasters often feel intense guilt for what they see as a failure to protect them, said psychology professor Shi Zhanbiao. Parents, he said, may also recall their past relationships with their children with regret, thinking they were too stern, did not show them sufficient love or did not interact with them enough.

''They'll think that if they just hadn't sent their children to school that day, they would have been saved,'' said Shi, a researcher with the Chinese Academy of Science in Beijing.

The loss is intensified for those with no other offspring to lavish with care and affection, Shi said. And in China, other, more practical concerns may also come into play because children are generally expected to care for their aging parents.

''They'll be worried about the future, because for the later part of their lives, they'll have no one to depend on,'' Shi said.

Bi said Yuexing was polite and smart. She had won a coveted place at the county's best high school on the recommendation of a teacher. She was a top student who got better after the family moved closer to school to reduce her commuting time, said Bi, who completed high school but failed the national university entrance exam.

In her pictures, Yuexing, whose name combined the Chinese characters for moon and star, is smiling and demure. The studio shot shows her wearing a bright yellow sweater and looking playfully over her shoulder.

Parents in Wufu said they plan to bring a formal complaint over what they say was corruption and malfeasance in construction of the school. They say officials moved the students from a group of one-story classrooms—all of which survived the quake—into a modern-looking, but unsafe building.

''We have nothing else, no other wish but to win justice for our children,'' said Sang's wife, Zhao Jing. ''We put all our hopes on these kids, and this is the return we get.''

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[From the Los Angeles Times, May 15, 2008]

ONE-CHILD POLICY ADDS TO THE GRIEF OF CHINA QUAKE

(By Ching-Ching Ni)

XINGFU, CHINA.—On Sunday, Liu Li received a simple Mother's Day present from her only child: a basket of red, pink and white carnations wrapped in purple rice paper. That afternoon, her 15-year-old boy returned to boarding school knowing he had made his mother the happiest woman in their village.

Liu and her husband never thought about defying China's one-child policy. They already had everything they could hope for in a son. Meng Hao was not only a good student and star athlete, he was even the tallest kid around.

On Wednesday, the Mother's Day flowers were still fresh in the family's living room, next to rows of certificates of merit from Hao's school years. But Liu's beloved boy was dead.

''When I heard he was gone, my whole body went numb,'' she said. ''I felt the sky falling.''

As the death toll rises from the worst earthquake to hit China in 30 years, Sichuan province has become a valley of sadness. Schools were among the most badly damaged buildings, and some of the most grief-stricken residents are parents who lost an only child.

Liu, 38, slumped Wednesday in a chair in a makeshift tent among the wheat fields here. Not only are parents mourning the loss of a cherished child; the next generation is expected to look after their parents in old age in a society where the safety net is disappearing. And many in Chinese society regard people in their late 30s and early 40s as too old to have another child.

In Sichuan, one of China's most populous provinces, the government's one-child policy is strictly enforced among poor farmers.

''I'd say 90% of the people around here have only one child,'' said Wang Xia, hugging her 5-year-old daughter close after finding the girl with big, round eyes and two long braids alive at her kindergarten. ''It takes a lot of money to raise children—we farmers have a hard time even supporting ourselves; how can we afford to pay fines to have more?''

The name of this town, Xingfu, means Happiness. But it has become a hell for parents who at first thought they had escaped the tragedy. When disaster struck Monday, Hao's parents raced to the nearby school and helped dig through the rubble.

First there was good news.

After being trapped under broken concrete for eight hours, Hao was rescued.

''He kept saying, 'I am OK, I want to go home,' '' said his father, Meng Daoling, 44.

''When he was buried under all that debris, he told me he kept thinking of his parents. He held on for eight hours so he could see us again,'' said his mother, tears streaming down her face.

To their shock, a few hours after that brief reunion, their son died about an hour away at a hospital in Chengdu, where he had been rushed for treatment.

Like so many people here, Hao's parents had done everything they could to give him a good education. His father drives a tractor.

In addition to toiling in the family field, his mother works long hours at a factory making bottle caps.

Boarding school costs a bit more than regular school, but for many rural children, schools are too far for daily travel, so they live there.

''Everybody knew him,'' a villager said of Hao. ''He was nearly 6 feet tall. He wanted to go to college and be a pilot.''

One of Hao's schoolmates who escaped the falling building said he survived because his teacher told the students to run from the first-floor classroom when the magnitude 7.9 quake rocked the country.

''There were 66 students in our class. All but seven or eight made it out alive,'' said Ba Cong, 14.

He thinks he probably survived because he was in the second row. ''I sat in the front because I am nearsighted. The people who didn't make it sat in the back.''

Hao was in a third-floor classroom. Most of the students there were trapped.

''He told me his teacher told them, 'Don't run, duck,' '' his mother said.

Parents say the school was built in the early 1990s—old by Chinese standards—and that students were to move into a new building next year.

Bitter villagers suspect shoddy construction is partly to blame for the catastrophe.

''Even our humble rural homes built by hand didn't collapse completely,'' said villager Gong Fuzhong. ''How can a big school

building collapse? Something is definitely wrong here.''

Across an open field filled with makeshift shelters, another mother, Zheng Hongqun, 40, was so paralyzed by grief that she hadn't been able to get out of bed.

The body of her 15-year-old son, Wen Zheng, was pulled from the rubble about 24 hours after the earthquake.

''His father is a migrant worker far away in northeastern China so his son can have money to go to school,'' said neighbor Wang Xia. ''We only told him he is still being rescued. We don't dare tell him the truth.''

Outside their temporary shelter, a plastic tarp wrapped over sticks, Zheng's grandparents were surrounded by neighbors trying to distract them from the tragedy. It wasn't working.

''The child is gone. We can never see him again,'' Wen's silver-haired grandmother sobbed. ''It should have been us.''

PARENTS' LOSSES COMPOUNDED BY CHINA'S ONE-CHILD POLICY

SICHUAN, CHINA.—Li Yunxia wipes away tears as rescue crews dig through the ruins of a kindergarten class that has buried her only child—a 5-year-old boy.

Other parents wail as soldiers in blue masks trudge through the mud, hauling bodies from the rubble on stretchers.

''Children were screaming, but I couldn't hear my son's voice,'' she says, sobbing.

This grim ritual repeated itself Thursday across southwestern China, as thousands of mothers and fathers await news about their sons and daughters.

The death toll from Monday's massive earthquake could be as high as 50,000, according to state-run media.

The grief is compounded in many cases by a Chinese policy that limits most couples to one child, a measure meant to control explosive population growth.

As a result of the one-child policy, the quake—already responsible for at least 15,000 deaths—is producing another tragic aftershock:

Not only must thousands of parents suddenly cope with the loss of a child but many must cope with the loss of their only child.

China's population minister recently praised the one-child rule, which dates to 1979, saying it has prevented 400 million children from being born.

Some wealthy families ignore the order, have more children and pay a $1,000 fine. In rural areas—like earthquake-devastated Sichuan province—families can petition for an additional child, but there's no guarantee the authorities will approve the request—they usually don't.

That reality has cast parents like Li into an agonizing limbo—waiting to discover whether their only child is alive or dead.

Thousands of children were in class when the temblor hit Monday afternoon. Many of their schools collapsed on top of them.

In Dujiangyan City, more than 300 students were feared dead when Juyuan Middle School collapsed with 900 students inside. A similar number died at the city's Xiang'e Middle School.

Now parents cluster outside collapsed school buildings, held back by soldiers in some cases as rescue crews search for signs of life.

''Which grade are you in?'' a rescuer asks a trapped child in Beichuan County.

''Grade 2,'' comes the answer.

''Hang on for a while,'' he says. ''We are figuring out ways to rescue you.''

The child is pulled from the rubble a short time later.

Madam Speaker, again I want to thank Mr. WU for sponsoring this resolution. We need to express our solidarity with those who have lost so much. This resolution does it very, very well.

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

I want to thank the gentleman from New Jersey for his leadership and always caring about the people of China.

I include the following news article from the Portland, Oregonian:

[From the Oregonian, May 20, 2008]

BOEING MAY BE THE TICKET FOR RELIEF SUPPLIES; CHINA QUAKE—NEW JETS ARE SCHEDULED FOR DELIVERY, AND OREGON AGENCIES HOPE THEIR AID CAN HITCH A RIDE

(By Richard Read)

Oregon aid agencies aim to piggyback on Boeing's booming sales to China, loading earthquake-relief supplies in new jets being delivered to Chinese airlines.

Managers of Medical Team International are negotiating to send $470,000 worth of supplies that Mercy Corps would help distribute to earthquake victims in China. A Boeing spokesperson says the aircraft manufacturer has entered similar deals in the past, but rarely in urgent response to humanitarian disasters.

Boeing and the relief workers are reviewing 15 aircraft that have been ordered by Chinese airlines, said Barbara Agnew, spokeswoman for Tigard-based Medical Teams International. The jets are scheduled for delivery to six Chinese cities, she said.

''None of these destinations are actually hubs that are near the disaster site,'' Agnew said. ''So they're going back to specific airlines and saying, 'Would you be able to take this cargo to a closer hub?' ''

The Boeing deal is one of several the humanitarian organizations are feverishly negotiating as disaster estimates grow in both China and cyclone-hit Myanmar. The aid agencies are forming partnerships to overcome government restrictions and other obstacles in the two countries.

Mercy Corps plans to load items ranging from school kits to rubber gloves in Portland for delivery in Seattle to DHL International. The global delivery company plans to fly the supplies for free to Bangkok, Thailand, for distribution in Myanmar and perhaps China, also providing warehouse space.

DHL is also working with Mercy Corps on a charter flight to carry pharmaceuticals from the United States to China. ''Something like this would be impossible for us to do on our own,'' said Susan Laarman, a Mercy Corps spokeswoman, saying the charter otherwise could cost as much as $1 million.

In Myanmar, where the government has kept foreign relief workers out of hard-hit areas, Portland-based Mercy Corps expects to team with Merlin, a British organization already working inside the reclusive country. As with the Indian Ocean tsunami in 2004, Mercy Corps will most likely launch cash-for-work programs, paying local people to repair roads, clear debris and rebuild houses.

Already Mercy Corps has helped Merlin secure boats to carry emergency medical kits to Myanmar's Irrawaddy Delta, which took the brunt of the May 2 cyclone. Four Mercy Corps aid workers have managed to get into Myanmar—also known as Burma—but not beyond the capital, Yangon or Rangoon.

Michael Bowers, Mercy Corps Northeast Asia regional program director, departed Portland on Monday for Chengdu, China. There, too, the agency plans to team with local organizations.

''We think we'll focus particularly on youth and vulnerable women who may have been affected by the earthquake,'' said Bowers, adding that Chinese officials were easing access. ''The authorities in this disaster took a pause before they went down the road of Burma.''

Medical Teams International has no relief workers in either country yet, but a doctor on its staff plans to depart Wednesday for Myanmar. The first choice of the organization, formerly called Northwest Medical Teams, would be to send one of its volunteer medical-worker teams to Myanmar.

''The numbers are just speaking so loudly in Myanmar,'' Agnew said.

Myanmar is hardly a big aircraft buyer, but China is a giant Boeing customer, which could work in the aid agencies' favor. Boeing forecasts that China will require 3,400 new airplanes worth about $340 billion over the next two decades.

But arranging on short notice to pack antibiotics, bandages and pain relievers into new airplanes is a complex project, requiring sign-offs by numerous managers even within Boeing. Chinese customs inspectors also must approve the unusual shipments.

A Boeing spokeswoman confirmed Monday that negotiations were progressing on the program. ''It's something that we're considering,'' she said.

Just today, Richard Read of The Oregonian printed that, ''Oregon aid agencies aim to piggyback on Boeing's booming sales to China, loading earthquake-relief supplies in new jets being delivered to Chinese airlines.

''Managers of Medical Teams International are negotiating to send $470,000 worth of supplies that Mercy Corps would help distribute to earthquake victims in China.''

Medical Teams International and Mercy Corps are domestic organizations, and they can be assisted directly by private parties.

''A Boeing spokesperson says the aircraft manufacturer has entered similar deals in the past, but rarely in urgent response to humanitarian disasters.

''Boeing and the relief workers are reviewing 15 aircraft that have been ordered by Chinese airlines,'' and Medical Teams International said that they're trying to get space. ''The jets are scheduled for delivery to six different Chinese cities.''

None of these cities are actually hubs that are near the disaster site so they're going back to specific airlines and asking the Chinese airlines: Would you be able to take this cargo to a closer hub?

The Boeing transaction is one of several that these humanitarian organizations have been feverishly negotiating as the disaster estimates grow in China.

Michael Bowers, Mercy Corps Northeast Asia regional program director, departed from Portland, Oregon, for Chengdu in China.

A Boeing spokesperson confirmed on Monday that negotiations were progressing on the program, and that, ''It's something that we're considering.''

We commend to the Boeing Corporation that it seriously, deeply and quickly consider this, and we are grateful for their consideration.

With that, I reserve the balance of my time.

Mr. MANZULLO. I have no more speakers. Can I inquire of Mr. WU if he has any more speakers?

Mr. WU. I understand that we have a couple of additional speakers who are on the way to the floor, but they are not here at this time.

Mr. MANZULLO. I'm ready to yield back the balance of my time, if the gentleman from Oregon is.

Mr. WU. If the gentleman is prepared to close, then I would be prepared to close with the caveat, if additional speakers show up, that I be permitted to recognize them.

□ 1600

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

Mr. WU. I want to recognize the hard work put in by staff on both sides of the aisle, particularly Elsa Tung on my staff, and Cobb Mixter on the Foreign Affairs staff. I want to thank their counterparts on the Republican side.

I want to thank Members on both sides of the aisle for signing aboard this resolution, bringing it to the floor quickly, permitting its markup in committee very, very quickly last week, and having it here on the floor within 8 days of this terrible humanitarian disaster. I ask all Members to support this resolution.

Mr. HONDA. Mr. Speaker, I rise in strong support of House Resolution 1195 authored by my good friend from Oregon, Mr. WU, and of which I am a proud cosponsor. H. Res. 1195 expresses our condolences and sympathy to our friends of the People's Republic of China for the tragic loss of life and devastation caused by the earthquake in Sichuan Province.

On May 12, 2008, a massive 7.9-magnitude earthquake shook China's mountainous southwest Sichuan province. This powerful quake and its aftershocks have killed over 40,000 people, injured hundreds of thousands more, and destroyed entire communities. The full impact of this disaster will not be realized for some time as rescue and recovery efforts are still ongoing.

I applaud the courage and determination of the emergency workers that are placing themselves in treacherous situations while still searching for survivors. The recent report of over 200 emergency workers overcome by a mudslide is testament to their peril.

The increased openness to news coverage in the devastated areas is also encouraging and has allowed the international community to share in China's sorrow and witness their massive emergency efforts. In support of these efforts, the United States offers any assistance that it can provide.

I would also like to reiterate my condolences and sympathy to the Burmese people tragically impacted by Cyclone Nargis, and sincerely hope that the Burmese regime recognizes the desperate need for immediate unfettered international assistance.

Mr. Speaker, I urge my colleagues to vote in support of H. Res. 1195. In times of great natural disasters, all humanity suffers. As the people of China have come together for a moment of silence, the world community must also unify in support of those that have suffered by these natural disasters.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1195, expressing condolences and sympathy to the people of the People's Republic of China for the grave loss of life and vast destruction caused by the massive earthquake centered in Sichuan Province. I would like to thank my colleague Representative DAVID WU of Oregon for introducing this important legislation that reaffirms the humanitarian commitment of the United States to the people of the People's Republic of China who have become victims of a catastrophic earthquake. Let me also thank the Chairman of the Committee on Foreign Affairs, Chairman BERMAN, for his leadership in bringing this resolution to the floor today.

As my colleagues are aware, the province of Sichuan, in southwest China, was struck by a 7.9 magnitude earthquake on May 12th. Centered in Wenchuan County, the earthquake brought a plethora of devastating aftershocks, casualties, and tragedy. It is reported that the death toll has approached 40,000, and a further 250,000 people have been injured. With tens of thousands of people still missing, it is likely that these figures will only rise. Furthermore, the earthquake has left an estimated 4.8 million people homeless making this one of the most devastating earthquakes in China since the 1976 Tangshan earthquake.

A New York Times article published this morning describes the many residents of neighboring counties who have traveled long distances without hesitation to volunteer their services to the humanitarian needs of the victims. Record sums of money had also been donated to the victims of the earthquake. I hope that this resolution and stories of heroic action will also inspire others to take part in the global community to take action in contributing humanitarian aid.

While the human toll is tragic, the sheer numbers of people who have lost their homes is truly colossal. Though rescue efforts may be nearing a close, relief efforts are only just beginning. Five million people are reported to be homeless in the wake of the earthquake, with government officials citing a "desperate need for tents." Even as we work to meet these emergency needs, Mr. Speaker, we must also focus our efforts in studying and implementing ways on which we can prevent future disasters from affecting as many people.

As Chair of the Congressional Children's Caucus, I am particularly concerned by the large number of children who were trapped within collapsing school buildings when the earthquake hit. Particularly tragic was the collapse of a three-story school building in the city of Dujiangyan, burying an estimated 900 students. According to reports, it is still not known how many children were killed by their own schools as the buildings fell down on their heads, and the Chinese government has reportedly called for an investigation into the collapse of school buildings. I would especially like to extend my condolence to many children caught up in this immense disaster.

Mr. Speaker, I take this opportunity to commend the thousands of police and civilian rescue workers who have been working tirelessly in disaster areas to aid in rescue and recovery efforts. They are truly a testament to the good that exists in the world today.

I urge my colleagues to join me in supporting this legislation to extend sincere condolences and further the efforts of the United States to ensure the complete restoration of the tragic loss of life and devastation of the People's Republic of China.

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

The SPEAKER pro tempore (Mr. CAPUANO). The question is on the motion offered by the gentleman from Oregon (Mr. WU) that the House suspend the rules and agree to the resolution, H. Res. 1195, as amended.

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

A motion to reconsider was laid on the table.

## REAFFIRMING SUPPORT FOR THE GOVERNMENT OF LEBANON UNDER PRIME MINISTER FOUAD SINIORA

Mr. ACKERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1194) reaffirming the support of the House of Representatives for the legitimate, democratically-elected Government of Lebanon under Prime Minister Fouad Siniora.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1194

Whereas, on May 7, 2008, the terrorist group Hizballah, in response to the justifiable exercise of authority by the sovereign, democratically-elected Government of Lebanon, initiated an unjustifiable insurrection by fomenting riots, blocking roads, seizing buildings, and organizing marauding groups of gunmen who took control of much of Beirut, including the sites of key government institutions, and provoked sectarian fighting elsewhere in Lebanon;

Whereas, in the course of this ongoing insurrection initiated by Hizballah, more than 80 Lebanese citizens have been murdered and more than 250 have been wounded;

Whereas, in the course of this fighting, Hizballah and allied fighters attacked the residences of Future Party leader Saad Hariri and Progressive Socialist Party leader Walid Jumblatt, both of whose parties are members of the legitimate governing coalition under Prime Minister Fouad Siniora;

Whereas, in the course of their insurrection, Hizballah and allied fighters forced the Future Party's television station off the air and burned the building housing the Future Party's newspaper;

Whereas Hizballah and its allies have turned over some of the areas they conquered in Beirut to the Lebanese Armed Forces;

Whereas key government institutions, including the prime ministry, remain under siege, as do the residences of Saad Hariri and Walid Jumblatt;

Whereas the purpose of Hizballah's insurrection is to intimidate the legitimate, democratically-elected Government of Lebanon, the Lebanese Armed Forces, and other legitimate Lebanese authorities, so that Hizballah will have maximum freedom of military action, can deepen its control over its "state within a state" in Shiite-dominated areas of Lebanon, and can enhance its influence on Lebanese Government decision-

making in order to render Lebanon subservient to Iranian foreign policy;

Whereas United Nations Security Council Resolutions 1559, 1680, and 1701 affirm the sovereignty, territorial integrity, unity, and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon;

Whereas United Nations Security Council Resolutions 1559, 1680, and 1701 call for the disbanding and disarming of all militias in Lebanon;

Whereas United Nations Security Council Resolution 1701 insists that no country transfer arms into Lebanon other than with the consent of the Government of Lebanon;

Whereas United Nations Security Council Resolution 1747 explicitly forbids Iran from transferring arms to any entity;

Whereas Hizballah has contemptuously dismissed the requirements of the United Nations Security Council by refusing to disarm;

Whereas Hizballah and its allies have repeatedly sought to undermine the legitimate Government of Lebanon under Prime Minister Siniora by preventing parliament from meeting and blocking the election of a new President, leaving that office vacant for the past half-year;

Whereas, contrary to the explicit and binding mandates of the United Nations Security Council, Iran continues to provide training, arms, and funding to Hizballah;

Whereas, contrary to the explicit and binding mandates of the United Nations Security Council, Syria continues to facilitate the transfer of arms to Hizballah via its territory;

Whereas Syria, through, inter alia, its support of Hizballah's efforts to undermine Prime Minister Siniora, its suspected campaign of assassinations of Lebanese leaders, its minimal cooperation with the international investigation of these assassinations, and its refusal to delineate its border with Lebanon, shows every sign of wanting to control Lebanon as it did prior to its April 2005 withdrawal;

Whereas it is highly likely that Hizballah provoked the recent fighting in Lebanon with the blessing of Syria and Iran; and

Whereas Hizballah and its Lebanese political allies continue to pursue an agenda favoring foreign interests over the will of the majority of Lebanese as expressed in a legitimate and democratic election: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) reaffirms its strong support for the legitimate, democratically-elected Government of Lebanon under Prime Minister Fouad Siniora;

(2) expresses its profound sympathy to the people of Lebanon, who have again been thrust unjustly, and against their will, into a conflict initiated by Hizballah;

(3) offers its condolences to all those in Lebanon who have suffered displacement, injury, or death in their family, or among their loved ones, as a consequence of Hizballah's unjustifiable insurrection against the Government of Lebanon;

(4) condemns—

(A) Hizballah's illegitimate assault on the sovereign Government of Lebanon, which has led to the worst sectarian warfare in that country since the civil war from 1975 to 1990;

(B) Hizballah for its unprovoked attacks against Lebanese leaders, citizens, and against Lebanese public and private institutions and for its illegal occupation of territory under the sovereignty of the Government of Lebanon; and

(C) Syria and Iran for illegally transferring arms and providing other forms of military support to Hizballah, in clear violation of United Nations Security Council Resolutions 1559, 1680, 1701, and 1747;

(5) demands that Hizballah immediately cease its attacks and withdraw from all areas in Beirut and elsewhere in Lebanon that it has occupied since May 7, 2008, as a first step towards its total disarmament; and

(6) urges—

(A) the United States Government and the international community to immediately take all appropriate actions to support and strengthen the legitimate Government of Lebanon under Prime Minister Fouad Siniora;

(B) the United Nations Security Council to—

(i) condemn Syria and Iran for their blatant violation of United Nations Security Council Resolutions 1559, 1680, and 1701;

(ii) condemn Iran for its violation of Chapter-VII-based United Nations Security Council Resolution 1747; and

(iii) as part of sanctions on Iran for violating Chapter-VII-based United Nations Security Council Resolution 1747, prohibit all air traffic between Iran and Lebanon and between Iran and Syria;

(C) every country controlling possible transit routes from Iran to Lebanon to impose the strictest possible controls on the movement of Iranian vehicles, airplanes, and goods to ensure that Iran is not exploiting its land and airspace for the purpose of illegally transferring arms to Hizballah and other terrorist groups; and

(D) the European Union, in light of recent and earlier Hizballah actions, to designate Hizballah as a terrorist group and to treat it accordingly.

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

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

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

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

There was no objection.

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of the resolution and yield myself such time as I may consume.

Mr. Speaker, first, I would like to thank Chairman BERMAN for his leadership in getting this vitally important resolution to the floor so quickly. It's extremely important that the House be on record telling the brave men and women who fought and died defending Lebanon's independence and sovereignty that America has not forgotten you and will not abandon you.

While many in the Middle East, particularly in Lebanon, are trying to make sense of what has happened, I believe that it is critical that they know that the United States and the U.S. Congress still strongly support the democratically elected and legitimate Government of Lebanon, that we will stand behind its efforts to fully restore Lebanon's sovereignty and independence, and that the future of Lebanon is not with Iranian and Syrian sponsored thugs and bullies, but with the decent people of Lebanon of every sect and confession who only want the normal and peaceful life for themselves, for their children, and for their country.

Mr. Speaker, just as Hezbollah sucked Lebanon into its conflict with Israel in 2006 by hiding behind its women and children, they have now forced the Lebanese people to endure their war against the Lebanese state. The insurrection by Hezbollah was unjustified, illegitimate, and immoral. No conceivable Lebanese interest was served by it. Only the goals of Iran and Syria were advanced by Hezbollah and its allies' assault on the sovereignty of the Lebanese Government.

The pretense that Hezbollah is an authentic Lebanese political actor has fallen away, and in the arrogance of power they have declared their true allegiance. It is not to Lebanon, and it is not even to the Lebanese Shia. Their loyalty is to Iran and Syria, and to the needs and interests of Tehran and Damascus. In their Lebanese puppet state, Ayatollah Khamenei will be the true president and Bashar al-Assad the real prime minister.

We have seen this kind of fraud before in the 20th century. The culmination was called the Warsaw Pact. But what was true in Europe in the Cold War remains true today in the Middle East—a captive nation is no true ally of its captor, and no amount of power can make a lie become the truth. And no amount of thuggery, torture, intimidation and murder can make Hezbollah anything other than the terrorist arm of foreign powers and an enemy of Lebanese independence and sovereignty.

The United States and every other decent nation must continue to support the Government of Lebanon. The Lebanese Government was democratically elected, it is legitimate, and it deserves our aid. Justice must ultimately be done for those recently and unjustly killed, as well as all those Lebanese murdered for their support of Lebanese sovereignty going back to the assassination of former Prime Minister Rafic Hariri. I have said many times before, and I will keep repeating it, there must be no deal or arrangement that undercuts the Special Tribunal for Lebanon.

Mr. Speaker, you either believe that Lebanon is a sovereign and independent state that is to be governed by and for the Lebanese people alone, or you don't. The overwhelming majority of Lebanese, whether they're Sunni, Shia, Maronite, Orthodox, Druse, or any other group, believe in this principle. The entire international community, with the reprehensible exceptions of Syria and Iran, believes in this principle. The United States certainly believes in it. Only Hezbollah, Amal, and the delusional Aounists do not. And that is why Lebanon has suffered and remains in pain today.

I'm very proud of the resolution before us today. I strongly urge its adoption by the House.

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

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

I rise in support of House Resolution 1194, which reaffirms America's support for the Government of Lebanon and condemns the violent Islamic group Hezbollah and its state sponsors, Iran and Syria, for undermining the sovereignty and independence of Lebanon.

For over two decades, Hezbollah and its state sponsors have done everything in their power to destroy any hope for a free and democratic Lebanon. In response, some have tried to compromise with Hezbollah to incorporate it into the Lebanese electoral system, to pretend that it is a group of Lebanese freedom fighters instead of a wholly-controlled subsidiary of Iran and Syria, to permit it to arm and re-arm in violation of U.N. Security Council resolutions, and to excuse its relentless attacks and incitement against America and Israel.

Mr. Speaker, America and other responsible nations must stop Hezbollah's current attempt to rule by the gun. We must support efforts in the U.N. Security Council and elsewhere to ensure that Hezbollah is disarmed and that Iran and Syria are barred from rearming that group. Moreover, we must hold Iran and Syria accountable for the continuing efforts to spread violence and to undermine our allies in the Middle East, including Lebanon, Iraq, and Israel.

Mr. Speaker, Iran and Syria continue to start fires throughout the region only to disingenuously step forward and offer to put them out for an unconscionable price. We must cease falling prey to their deception, and we must stop their deadly behavior, which undermines the security of Lebanon and the entire world.

I thank my good friend and colleague from California, Chairman BERMAN of the Foreign Affairs Committee, for introducing this resolution.

Mr. Speaker, I yield as much time as he may consume to the gentleman from Illinois (Mr. LAHOOD), an esteemed member of the Committee on Appropriations.

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

Mr. LAHOOD. Mr. Speaker, I rise in strong support of this resolution and ask all Members to support the resolution.

I want to compliment Chairman BERMAN and Chairman ACKERMAN and Ranking Member MANZULLO for their leadership in bringing this very important resolution to the House floor.

No one has suffered more in the Middle East than the small country of Lebanon, caught in the crossfire of many different attacks from many different forces, not the least of which is Hezbollah. This resolution reaffirms the House's strong support for the legitimate democratically elected government, expresses sympathy to the people of Lebanon and condolences to those in Lebanon who have been displaced, injured, and lost relatives as a result of Hezbollah's violent action.

It urges the U.S. Government and the international community to immediately take all appropriate actions to support and strengthen the legitimate Government of Lebanon under the extraordinary leadership of Prime Minister Siniora, condemns Hezbollah and its state sponsors, Iran and Syria, for its efforts to undermine the Lebanese Government, including from approximately May 5–12, fomenting riots, blocking roads, seizing buildings, seizing control of West Beirut, and engaging in sectarian fighting in much of Lebanon.

The resolution demands that Hezbollah, as a first step toward total disarmament, immediately cease its attacks and withdraw from all areas in Lebanon that it has occupied.

The resolution urges the U.N. Security Council to condemn Iran and Syria for their violations of multiple UNSC resolutions and to sanction those nations by banning air traffic between Iran and Lebanon and between Iran and Syria. It urges every country controlling possible transit routes between Iran and Lebanon to impose strict controls to prevent Iran from arming Hezbollah. And it urges the European Union to designate Hezbollah as a terrorist group. This is a very good resolution.

Mr. Speaker, as someone who has traveled to Lebanon 12 out of the 14 years that I've been a Member of the House, I can tell you that Lebanon is caught in a very, very difficult situation.

I want to give credit, also, to President Bush and Secretary Rice for the interest that they've taken in Lebanon. More recently, the President was in the Middle East and spoke out in defense of Lebanon and calling on those countries, including the group Hezbollah, to cease and desist from their activity that they're participating in in this small country. I compliment President Bush and Secretary Rice for their involvement and their encouragement to the country of Lebanon and to the leaders that they met with most recently to become more involved in trying to help solve the problem and detach Hezbollah from the kind of hold that they have on the country.

One other thing, Mr. Speaker, I'd like to also encourage the Parliament in Lebanon, who have the responsibility for electing a president and have not taken on that responsibility, and given the fact that the Office of President of Lebanon has been vacant for a number of months, I call on the Parliament of Lebanon to convene themselves and elect a president. This would send a very strong message around the region and around the world that Lebanon is a country that can stand on its own and stand up to these terrorist groups if it has the help from other countries.

So I encourage the Speaker of the Parliament in Lebanon to take on the responsibility to call the Lebanese Parliament into session and to elect a president. I think it would be a very, very important move.

Again, I thank the Committee on Foreign Affairs for their interest in the country of Lebanon and the way that they have struck a very strong cord against Hezbollah and their activities in Lebanon. I urge all Members to support the resolution.

Mr. ACKERMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio, the chairman of the Oversight and Government Reform Subcommittee on Domestic Policy, DENNIS KUCINICH.

Mr. KUCINICH. I thank the gentleman.

I think that this House has concurrence, that we share concern about Lebanon. I certainly do, having had the chance, twice in the last 2 years, to not only visit the country, the northern and the southern part, but to meet with all the parties to the disputes.

One of the things that I thought was most telling was that there was a concern about working out an agreement without the interference of outside parties, without the interference of Iran or the interference of the United States. There is a feeling of Lebanon-for-Lebanon that exists very strongly in Lebanon. Yet the Lebanese have not had the opportunity to really stand that way.

Having gone to Lebanon, as I did right after the war that went past one month in the summer of 2006, and seeing the devastation there, there is no appetite for war on the part of the Lebanese people.

□ 1615

The role of Hezbollah is certainly worth looking at. It's also worth considering the depth of support they have among the Lebanese people.

We have to be very careful about how we dictate a certain policy in Lebanon for its effect on Lebanon and for its effect on the region. So, therefore, I must reluctantly oppose this resolution, as well intended as it might be, because I'm concerned that it will be seen by some as the United States trying to instigate more civil unrest in Lebanon at the same time that we say that we're supporting the central government.

I have met with Prime Minister Siniora. He has been a good friend of the United States. But he had to sit by while the United States either looked the other way or encouraged, depending on whose story you accept, the continued bombing of Lebanon, which actually undermined his government.

So we have a condition in Lebanon that really has been going on now for over 25 years, with Lebanon having only tenuous control of their own affairs, with the interference of so many outside governments.

We should be doing everything we can to strengthen a process of dialogue in Lebanon. I don't believe that this resolution accomplishes that. I think it accomplishes the opposite.

Again, I'm in support of whatever we can do to stabilize Lebanon. I just have my doubts that this resolution will accomplish that. I appreciate the concern of the sponsors. I think we need to have more of a discussion——

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

Mr. KUCINICH. I certainly will.

Mr. LAHOOD. The gentleman knows that he and I have had a number of discussions about Lebanon.

I know of your deep interest in the country, and I know that you've traveled there.

The one thing, Mr. Speaker, that I would say to the gentleman is that Prime Minister Siniora did not turn a blind eye on a number of occasions when the bombing was taking place. He called for a cessation of the bombing in the southern part of the country; so I want to be sure the record is clear on this.

Mr. KUCINICH. I appreciate your pointing it out.

Mr. LAHOOD. He did not sit by and allow his country——

Mr. KUCINICH. I agree with you, and I appreciate your correcting the record in that he wasn't for it, that's for sure. But I'm suggesting to you that the fact that we had someone who was supporting us, and yet we continued as a government, our government did nothing to discourage the continued bombing of Lebanon during that period after the 6 days that Israel thought they basically had accomplished their objectives.

I was in southern Lebanon. I saw the devastation. And I talked to people both on the Israeli side and on the Lebanese side, and I see that there was a desire to stop but it continued. We undermined the Siniora government. What I'm suggesting is that it's the United States interference in Lebanon that does not serve the country's purpose of peace well. I don't see our purpose there as being benign, to my good friend, and I say this having talked to all sides. Let Lebanon be for Lebanon. Let the United States and all the other nations of the world provide some support when asked for it, but we have to be very careful about injecting ourselves in a way that we try to determine the outcome for that country. We do not do well when we try to determine the outcome of who should govern another country. It always, in the last few years, has been very difficult for us to do that.

I appreciate, though, the dedication that my good friend has to peace in Lebanon. We both agree on the necessity of civility there. We may have differences as to how that would be achieved.

I thank the gentleman.

Mr. MANZULLO. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. I don't want to belabor this to my friend from Ohio, Mr. Speaker, but I want to say this: I visited right after the bombing stopped in the southern part of Lebanon. I visited there, Mr. Speaker, with some other Members of Congress, and I can tell you this: The Siniora government and all government officials decried very much what was happening in the southern part of the country and asked the United States to help in this instance to raise an enormous amount of money to help rebuild the southern part of the country. And President Bush got on the telephone, Mr. Speaker, talked to a number of countries, raised an enormous amount of money, billions of dollars. Siniora, the Prime Minister, went to France and actually met with leaders and raised an enormous amount of money.

The country of Lebanon, the Prime Minister of Lebanon, has encouraged the kind of involvement of our country to help raise money to rebuild the south and also to say to those who have taken a place in the country for no other good but to disrupt the country that this is not the kind of activity that they want.

And so we do disagree on this, Mr. Speaker, and I do disagree with the gentleman from Ohio. We need to speak out. That's what this resolution does. It speaks out about a group of people in Lebanon whose only goal is to disrupt the country and to try to take over, for no good, and that's why this resolution is well drafted and well written.

Mr. KUCINICH. Mr. Speaker, will my friend yield?

Mr. LAHOOD. Of course.

Mr. KUCINICH. I'm maintaining that our government, the United States, has really not been for dialogue so as to try to bring all the parties together. We have pursued a path that has been quite narrow and that, in effect, keeps the conflict going. So I have concerns about that.

I would agree that Mr. Siniora is trying to do everything he can, but I also think that he's limited to what he can do because of the parameters that he has to work within in order to keep the confidence of the administration in Washington, DC. And that's my concern.

So this resolution, I don't think, really addresses the much deeper need for dialogue within Lebanon by the Lebanese instead of the United States injecting its point of view and its mandate onto Lebanon.

Mr. LAHOOD. Well, I would say this, Mr. Speaker: I would say there are a lot of back-channel talks going on that don't get the kind of headlines and the kind of publicity. But there are activities taking place, unbeknownst to many who serve here and unbeknownst really to the public. I think these are good discussions. But I urge the House to support this resolution because for one of the few times that I've been here in 14 years, it really sets out, I think, the right language that we, as the House of Representatives, want to send as a message to the Prime Minister of Lebanon and to a group there that wants to hurt the country and hurt the people in the country and have set on a course to do that.

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

First let me express my appreciation for the gentleman from Ohio and for his good intentions and for his support of dialogue. Certainly nobody is against dialogue.

But we have a situation here where a democratic, freedom-loving, sovereign people are insisting on the results of their own self-determined election that they came to through democratic processes and are doing that in the face of outside interference in the form of armed opposition, murders, assassinations that are being sponsored by Hezbollah, financed by the Iranian and Syrian regimes. And the gentleman instead calls for dialogue. We call for nothing other than dialogue.

This is a nonbinding sense of the Congress resolution. And while other countries are running interference and murdering the people of Lebanon and preventing their democratic government from governing, we are sending them a message of hope, a message of support. And the gentleman's protestations say that we shouldn't interfere, let them have a dialogue.

What we are looking at, Mr. Speaker, is the equivalent of a rape, and I have just heard the argument that what we should do is not interfere and take sides between the victim and the raper and to say let them have a dialogue and work it out, while each and every day the rape continues. As a civilized, democratic society, we cannot sit idly by without saying a word.

I do appreciate the argument of those who are against violence, who are against arms, and who are against war. I stand with them on that. But we have no alternative than to act and at least send a message of support. There is no interference other than our best wishes while others are sending arms. There is nothing in the 17 whereases in this resolution that suggests that we're in favor of violence. And if the gentleman and those who argue his argument are truly opposed to raising an army, let them at least raise their voice. Let them speak out with us on this resolution. Let us reaffirm our dedication to the principles of democracy and self-determination of a people who have already made their choice in their election, and to stand by them, not by providing arms or violence, but by sending them the wishes of this Congress, of the American people, expressing our support for their determination to continue in their quest to effectuate the democracy to which they are entitled.

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

Mr. ACKERMAN. I yield to my friend.

Mr. KUCINICH. My concern is this: that you had an assistant Secretary of

State for the U.S., David Welch, who went to Lebanon, and he went there to basically make sure that the government took a hard-line position and that it would forestall the possibility of any dialogue. And then one of the clients of the United States, or so-called clients, basically escalated the situation by taking on the issue of disarmament of Hezbollah, which really ought to be done within the parameters of the Lebanese discussion.

Mr. ACKERMAN. Reclaiming my time, the Security Council of the United Nations has asked for the disarmament of Hezbollah. This is not our request. This is the United Nations. This is the international community. This is the entire peaceful world that has asked for that.

As far as the administration, I don't speak for the administration, heaven forbid. This is our Congress, and together Democrats and Republicans have joined in with words. Words are powerful. Words are important weapons. And if you want to avoid the weapons that go bang in the night, then words of support are important, important to a people who are under siege, whose democracy is being eroded by rogue states and terrorist organizations using violence and assassination, trying to blow up members of their elected parliament so that they no longer have a majority to continue their democratic work.

Mr. KUCINICH. Will my friend yield?

Mr. ACKERMAN. I yield.

Mr. KUCINICH. How much more effective it would be if the disarming of Hezbollah, which should occur, would occur within the context of an agreement within Lebanon as opposed to being imposed by someone else. The Lebanese should have control of their own government.

Mr. ACKERMAN. Let me say I'm not opposed to that happening. Let them disarm themselves. But let us in the meantime do what we can to be the voice of democracy and freedom.

The world looks at us as a beacon. We have spent so much of the goodwill that we have built up over 230 years of this democracy. At least let us speak out for freedom, speak out for freedom in the case of a people who are under siege, who are in the throes of having their duly elected government taken away from them by terrorist organizations and rogue regimes.

We know what Hezbollah is. The world knows what it is. We cannot stand idly by and not utter a word of support. This is our word of support. This is the resolution of this Congress. Would that it be more. Would that it be more forceful. Would that it be more effective. But at least we can continue to give those people who insist on living lives of freedom a rekindling of the belief that we too believe in what they believe in and that we support them in their struggle.

If the gentleman is prepared to yield back his time, I will do so.

Mr. MANZULLO. I am prepared to yield back. I want to commend the gentleman for his impassioned speech.

I thank you for the things you have said this afternoon in this Chamber.

Mr. ACKERMAN. You're quite welcome.

Mr. PAUL. Mr. Speaker, I rise in opposition to H. Res. 1194, mainly because this legislation reads like an authorization to use force in Lebanon.

As the key resolved clause of H. Res. 1194 states:

*Resolved,* That the House of Representatives—

* * * * *

(6) urges—

(A) the United States Government and the international community to immediately take all appropriate actions to support and strengthen the legitimate Government of Lebanon under Prime Minister Fouad Siniora;

This language is eerily similar to a key clause in the 2002 Iraq war authorization, H.J. Res. 114, which read:

(a) AUTHORIZATION—The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to—

(1) defend the national security of the United States against the continuing threat posed by Iraq;

I find it outrageous that this legislation, which moves us closer to an expanded war in the Middle East, is judged sufficiently "noncontroversial" to be placed on the suspension calendar for consideration on the House Floor outside of normal parliamentary order. Have we reached the point where it is no longer controversial to urge the President to use "all appropriate actions"—with the unmistakable implication that force may be used—to intervene in the domestic affairs of a foreign country?

Mr. Speaker, the Arab League has been mediating the conflict between rival political factions in Lebanon and has had some success in halting the recent violence. Currently, negotiations are taking place in Qatar between the Lebanese factions and some slow but encouraging progress is being made. Regional actors—who do have an interest in the conflict—have stepped up in attempt to diffuse the crisis and reach a peaceful solution. Yet at the critical stage of negotiations the U.S. House is preparing to pass a very confrontational resolution endorsing one side and condemning competing factions. In threatening to use "all appropriate actions" to support one faction, the United States is providing a strong disincentive for that one faction to continue peaceful negotiations. Passing this resolution will most likely contribute to a return of violence in Lebanon.

This legislation strongly condemns Iranian and Syrian support to one faction in Lebanon while pledging to involve the United States on the other side. Wouldn't it be better to be involved on neither side and instead encourage the negotiations that have already begun to resolve the conflict?

Afghanistan continues to sink toward chaos with no end in sight. The war in Iraq, launched on lies and deceptions, has cost nearly a trillion dollars and more than 4,000 lives with no end in sight. Saber rattling toward Iran and Syria increases daily, including in this very legislation. Yet we are committing ourselves to intervene in a domestic political dispute that has nothing to do with the United States.

This resolution leads us closer to a wider war in the Middle East. It involves the United States unnecessarily in an internal conflict between competing Lebanese political factions and will increase rather than decrease the chance for an increase in violence. The Lebanese should work out political disputes on their own or with the assistance of regional organizations like the Arab League. I urge my colleagues to reject this march to war and to reject H. Res. 1194.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and agree to the resolution, H. Res. 1194.

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. LAHOOD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

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□ 1630

## CONFERENCE REPORT ON S. CON. RES 70, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

Mr. SPRATT submitted the following conference report and statement on the Senate concurrent resolution (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013:

CONFERENCE REPORT (S. CON. RES. 70)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the concurrent resolution (S. Con. Res. 70), setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

***SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009.***

*(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2009 and that this resolution sets forth the appropriate budgetary levels for fiscal year 2008 and for fiscal years 2010 through 2013.*

*(b) TABLE OF CONTENTS.—*

*Sec. 1. Concurrent resolution on the budget for fiscal year 2009.*

*TITLE I—RECOMMENDED LEVELS AND AMOUNTS*

*Sec. 101. Recommended levels and amounts.*

*Sec. 102. Social Security.*
*Sec. 103. Postal Service discretionary administrative expenses.*
*Sec. 104. Major functional categories.*
*TITLE II—RESERVE FUNDS*
*Subtitle A—House Reserve Funds*
*Sec. 201. Deficit-neutral reserve fund for SCHIP legislation.*
*Sec. 202. Deficit-neutral reserve fund for America's veterans and servicemembers.*
*Sec. 203. Deficit-neutral reserve fund for education benefits for servicemembers, veterans, and their families.*
*Sec. 204. Deficit-neutral reserve fund for infrastructure investment.*
*Sec. 205. Deficit-neutral reserve fund for renewable energy and energy efficiency.*
*Sec. 206. Deficit-neutral reserve fund for middle-income tax relief and economic equity.*
*Sec. 207. Deficit-neutral reserve fund for reform of the alternative minimum tax.*
*Sec. 208. Deficit-neutral reserve fund for higher education.*
*Sec. 209. Deficit-neutral reserve fund for affordable housing.*
*Sec. 210. Deficit-neutral reserve fund for Medicare improvements.*
*Sec. 211. Deficit-neutral reserve fund for health care quality, effectiveness, and efficiency.*
*Sec. 212. Deficit-neutral reserve fund for Medicaid and other programs.*
*Sec. 213. Deficit-neutral reserve fund for a 9/11 health program.*
*Sec. 214. Deficit-neutral reserve fund for trade adjustment assistance and unemployment insurance modernization.*
*Sec. 215. Deficit-neutral reserve fund for county payments legislation.*
*Sec. 216. Deficit-neutral reserve fund for San Joaquin River restoration and Navajo Nation water rights settlements.*
*Sec. 217. Deficit-neutral reserve fund for the National Park Centennial Fund.*
*Sec. 218. Deficit-neutral reserve fund for child support enforcement.*
*Sec. 219. Deficit-neutral reserve fund for children and families.*
*Sec. 220. Reserve fund adjustment for revenue measures in the House.*
*Subtitle B—Senate Reserve Funds*
*Sec. 221. Deficit-neutral reserve fund to strengthen and stimulate the American economy and provide economic relief to American families.*
*Sec. 222. Deficit-neutral reserve fund for improving education.*
*Sec. 223. Deficit-neutral reserve fund for investments in America's infrastructure.*
*Sec. 224. Deficit-neutral reserve fund to invest in clean energy, preserve the environment, and provide for certain settlements.*
*Sec. 225. Deficit-neutral reserve fund for America's veterans and servicemembers.*
*Sec. 226. Deficit-neutral reserve fund for education benefits for servicemembers, veterans, and their families.*
*Sec. 227. Deficit-neutral reserve fund to improve America's health.*
*Sec. 228. Deficit-neutral reserve fund for reform of the alternative minimum tax.*
*Sec. 229. Deficit-neutral reserve fund for judicial pay and judgeships.*
*Sec. 230. Deficit-neutral reserve fund for immigration enforcement and reform.*
*Sec. 231. Deficit-neutral reserve fund for science parks.*
*Sec. 232. Deficit-neutral reserve fund to terminate deductions from mineral revenue payments to States.*
*Sec. 233. Deficit-reduction reserve fund for increased use of recovery audits.*
*Sec. 234. Deficit-neutral reserve fund for food safety.*
*Sec. 235. Deficit-neutral reserve fund for demonstration project regarding Medicaid coverage of low-income HIV-infected individuals.*
*Sec. 236. Deficit-neutral reserve fund for reducing the income threshold for the refundable child tax credit, and other selected tax relief policies.*
*Sec. 237. Deficit-neutral reserve fund for a 9/11 health program.*
*TITLE III—BUDGET ENFORCEMENT*
*Subtitle A—House Enforcement Provisions*
*Sec. 301. Program integrity initiatives and other adjustments.*
*Sec. 302. Point of order against advance appropriations.*
*Subtitle B—Senate Enforcement Provisions*
*Sec. 311. Senate point of order against legislation increasing long-term deficits.*
*Sec. 312. Discretionary spending limits, program integrity initiatives, and other adjustments.*
*Sec. 313. Point of order against advance appropriations.*
*Sec. 314. Senate point of order against provisions of appropriations legislation that constitute changes in mandatory programs with net costs.*
*Sec. 315. Senate point of order against legislation increasing short-term deficit.*
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*Sec. 513. Sense of the Congress regarding long-term fiscal reform.*
*Sec. 514. Sense of the Congress regarding waste, fraud, and abuse.*
*Sec. 515. Sense of the Congress regarding extension of the statutory pay-as-you-go rule.*
*Sec. 516. Sense of the Congress on long-term budgeting.*
*Sec. 517. Sense of the Congress regarding affordable health coverage.*
*Sec. 518. Sense of the Congress regarding pay parity.*
*Sec. 519. Sense of the Congress regarding subprime lending and foreclosures.*
*Sec. 520. Sense of the Congress regarding the need to maintain and build upon efforts to fight hunger.*
*Sec. 521. Sense of the Congress regarding the importance of child support enforcement.*
*Sec. 522. Sense of the Congress on the Innovation Agenda and America COMPETES Act.*

## *TITLE I—RECOMMENDED LEVELS AND AMOUNTS*

***SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.***

*The following budgetary levels are appropriate for each of fiscal years 2008 through 2013:*

*(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:*

*(A) The recommended levels of Federal revenues are as follows:*

*Fiscal year 2008: $1,875,392,000,000.*
*Fiscal year 2009: $2,029,612,000,000.*
*Fiscal year 2010: $2,204,652,000,000.*
*Fiscal year 2011: $2,413,249,000,000.*
*Fiscal year 2012: $2,506,049,000,000.*
*Fiscal year 2013: $2,626,582,000,000.*

*(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:*

*Fiscal year 2008: -$4,000,000,000.*
*Fiscal year 2009: -$67,755,000,000.*
*Fiscal year 2010: $21,270,000,000.*
*Fiscal year 2011: -$14,824,000,000.*
*Fiscal year 2012: -$151,572,000,000.*
*Fiscal year 2013: -$123,689,000,000.*

*(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:*

*Fiscal year 2008: $2,563,262,000,000.*
*Fiscal year 2009: $2,530,703,000,000.*
*Fiscal year 2010: $2,562,856,000,000.*
*Fiscal year 2011: $2,693,843,000,000.*
*Fiscal year 2012: $2,736,865,000,000.*
*Fiscal year 2013: $2,868,813,000,000.*

*(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:*

*Fiscal year 2008: $2,465,711,000,000.*
*Fiscal year 2009: $2,565,903,000,000.*
*Fiscal year 2010: $2,621,939,000,000.*
*Fiscal year 2011: $2,712,795,000,000.*
*Fiscal year 2012: $2,722,056,000,000.*
*Fiscal year 2013: $2,860,225,000,000.*

*(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:*

*Fiscal year 2008: $590,319,000,000.*
*Fiscal year 2009: $536,291,000,000.*
*Fiscal year 2010: $417,287,000,000.*
*Fiscal year 2011: $299,546,000,000.*
*Fiscal year 2012: $216,007,000,000.*
*Fiscal year 2013: $233,643,000,000.*

*(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:*

*Fiscal year 2008: $9,575,000,000,000.*
*Fiscal year 2009: $10,207,000,000,000.*
*Fiscal year 2010: $10,732,000,000,000.*
*Fiscal year 2011: $11,137,000,000,000.*
*Fiscal year 2012: $11,484,000,000,000.*
*Fiscal year 2013: $11,832,000,000,000.*

*(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:*

*Fiscal year 2008: $5,404,000,000,000.*
*Fiscal year 2009: $5,761,000,000,000.*
*Fiscal year 2010: $5,989,000,000,000.*
*Fiscal year 2011: $6,080,000,000,000.*
*Fiscal year 2012: $6,075,000,000,000.*
*Fiscal year 2013: $6,081,000,000,000.*

***SEC. 102. SOCIAL SECURITY.***

*(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:*

*Fiscal year 2008: $666,706,000,000.*
*Fiscal year 2009: $695,870,000,000.*
*Fiscal year 2010: $733,562,000,000.*
*Fiscal year 2011: $772,459,000,000.*
*Fiscal year 2012: $809,789,000,000.*
*Fiscal year 2013: $845,034,000,000.*

*(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:*

*Fiscal year 2008: $463,746,000,000.*
*Fiscal year 2009: $493,602,000,000.*
*Fiscal year 2010: $520,149,000,000.*
*Fiscal year 2011: $540,478,000,000.*
*Fiscal year 2012: $566,240,000,000.*
*Fiscal year 2013: $595,534,000,000.*

*(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:*

*Fiscal year 2008:*
*(A) New budget authority, $5,010,000,000.*
*(B) Outlays, $4,944,000,000.*
*Fiscal year 2009:*
*(A) New budget authority, $5,233,000,000.*
*(B) Outlays, $5,160,000,000.*
*Fiscal year 2010:*
*(A) New budget authority, $5,359,000,000.*
*(B) Outlays, $5,332,000,000.*
*Fiscal year 2011:*
*(A) New budget authority, $5,500,000,000.*
*(B) Outlays, $5,475,000,000.*
*Fiscal year 2012:*
*(A) New budget authority, $5,653,000,000.*
*(B) Outlays, $5,626,000,000.*
*Fiscal year 2013:*
*(A) New budget authority, $5,817,000,000.*
*(B) Outlays, $5,789,000,000.*

***SEC. 103. POSTAL SERVICE DISCRETIONARY ADMINISTRATIVE EXPENSES.***

*In the Senate, the amounts of new budget authority and budget outlays of the Postal Service for discretionary administrative expenses are as follows:*

*Fiscal year 2008:*
*(A) New budget authority, $250,000,000.*
*(B) Outlays, $237,000,000.*
*Fiscal year 2009:*
*(A) New budget authority, $258,000,000.*
*(B) Outlays, $258,000,000.*
*Fiscal year 2010:*
*(A) New budget authority, $267,000,000.*
*(B) Outlays, $267,000,000.*
*Fiscal year 2011:*
*(A) New budget authority, $275,000,000.*
*(B) Outlays, $275,000,000.*
*Fiscal year 2012:*
*(A) New budget authority, $284,000,000.*
*(B) Outlays, $284,000,000.*
*Fiscal year 2013:*
*(A) New budget authority, $293,000,000.*
*(B) Outlays, $293,000,000.*

***SEC. 104. MAJOR FUNCTIONAL CATEGORIES.***

*The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2008 through 2013 for each major functional category are:*

*(1) National Defense (050):*
*Fiscal year 2008:*
*(A) New budget authority, $590,686,000,000.*
*(B) Outlays, $576,173,000,000.*
*Fiscal year 2009:*
*(A) New budget authority, $542,497,000,000.*
*(B) Outlays, $573,362,000,000.*
*Fiscal year 2010:*
*(A) New budget authority, $550,414,000,000.*
*(B) Outlays, $560,726,000,000.*
*Fiscal year 2011:*
*(A) New budget authority, $557,026,000,000.*
*(B) Outlays, $560,099,000,000.*
*Fiscal year 2012:*
*(A) New budget authority, $565,800,000,000.*
*(B) Outlays, $556,699,000,000.*
*Fiscal year 2013:*
*(A) New budget authority, $576,233,000,000.*
*(B) Outlays, $568,829,000,000.*

*(2) International Affairs (150):*
*Fiscal year 2008:*
*(A) New budget authority, $32,648,000,000.*
*(B) Outlays, $32,843,000,000.*
*Fiscal year 2009:*
*(A) New budget authority, $37,158,000,000.*
*(B) Outlays, $35,749,000,000.*
*Fiscal year 2010:*
*(A) New budget authority, $37,901,000,000.*
*(B) Outlays, $36,591,000,000.*
*Fiscal year 2011:*
*(A) New budget authority, $38,221,000,000.*
*(B) Outlays, $36,864,000,000.*
*Fiscal year 2012:*
*(A) New budget authority, $38,491,000,000.*
*(B) Outlays, $36,824,000,000.*
*Fiscal year 2013:*
*(A) New budget authority, $38,451,000,000.*
*(B) Outlays, $36,537,000,000.*

*(3) General Science, Space, and Technology (250):*
*Fiscal year 2008:*
*(A) New budget authority, $27,407,000,000.*
*(B) Outlays, $26,456,000,000.*
*Fiscal year 2009:*
*(A) New budget authority, $30,639,000,000.*
*(B) Outlays, $29,072,000,000.*
*Fiscal year 2010:*
*(A) New budget authority, $31,701,000,000.*
*(B) Outlays, $31,192,000,000.*
*Fiscal year 2011:*
*(A) New budget authority, $32,863,000,000.*
*(B) Outlays, $32,642,000,000.*
*Fiscal year 2012:*
*(A) New budget authority, $34,115,000,000.*
*(B) Outlays, $33,891,000,000.*
*Fiscal year 2013:*
*(A) New budget authority, $35,450,000,000.*
*(B) Outlays, $34,694,000,000.*

*(4) Energy (270):*
*Fiscal year 2008:*
*(A) New budget authority, $3,550,000,000.*
*(B) Outlays, $1,681,000,000.*
*Fiscal year 2009:*
*(A) New budget authority, $6,514,000,000.*
*(B) Outlays, $2,795,000,000.*
*Fiscal year 2010:*
*(A) New budget authority, $6,615,000,000.*
*(B) Outlays, $4,092,000,000.*
*Fiscal year 2011:*
*(A) New budget authority, $6,450,000,000.*
*(B) Outlays, $4,969,000,000.*
*Fiscal year 2012:*
*(A) New budget authority, $6,550,000,000.*
*(B) Outlays, $5,417,000,000.*
*Fiscal year 2013:*
*(A) New budget authority, $6,474,000,000.*
*(B) Outlays, $5,659,000,000.*

*(5) Natural Resources and Environment (300):*
*Fiscal year 2008:*
*(A) New budget authority, $33,169,000,000.*
*(B) Outlays, $34,723,000,000.*
*Fiscal year 2009:*
*(A) New budget authority, $40,515,000,000.*
*(B) Outlays, $36,868,000,000.*
*Fiscal year 2010:*
*(A) New budget authority, $35,278,000,000.*
*(B) Outlays, $37,472,000,000.*
*Fiscal year 2011:*
*(A) New budget authority, $36,307,000,000.*
*(B) Outlays, $37,865,000,000.*
*Fiscal year 2012:*
*(A) New budget authority, $37,396,000,000.*
*(B) Outlays, $38,356,000,000.*
*Fiscal year 2013:*
*(A) New budget authority, $38,033,000,000.*
*(B) Outlays, $38,923,000,000.*

*(6) Agriculture (350):*
*Fiscal year 2008:*
*(A) New budget authority, $24,296,000,000.*
*(B) Outlays, $22,179,000,000.*
*Fiscal year 2009:*
*(A) New budget authority, $22,572,000,000.*
*(B) Outlays, $22,312,000,000.*
*Fiscal year 2010:*
*(A) New budget authority, $22,145,000,000.*
*(B) Outlays, $21,241,000,000.*
*Fiscal year 2011:*
*(A) New budget authority, $22,026,000,000.*
*(B) Outlays, $21,022,000,000.*
*Fiscal year 2012:*
*(A) New budget authority, $20,889,000,000.*
*(B) Outlays, $17,463,000,000.*
*Fiscal year 2013:*
*(A) New budget authority, $22,304,000,000.*
*(B) Outlays, $21,606,000,000.*

*(7) Commerce and Housing Credit (370):*
*Fiscal year 2008:*
*(A) New budget authority, $11,216,000,000.*
*(B) Outlays, $5,381,000,000.*
*Fiscal year 2009:*
*(A) New budget authority, $9,560,000,000.*
*(B) Outlays, $3,722,000,000.*
*Fiscal year 2010:*
*(A) New budget authority, $13,887,000,000.*
*(B) Outlays, $5,835,000,000.*
*Fiscal year 2011:*
*(A) New budget authority, $8,998,000,000.*
*(B) Outlays, $2,193,000,000.*
*Fiscal year 2012:*
*(A) New budget authority, $9,246,000,000.*
*(B) Outlays, $1,735,000,000.*
*Fiscal year 2013:*
*(A) New budget authority, $9,642,000,000.*
*(B) Outlays, $1,648,000,000.*

*(8) Transportation (400):*
*Fiscal year 2008:*
*(A) New budget authority, $80,189,000,000.*
*(B) Outlays, $77,795,000,000.*
*Fiscal year 2009:*
*(A) New budget authority, $74,682,000,000.*
*(B) Outlays, $80,781,000,000.*
*Fiscal year 2010:*
*(A) New budget authority, $77,999,000,000.*
*(B) Outlays, $84,318,000,000.*
*Fiscal year 2011:*
*(A) New budget authority, $78,900,000,000.*
*(B) Outlays, $86,468,000,000.*
*Fiscal year 2012:*
*(A) New budget authority, $79,741,000,000.*
*(B) Outlays, $88,453,000,000.*
*Fiscal year 2013:*
*(A) New budget authority, $80,641,000,000.*
*(B) Outlays, $90,675,000,000.*

*(9) Community and Regional Development (450):*
*Fiscal year 2008:*
*(A) New budget authority, $20,149,000,000.*
*(B) Outlays, $27,820,000,000.*
*Fiscal year 2009:*
*(A) New budget authority, $15,220,000,000.*
*(B) Outlays, $24,401,000,000.*
*Fiscal year 2010:*
*(A) New budget authority, $15,376,000,000.*
*(B) Outlays, $22,109,000,000.*
*Fiscal year 2011:*
*(A) New budget authority, $15,603,000,000.*
*(B) Outlays, $18,330,000,000.*
*Fiscal year 2012:*
*(A) New budget authority, $15,840,000,000.*
*(B) Outlays, $16,301,000,000.*
*Fiscal year 2013:*
*(A) New budget authority, $16,007,000,000.*
*(B) Outlays, $15,986,000,000.*

*(10) Education, Training, Employment, and Social Services (500):*
*Fiscal year 2008:*
*(A) New budget authority, $90,077,000,000.*
*(B) Outlays, $90,729,000,000.*
*Fiscal year 2009:*
*(A) New budget authority, $94,277,000,000.*
*(B) Outlays, $91,351,000,000.*
*Fiscal year 2010:*
*(A) New budget authority, $103,716,000,000.*
*(B) Outlays, $99,477,000,000.*
*Fiscal year 2011:*
*(A) New budget authority, $105,910,000,000.*
*(B) Outlays, $103,453,000,000.*
*Fiscal year 2012:*
*(A) New budget authority, $107,399,000,000.*
*(B) Outlays, $103,992,000,000.*
*Fiscal year 2013:*
*(A) New budget authority, $100,625,000,000.*
*(B) Outlays, $102,451,000,000.*

*(11) Health (550):*
*Fiscal year 2008:*
*(A) New budget authority, $285,601,000,000.*
*(B) Outlays, $287,188,000,000.*
*Fiscal year 2009:*
*(A) New budget authority, $310,260,000,000.*
*(B) Outlays, $307,474,000,000.*
*Fiscal year 2010:*
*(A) New budget authority, $325,344,000,000.*
*(B) Outlays, $325,681,000,000.*

*Fiscal year 2011:*
*(A) New budget authority, $345,817,000,000.*
*(B) Outlays, $345,055,000,000.*
*Fiscal year 2012:*
*(A) New budget authority, $368,395,000,000.*
*(B) Outlays, $367,257,000,000.*
*Fiscal year 2013:*
*(A) New budget authority, $393,337,000,000.*
*(B) Outlays, $391,872,000,000.*
*(12) Medicare (570):*
*Fiscal year 2008:*
*(A) New budget authority, $390,458,000,000.*
*(B) Outlays, $390,454,000,000.*
*Fiscal year 2009:*
*(A) New budget authority, $420,191,000,000.*
*(B) Outlays, $419,974,000,000.*
*Fiscal year 2010:*
*(A) New budget authority, $445,207,000,000.*
*(B) Outlays, $445,333,000,000.*
*Fiscal year 2011:*
*(A) New budget authority, $494,337,000,000.*
*(B) Outlays, $494,162,000,000.*
*Fiscal year 2012:*
*(A) New budget authority, $491,305,000,000.*
*(B) Outlays, $491,065,000,000.*
*Fiscal year 2013:*
*(A) New budget authority, $552,329,000,000.*
*(B) Outlays, $552,445,000,000.*
*(13) Income Security (600):*
*Fiscal year 2008:*
*(A) New budget authority, $389,926,000,000.*
*(B) Outlays, $394,161,000,000.*
*Fiscal year 2009:*
*(A) New budget authority, $415,547,000,000.*
*(B) Outlays, $416,039,000,000.*
*Fiscal year 2010:*
*(A) New budget authority, $420,430,000,000.*
*(B) Outlays, $420,710,000,000.*
*Fiscal year 2011:*
*(A) New budget authority, $429,946,000,000.*
*(B) Outlays, $429,463,000,000.*
*Fiscal year 2012:*
*(A) New budget authority, $416,447,000,000.*
*(B) Outlays, $416,044,000,000.*
*Fiscal year 2013:*
*(A) New budget authority, $432,148,000,000.*
*(B) Outlays, $431,699,000,000.*
*(14) Social Security (650):*
*Fiscal year 2008:*
*(A) New budget authority, $19,378,000,000.*
*(B) Outlays, $19,378,000,000.*
*Fiscal year 2009:*
*(A) New budget authority, $21,313,000,000.*
*(B) Outlays, $21,313,000,000.*
*Fiscal year 2010:*
*(A) New budget authority, $23,803,000,000.*
*(B) Outlays, $23,803,000,000.*
*Fiscal year 2011:*
*(A) New budget authority, $27,338,000,000.*
*(B) Outlays, $27,338,000,000.*
*Fiscal year 2012:*
*(A) New budget authority, $30,349,000,000.*
*(B) Outlays, $30,349,000,000.*
*Fiscal year 2013:*
*(A) New budget authority, $33,170,000,000.*
*(B) Outlays, $33,170,000,000.*
*(15) Veterans Benefits and Services (700):*
*Fiscal year 2008:*
*(A) New budget authority, $86,365,000,000.*
*(B) Outlays, $83,551,000,000.*
*Fiscal year 2009:*
*(A) New budget authority, $93,320,000,000.*
*(B) Outlays, $92,486,000,000.*
*Fiscal year 2010:*
*(A) New budget authority, $96,233,000,000.*
*(B) Outlays, $95,912,000,000.*
*Fiscal year 2011:*
*(A) New budget authority, $102,038,000,000.*
*(B) Outlays, $101,706,000,000.*
*Fiscal year 2012:*
*(A) New budget authority, $99,359,000,000.*
*(B) Outlays, $98,511,000,000.*
*Fiscal year 2013:*
*(A) New budget authority, $105,344,000,000.*
*(B) Outlays, $104,513,000,000.*
*(16) Administration of Justice (750):*
*Fiscal year 2008:*
*(A) New budget authority, $46,237,000,000.*
*(B) Outlays, $44,282,000,000.*
*Fiscal year 2009:*
*(A) New budget authority, $48,303,000,000.*
*(B) Outlays, $48,097,000,000.*
*Fiscal year 2010:*
*(A) New budget authority, $48,673,000,000.*
*(B) Outlays, $49,291,000,000.*
*Fiscal year 2011:*
*(A) New budget authority, $49,348,000,000.*
*(B) Outlays, $49,763,000,000.*
*Fiscal year 2012:*
*(A) New budget authority, $50,139,000,000.*
*(B) Outlays, $50,172,000,000.*
*Fiscal year 2013:*
*(A) New budget authority, $51,051,000,000.*
*(B) Outlays, $50,767,000,000.*
*(17) General Government (800):*
*Fiscal year 2008:*
*(A) New budget authority, $56,407,000,000.*
*(B) Outlays, $56,920,000,000.*
*Fiscal year 2009:*
*(A) New budget authority, $23,987,000,000.*
*(B) Outlays, $24,411,000,000.*
*Fiscal year 2010:*
*(A) New budget authority, $19,929,000,000.*
*(B) Outlays, $19,974,000,000.*
*Fiscal year 2011:*
*(A) New budget authority, $20,470,000,000.*
*(B) Outlays, $20,369,000,000.*
*Fiscal year 2012:*
*(A) New budget authority, $21,004,000,000.*
*(B) Outlays, $21,026,000,000.*
*Fiscal year 2013:*
*(A) New budget authority, $21,463,000,000.*
*(B) Outlays, $21,251,000,000.*
*(18) Net Interest (900):*
*Fiscal year 2008:*
*(A) New budget authority, $349,351,000,000.*
*(B) Outlays, $349,351,000,000.*
*Fiscal year 2009:*
*(A) New budget authority, $334,409,000,000.*
*(B) Outlays, $334,409,000,000.*
*Fiscal year 2010:*
*(A) New budget authority, $370,805,000,000.*
*(B) Outlays, $370,805,000,000.*
*Fiscal year 2011:*
*(A) New budget authority, $407,916,000,000.*
*(B) Outlays, $407,916,000,000.*
*Fiscal year 2012:*
*(A) New budget authority, $433,193,000,000.*
*(B) Outlays, $433,193,000,000.*
*Fiscal year 2013:*
*(A) New budget authority, $448,812,000,000.*
*(B) Outlays, $448,812,000,000.*
*(19) Allowances (920):*
*Fiscal year 2008:*
*(A) New budget authority, $4,426,000,000.*
*(B) Outlays, $2,075,000,000.*
*Fiscal year 2009:*
*(A) New budget authority, -$13,201,000,000.*
*(B) Outlays, -$6,462,000,000.*
*Fiscal year 2010:*
*(A) New budget authority, -$11,955,000,000.*
*(B) Outlays, -$9,385,000,000.*
*Fiscal year 2011:*
*(A) New budget authority, -$12,307,000,000.*
*(B) Outlays, -$11,769,000,000.*
*Fiscal year 2012:*
*(A) New budget authority, -$12,689,000,000.*
*(B) Outlays, -$13,764,000,000.*
*Fiscal year 2013:*
*(A) New budget authority, -$13,000,000,000.*
*(B) Outlays, -$13,396,000,000.*
*(20) Undistributed Offsetting Receipts (950):*
*Fiscal year 2008:*
*(A) New budget authority, -$86,330,000,000.*
*(B) Outlays, -$86,330,000,000.*
*Fiscal year 2009:*
*(A) New budget authority, -$67,060,000,000.*
*(B) Outlays, -$67,060,000,000.*
*Fiscal year 2010:*
*(A) New budget authority, -$70,645,000,000.*
*(B) Outlays, -$70,645,000,000.*
*Fiscal year 2011:*
*(A) New budget authority, -$73,364,000,000.*
*(B) Outlays, -$73,364,000,000.*
*Fiscal year 2012:*
*(A) New budget authority, -$76,104,000,000.*
*(B) Outlays, -$76,104,000,000.*
*Fiscal year 2013:*
*(A) New budget authority, -$79,691,000,000.*
*(B) Outlays, -$79,691,000,000.*
*(21) Overseas Deployments and Other Activities (970):*
*Fiscal year 2008:*
*(A) New budget authority, $108,056,000,000.*
*(B) Outlays, $28,901,000,000.*
*Fiscal year 2009:*
*(A) New budget authority, $70,000,000,000.*
*(B) Outlays, $74,809,000,000.*
*Fiscal year 2010:*
*(A) New budget authority, $0.*
*(B) Outlays, $47,407,000,000.*
*Fiscal year 2011:*
*(A) New budget authority, $0.*
*(B) Outlays, $18,251,000,000.*
*Fiscal year 2012:*
*(A) New budget authority, $0.*
*(B) Outlays, $5,176,000,000.*
*Fiscal year 2013:*
*(A) New budget authority, $0.*
*(B) Outlays, $1,775,000,000.*

## *TITLE II—RESERVE FUNDS*

### *Subtitle A—House Reserve Funds*

**SEC. 201. DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION.**

*In the House, the Chairman of the Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report, which contains matter within the jurisdiction of the Committee on Energy and Commerce that expands coverage and improves children's health through the State Children's Health Insurance Program (SCHIP) under title XXI of the Social Security Act and the program under title XIX of such Act (commonly known as Medicaid) and that increases new budget authority that will result in no more than $50,000,000,000 in outlays in fiscal years 2008 through 2013, and others which contain offsets so designated for the purpose of this section within the jurisdiction of another committee or committees, if the combined changes would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.*

**SEC. 202. DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND SERVICEMEMBERS.**

*The Chairman of the House Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—*

*(1) enhance medical care, disability evaluations, or disability benefits for wounded or disabled military personnel or veterans (including measures to expedite the claims process);*

*(2) maintain affordable health care for military retirees and veterans;*

*(3) expand the number of disabled military retirees who receive both disability compensation and retired pay, or would accelerate the date by which eligible retirees under section 1414 of title 10, United States Code, will fully receive both veterans' disability compensation and retired pay;*

*(4) eliminate the offset between Survivor Benefit Plan annuities and Veterans' Dependency and Indemnity Compensation;*

*(5) provide for the continuing payment to members of the Armed Forces who are retired or separated from the Armed Forces due to a combat-related injury after September 11, 2001, of bonuses that such members were entitled to before the retirement or separation and would continue to be entitled to if such members were not retired or separated;*

*(6) enhance programs and activities to increase the availability of health care and other veterans services for veterans living in rural areas; or*

*(7) provide or increase benefits for Filipino veterans of World War II or their survivors and dependents*

*by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.*

***SEC. 203. DEFICIT-NEUTRAL RESERVE FUND FOR EDUCATION BENEFITS FOR SERVICEMEMBERS, VETERANS, AND THEIR FAMILIES.***

*The Chairman of the House Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—*

*(1) enhance educational benefits or assistance for servicemembers and veterans with service on active duty in the Armed Forces on or after September 11, 2001;*

*(2) allow for the transfer of education benefits from servicemembers to spouses, survivors, or dependents; or*

*(3) otherwise enhance education benefits or assistance for servicemembers (including Active Duty, National Guard, and Reserve), veterans, or their spouses, survivors, or dependents*

*by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit or decrease the surplus over either the period of fiscal years 2008 through 2013 or the period of fiscal years 2008 through 2018.*

***SEC. 204. DEFICIT-NEUTRAL RESERVE FUND FOR INFRASTRUCTURE INVESTMENT.***

*In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for a robust Federal investment in America's infrastructure, which may include projects for transit, rail (including high-speed passenger rail), airport, seaport, public housing, energy, water, highway, bridge, or other infrastructure projects by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.*

***SEC. 205. DEFICIT-NEUTRAL RESERVE FUND FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.***

*In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides tax incentives for or otherwise encourages the production of renewable energy or increased energy efficiency; encourages investment in emerging energy or vehicle technologies or carbon capture and sequestration; provides for reductions in greenhouse gas emissions; or facilitates the training of workers for these industries (''green collar jobs'') by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.*

***SEC. 206. DEFICIT-NEUTRAL RESERVE FUND FOR MIDDLE-INCOME TAX RELIEF AND ECONOMIC EQUITY.***

*In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for tax relief for middle-income families and taxpayers or enhanced economic equity, such as extension of the child tax credit, extension of marriage penalty relief, extension of the 10 percent individual income tax bracket, elimination of estate taxes on all but a minute fraction of estates by reforming and substantially increasing the unified credit, extension of the research and experimentation tax credit, extension of the deduction for small business expensing, extension of the deduction for State and local sales taxes, or a tax credit for school construction bonds, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.*

***SEC. 207. DEFICIT-NEUTRAL RESERVE FUND FOR REFORM OF THE ALTERNATIVE MINIMUM TAX.***

*In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for reform of the Internal Revenue Code of 1986 by reducing the tax burden of the alternative minimum tax on middle-income families by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.*

***SEC. 208. DEFICIT-NEUTRAL RESERVE FUND FOR HIGHER EDUCATION.***

*In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that makes college more affordable or accessible through reforms to the Higher Education Act of 1965 or other legislation by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.*

***SEC. 209. DEFICIT-NEUTRAL RESERVE FUND FOR AFFORDABLE HOUSING.***

*In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for an affordable housing fund, offset by reforming the regulation of certain government-sponsored enterprises, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.*

***SEC. 210. DEFICIT-NEUTRAL RESERVE FUND FOR MEDICARE IMPROVEMENTS.***

*In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that improves the Medicare program for beneficiaries and protects access to care, which may include measures such as—*

*(1) increasing the reimbursement rate for physicians while protecting beneficiaries from associated premium increases;*

*(2) providing for—*

*(A) an increase in the asset allowance under the Medicare Part D low-income subsidy program so that individuals with very limited incomes, but modest retirement savings, can obtain the assistance that the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 was intended to deliver with respect to the payment of premiums and cost-sharing under the Medicare Part D prescription drug benefit;*

*(B) an update in the income and asset allowances under the Medicare Savings Program and an annual inflationary adjustment for those allowances; or*

*(C) improved outreach and enrollment under the Medicare Savings Program and the Medicare Part D low-income subsidy program to ensure that low-income senior citizens and other low-income Medicare beneficiaries receive the low-income assistance for which they are eligible in accordance with the improvements provided for in such legislation;*

*(3) reductions in beneficiary cost-sharing for preventive benefits under Medicare Part B; or*

*(4) limiting inappropriate or abusive marketing tactics by private insurers and their agents offering Medicare Advantage or Medicare prescription drug plans*

*by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.*

***SEC. 211. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTH CARE QUALITY, EFFECTIVENESS, AND EFFICIENCY.***

*In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that—*

*(1) provides incentives or other support for adoption of modern information technology, including electronic prescribing, to improve quality and protect privacy in health care;*

*(2) establishes a new Federal or public-private initiative for research on the comparative effectiveness of different medical interventions;*

*(3) provides parity between health insurance coverage of mental health benefits and benefits for medical and surgical services, including parity in public programs;*

*(4) improves health care, provides quality health insurance for the uninsured and underinsured, and protects individuals with current health coverage; or*

*(5) reauthorizes the special diabetes program for Indians and the special diabetes programs for Type 1 diabetes*

*by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.*

***SEC. 212. DEFICIT-NEUTRAL RESERVE FUND FOR MEDICAID AND OTHER PROGRAMS.***

*(a) REGULATIONS AND ADMINISTRATIVE ACTIONS.—In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that prevents or delays the implementation or administration of regulations or other administrative actions that would affect the Medicaid, SCHIP, or other programs by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.*

*(b) TRANSITIONAL MEDICAL ASSISTANCE AND QUALIFYING INDIVIDUALS.—In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that extends the transitional medical assistance program or the qualifying individuals program, which are included in title XIX of the Social Security Act, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.*

*(c) DEMONSTRATION PROJECT REGARDING MEDICAID COVERAGE OF LOW-INCOME HIV-INFECTED INDIVIDUALS.—In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for a demonstration project under which a State may apply under section 1115 of the Social Security Act (42 U.S.C. 1315) to provide medical assistance under a State Medicaid program to HIV-infected individuals who are*

*not eligible for medical assistance under such program under section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)) by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.*

*(d) PEDIATRIC DENTAL CARE.—In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that would provide for improved access to pediatric dental care for children from low-income families by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.*

***SEC. 213. DEFICIT-NEUTRAL RESERVE FUND FOR A 9/11 HEALTH PROGRAM.***

*In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that would establish a program, including medical monitoring and treatment, addressing the adverse health impacts linked to the September 11, 2001, attacks by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.*

***SEC. 214. DEFICIT-NEUTRAL RESERVE FUND FOR TRADE ADJUSTMENT ASSISTANCE AND UNEMPLOYMENT INSURANCE MODERNIZATION.***

*In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that reauthorizes the trade adjustment assistance program to better meet the challenges of globalization or modernizes the unemployment insurance system to improve access to needed benefits by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.*

***SEC. 215. DEFICIT-NEUTRAL RESERVE FUND FOR COUNTY PAYMENTS LEGISLATION.***

*In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for the reauthorization of the Secure Rural Schools and Community Self Determination Act of 2000 (Public Law 106–393) or makes changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94–565) by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.*

***SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR SAN JOAQUIN RIVER RESTORATION AND NAVAJO NATION WATER RIGHTS SETTLEMENTS.***

*In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that would fulfill the purposes of the San Joaquin River Restoration Settlement Act or implement a Navajo Nation water rights settlement and other provisions authorized by the Northwestern New Mexico Rural Water Projects Act by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.*

***SEC. 217. DEFICIT-NEUTRAL RESERVE FUND FOR THE NATIONAL PARK CENTENNIAL FUND.***

*In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for the establishment of the National Park Centennial Fund by the amounts provided in such measure for that purpose if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.*

***SEC. 218. DEFICIT-NEUTRAL RESERVE FUND FOR CHILD SUPPORT ENFORCEMENT.***

*In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that improves Federal child support collection efforts or results in more collected child support reaching families by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.*

***SEC. 219. DEFICIT-NEUTRAL RESERVE FUND FOR CHILDREN AND FAMILIES.***

*In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that assists children and families by improving child welfare programs, extending and improving provisions in the Temporary Assistance for Needy Families program, or providing up to $5,000,000,000 for the child care entitlement to States by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.*

***SEC. 220. RESERVE FUND ADJUSTMENT FOR REVENUE MEASURES IN THE HOUSE.***

*(a) In the House, with respect to consideration of any bill, joint resolution, amendment, or conference report that would have the net effect of increasing the deficit or reducing the surplus for the period of fiscal years 2008 through 2013 or the period of fiscal years 2008 through 2018 and that would decrease total revenues for the period of fiscal years 2009 through 2013 below the Congressional Budget Office baseline for this concurrent resolution on the budget, the Chairman of the Committee on the Budget shall increase the revenue aggregates by $340,570,000,000 for the period of fiscal years 2009 through 2013 if the Chairman determines that such legislation does not include language consistent with the applicable provision set forth in the joint explanatory statement of managers accompanying this concurrent resolution. The Chairman may readjust such levels upon disposition of any measure under this section.*

*(b) Section 321 of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, shall no longer apply.*

***Subtitle B—Senate Reserve Funds***

***SEC. 221. DEFICIT-NEUTRAL RESERVE FUND TO STRENGTHEN AND STIMULATE THE AMERICAN ECONOMY AND PROVIDE ECONOMIC RELIEF TO AMERICAN FAMILIES.***

*(a) TAX RELIEF.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide tax relief, including extensions of expiring and expired tax relief and refundable tax relief, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

*(b) MANUFACTURING.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports, including tax legislation, that would revitalize the United States domestic manufacturing sector by increasing Federal research and development, by expanding the scope and effectiveness of manufacturing programs across the Federal government, by increasing efforts to train and retrain manufacturing workers, by increasing support for development of alternative fuels and leap-ahead automotive and energy technologies, or by establishing tax incentives to encourage the continued production in the United States of advanced technologies and the infrastructure to support such technologies, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

*(c) HOUSING.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide housing assistance, which may include low income rental assistance, or establish an affordable housing fund financed by the housing government sponsored enterprises or other sources, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

*(d) FLOOD INSURANCE REFORM.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for flood insurance reform and modernization, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

*(e) TRADE.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports relating to trade, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

*(f) ECONOMIC RELIEF FOR AMERICAN FAMILIES.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which—*

*(1) reauthorizes the Temporary Assistance for Needy Families supplemental grants or makes improvements to the Temporary Assistance for Needy Families program, child welfare programs, or the child support enforcement program;*

*(2) provides up to $5,000,000,000 for the child care entitlement to States;*

*(3) provides up to $40,000,000 for the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.);*

*(4) improves the unemployment compensation program; or*

*(5) reauthorizes trade adjustment assistance programs*

*by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

*(g) AMERICA'S FARMS AND ECONOMIC INVESTMENT IN RURAL AMERICA.—*

*(1) FARM BILL.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for the reauthorization of the programs of the Food Security and Rural Investment Act of 2002 or prior Acts, authorize similar or related programs, provide for revenue changes, or any combination of the preceding purposes, by the amounts provided in such legislation for those purposes up to $15,000,000,000 over the period of the total of fiscal years 2008 through 2013, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

*(2) COUNTY PAYMENTS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for the reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393), make changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94–565), or both, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

***SEC. 222. DEFICIT-NEUTRAL RESERVE FUND FOR IMPROVING EDUCATION.***

*The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would improve education, which may include—*

*(1) making higher education more accessible or more affordable, which may include increasing funding for the Federal Pell Grant program or increasing Federal student loan limits;*

*(2) facilitating modernization of school facilities through renovation or construction bonds, reducing the cost of teachers' out-of-pocket expenses for school supplies, or providing tax incentives for highly-qualified teachers to serve in high-needs schools;*

*(3) improving student achievement during secondary education, including middle school completion, increasing high school graduation, and preparing students for higher education and the workforce; or*

*(4) promoting flexibility and accountability in Federal education programs*

*by the amounts provided in such legislation for such purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

***SEC. 223. DEFICIT-NEUTRAL RESERVE FUND FOR INVESTMENTS IN AMERICA'S INFRASTRUCTURE.***

*The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for a robust Federal investment in America's infrastructure, which may include projects for transit, rail (including high-speed passenger rail), airport, seaport, public housing, energy, water, highway, bridge, or other infrastructure projects, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

***SEC. 224. DEFICIT-NEUTRAL RESERVE FUND TO INVEST IN CLEAN ENERGY, PRESERVE THE ENVIRONMENT, AND PROVIDE FOR CERTAIN SETTLEMENTS.***

*(a) ENERGY AND THE ENVIRONMENT.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would decrease greenhouse gas emissions, reduce our Nation's dependence on imported energy, produce green jobs, encourage consumers to install smart electricity meters in homes and businesses, encourage the capture and storage of carbon dioxide emissions from coal projects, or preserve or protect national parks, oceans, or coastal areas, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018. The legislation may include tax legislation such as a proposal to extend for 5 years energy tax incentives like the production tax credit for electricity produced from renewable resources, the biodiesel production tax credit, or the Clean Renewable Energy Bond program, to provide a tax credit for clean burning wood stoves, a tax credit for production of cellulosic ethanol, a tax credit for plug-in hybrid vehicles, or provisions to encourage energy efficient buildings, products, and power plants. Tax legislation under this section may be paid for by adjustments to section 167(h)(1) of the Internal Revenue Code of 1986 as it relates to integrated oil companies.*

*(b) SETTLEMENTS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would fulfill the purposes of the San Joaquin River Restoration Settlement Act or implement a Navajo Nation water rights settlement and other provisions authorized by the Northwestern New Mexico Rural Water Projects Act, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

***SEC. 225. DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND SERVICEMEMBERS.***

*The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—*

*(1) enhance medical care, disability evaluations, or disability benefits for wounded or disabled military personnel or veterans (including measures to expedite the claims process);*

*(2) maintain affordable health care for military retirees and veterans;*

*(3) expand the number of disabled military retirees who receive both disability compensation and retired pay, or would accelerate the date by which eligible retirees under section 1414 of title 10, United States Code, will fully receive both veterans' disability compensation and retired pay;*

*(4) eliminate the offset between Survivor Benefit Plan annuities and Veterans' Dependency and Indemnity Compensation;*

*(5) provide for the continuing payment to members of the Armed Forces who are retired or separated from the Armed Forces due to a combat-related injury after September 11, 2001, of bonuses that such members were entitled to before the retirement or separation and would continue to be entitled to if such members were not retired or separated;*

*(6) enhance programs and activities to increase the availability of health care and other veterans services for veterans living in rural areas; or*

*(7) provide or increase benefits for Filipino veterans of World War II or their survivors and dependents*

*by the amounts provided in such legislation for those purposes, provided that such legislation does not include increased fees charged to veterans for pharmacy co-payments, annual enrollment, or third-party insurance payment offsets, and further provided that such legislation would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.*

***SEC. 226. DEFICIT-NEUTRAL RESERVE FUND FOR EDUCATION BENEFITS FOR SERVICEMEMBERS, VETERANS, AND THEIR FAMILIES.***

*The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—*

*(1) enhance educational benefits or assistance for servicemembers and veterans with service on active duty in the Armed Forces on or after September 11, 2001;*

*(2) allow for the transfer of education benefits from servicemembers to spouses, survivors, or dependents; or*

*(3) otherwise enhance education benefits or assistance for servicemembers (including Active Duty, National Guard, and Reserve), veterans, or their spouses, survivors, or dependents*

*by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

***SEC. 227. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE AMERICA'S HEALTH.***

*(a) SCHIP.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides up to $50,000,000,000 in outlays over the period of the total of fiscal years 2008 through 2013 for reauthorization of SCHIP, if such legislation maintains coverage for those currently enrolled in SCHIP, continues efforts to enroll uninsured children who are already eligible for SCHIP or Medicaid but are not enrolled, or supports States in their efforts to move forward in covering more children, by the amounts provided in that legislation for those purposes, provided that the outlay adjustment shall not exceed $50,000,000,000 in outlays over the period of the total of fiscal years 2008 through 2013, and provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

*(b) MEDICARE IMPROVEMENTS.—*

*(1) PHYSICIAN PAYMENTS.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that increases the reimbursement rate for physician services under section 1848(d) of the Social Security Act and that includes financial incentives for physicians to improve the quality and efficiency of items and services furnished to Medicare beneficiaries through the use of consensus-based quality measures, by the amounts*

*provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

*(2) OTHER IMPROVEMENTS TO MEDICARE.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that makes improvements to the Medicare program, which may include—*

*(A) reductions in beneficiary cost-sharing for preventive benefits under Medicare Part B;*

*(B) the preservation or promotion of payment provisions that support America's rural health care delivery system;*

*(C) limits to inappropriate or abusive marketing tactics by private insurers and their agents offering Medicare Advantage or Medicare prescription drug plans by enacting any or all of the recommendations agreed to by leaders of the health insurance industry on March 3, 2008, including prohibitions on cold calling and telephone solicitations for in-home sales appointments with Medicare beneficiaries;*

*(D) a three-year extension of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers under section 307 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395aa note) and removing the limit on the number of participating States under such pilot program; or*

*(E) measures to encourage physicians to train in primary care residencies and attract more physicians and other health care providers to States that face a shortage of health care providers*

*by the amounts provided in such legislation for those purposes up to $10,000,000,000, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

*(3) MEDICARE LOW-INCOME PROGRAMS.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that makes improvements to the Medicare Savings Program and the Medicare Part D low-income subsidy program, which may include the provisions that—*

*(A) provide for an increase in the asset allowance under the Medicare Part D low-income subsidy program so that individuals with very limited incomes, but modest retirement savings, can obtain the assistance that the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 was intended to deliver with respect to the payment of premiums and cost-sharing under the Medicare Part D prescription drug benefit;*

*(B) provide for an update in the income and asset allowances under the Medicare Savings Program and provide for an annual inflationary adjustment for those allowances; and*

*(C) improve outreach and enrollment under the Medicare Savings Program and the Medicare Part D low-income subsidy program to ensure that low-income senior citizens and other low-income Medicare beneficiaries receive the low-income assistance for which they are eligible in accordance with the improvements provided for in such legislation*

*by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

*(c) HEALTH CARE QUALITY, EFFECTIVENESS, EFFICIENCY, AND TRANSPARENCY.—*

*(1) COMPARATIVE EFFECTIVENESS RESEARCH.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that establish a new Federal or public-private initiative for comparative effectiveness research, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

*(2) IMPROVING THE HEALTH CARE SYSTEM.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that—*

*(A) creates a framework and parameters for the use of Medicare data for the purpose of conducting research, public reporting, and other activities to evaluate health care safety, effectiveness, efficiency, quality, and resource utilization in Federal programs and the private health care system; and*

*(B) includes provisions to protect beneficiary privacy and to prevent disclosure of proprietary or trade secret information with respect to the transfer and use of such data*

*by the amounts provided for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

*(3) HEALTH INFORMATION TECHNOLOGY AND ADHERENCE TO BEST PRACTICES.—*

*(A) HEALTH INFORMATION TECHNOLOGY.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide incentives or other support for adoption of modern information technology, including incentives or other supports for the adoption of electronic prescribing technology, to improve quality and protect privacy in health care, such as activities by the Department of Defense and the Department of Veterans Affairs to integrate their electronic health record data, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

*(B) ADHERENCE TO BEST PRACTICES.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide incentives for Medicare providers or suppliers to comply with, where available and medically appropriate, clinical protocols identified as best practices, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

*(d) FOOD AND DRUG ADMINISTRATION.—*

*(1) REGULATION.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that authorizes the Food and Drug Administration to regulate products and assess user fees on manufacturers and importers of those products to cover the cost of the Food and Drug Administration's regulatory activities, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

*(2) DRUG IMPORTATION.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that permits the safe importation of prescription drugs approved by the Food and Drug Administration from a specified list of countries, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

*(e) MEDICAID.—*

*(1) RULES OR ADMINISTRATIVE ACTIONS.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that includes provisions regarding the implementation or administration of regulations or other administrative actions pertaining to Medicaid or SCHIP or includes provisions regarding administrative guidance issued in August 2007 affecting SCHIP or any other administrative action that would affect SCHIP in a similar manner by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.*

*(2) TRANSITIONAL MEDICAL ASSISTANCE.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that extend the Transitional Medical Assistance program, included in title XIX of the Social Security Act, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.*

*(f) OTHER IMPROVEMENTS IN HEALTH.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which—*

*(1) make health insurance coverage more affordable or available to small businesses and their employees, through pooling arrangements that provide appropriate consumer protections, or through reducing barriers to cafeteria plans;*

*(2) improve health care, provide quality health insurance for the uninsured and underinsured, and protect individuals with current health coverage;*

*(3) reauthorize the special diabetes program for Indians and the special diabetes programs for Type 1 diabetes;*

*(4) improve long-term care, enhance the safety and dignity of patients, encourage appropriate use of institutional and community-based care, promote quality care, or provide for the cost-effective use of public resources; or*

*(5) provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services, including parity in public programs*

*by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

*(g) PEDIATRIC DENTAL CARE.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that would provide for improved access to*

*pediatric dental care for children from low-income families, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

***SEC. 228. DEFICIT-NEUTRAL RESERVE FUND FOR REFORM OF THE ALTERNATIVE MINIMUM TAX.***

*The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for reform of the Internal Revenue Code of 1986 by reducing the tax burden of the alternative minimum tax on middle-income families, by the amounts provided in such measure for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

***SEC. 229. DEFICIT-NEUTRAL RESERVE FUND FOR JUDICIAL PAY AND JUDGESHIPS.***

*The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would authorize salary adjustments for justices and judges of the United States or increase the number of Federal judgeships, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

***SEC. 230. DEFICIT-NEUTRAL RESERVE FUND FOR IMMIGRATION ENFORCEMENT AND REFORM.***

*The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that would provide for greater border security, enforcement of immigration laws, backlog reduction and improvement of immigration services, reimbursement to states for the costs of incarcerating criminal aliens, or immigration reform, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

***SEC. 231. DEFICIT-NEUTRAL RESERVE FUND FOR SCIENCE PARKS.***

*The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

***SEC. 232. DEFICIT-NEUTRAL RESERVE FUND TO TERMINATE DEDUCTIONS FROM MINERAL REVENUE PAYMENTS TO STATES.***

*The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels and limits in this resolution by the amounts provided for those purposes for a bill, joint resolution, amendment, motion, or conference report that would terminate the authority to deduct certain amounts from mineral revenues payable to States under the second undesignated paragraph of the matter under the heading ''ADMINISTRATIVE PROVISIONS'' under the heading ''MINERALS MANAGEMENT SERVICE'' of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2109), provided that such legislation would not increase the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

***SEC. 233. DEFICIT-REDUCTION RESERVE FUND FOR INCREASED USE OF RECOVERY AUDITS.***

*The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieves savings by requiring that agencies increase their use of recovery audits authorized under subchapter VI of chapter 35 of title 31, United States Code, (commonly referred to as the Erroneous Payments Recovery Act of 2001) and uses such savings to reduce the deficit, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

***SEC. 234. DEFICIT-NEUTRAL RESERVE FUND FOR FOOD SAFETY.***

*The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would expand the level of Food and Drug Administration and Department of Agriculture food safety inspection services, develop effective approaches to the inspection of domestic and imported food products, provide for infrastructure and information technology systems to enhance the safety of the food supply, expand scientific capacity and training programs, invest in improved surveillance and testing technologies, provide for foodborne illness awareness and education programs, or enhance the Food and Drug Administration's recall authority, by the amounts provided in such legislation for such purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

***SEC. 235. DEFICIT-NEUTRAL RESERVE FUND FOR DEMONSTRATION PROJECT REGARDING MEDICAID COVERAGE OF LOW-INCOME HIV-INFECTED INDIVIDUALS.***

*The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that provide for a demonstration project under which a State may apply under section 1115 of the Social Security Act (42 U.S.C. 1315) to provide medical assistance under a State Medicaid program to HIV-infected individuals who are not eligible for medical assistance under such program under section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)), by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.*

***SEC. 236. DEFICIT-NEUTRAL RESERVE FUND FOR REDUCING THE INCOME THRESHOLD FOR THE REFUNDABLE CHILD TAX CREDIT, AND OTHER SELECTED TAX RELIEF POLICIES.***

*The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reduce the income threshold for the refundable child tax credit under section 24 of the Internal Revenue Code of 1986 to $10,000 for taxable years 2009 and 2010 with no inflation adjustment; extend enhanced charitable giving from individual retirement accounts, including life-income gifts; or incentivize utilization of accumulated alternative minimum tax and research and development credits, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

***SEC. 237. DEFICIT-NEUTRAL RESERVE FUND FOR A 9/11 HEALTH PROGRAM.***

*The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels and limits in this resolution for a bill, joint resolution, motion, amendment, or conference report that would establish a program, including medical monitoring and treatment, addressing the adverse health impacts linked to the September 11, 2001 attacks, by the amounts provided in such legislation for those purposes, if such legislation would not increase the deficit over either the period of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.*

## *TITLE III—BUDGET ENFORCEMENT*

### *Subtitle A—House Enforcement Provisions*

***SEC. 301. PROGRAM INTEGRITY INITIATIVES AND OTHER ADJUSTMENTS.***

*(a) ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.—*

*(1) CONTINUING DISABILITY REVIEWS AND SUPPLEMENTAL SECURITY INCOME REDETERMINATIONS.—In the House, prior to consideration of any bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2009 that appropriates $264,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to $240,000,000, and the amount is designated for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, the allocation to the Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays resulting from that budget authority for fiscal year 2009.*

*(2) INTERNAL REVENUE SERVICE TAX COMPLIANCE.—In the House, prior to consideration of any bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2009 that appropriates $6,997,000,000 to the Internal Revenue Service and the amount is designated to improve compliance with the provisions of the Internal Revenue Code of 1986 and provides an additional appropriation of up to $490,000,000, and the amount is designated to improve compliance with the provisions of the Internal Revenue Code of 1986, the allocation to the Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays resulting from that budget authority for fiscal year 2009.*

*(3) HEALTH CARE FRAUD AND ABUSE CONTROL PROGRAM.—In the House, prior to consideration of any bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2009 that appropriates up to $198,000,000 and the amount is designated to the health care fraud and abuse control program at the Department of Health and Human Services, the allocation to the Committee on Appropriations shall be increased by the amount of additional budget authority and outlays resulting from that budget authority for fiscal year 2009.*

*(4) UNEMPLOYMENT INSURANCE PROGRAM INTEGRITY ACTIVITIES.—In the House, prior to consideration of any bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2009 that appropriates*

*$10,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews for the Department of Labor and provides an additional appropriation of up to $40,000,000, and the amount is designated for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews for the Department of Labor, the allocation to the Committee on Appropriations shall be increased by the amount of additional budget authority and outlays resulting from that budget authority for fiscal year 2009.*

*(b) COSTS OF OVERSEAS DEPLOYMENTS AND EMERGENCY NEEDS.—*

*(1) OVERSEAS DEPLOYMENTS AND RELATED ACTIVITIES.—*

*(A) In the House, if any bill, joint resolution, amendment, or conference report makes appropriations for fiscal year 2008 or fiscal year 2009 for overseas deployments and related activities and such amounts are so designated pursuant to this subparagraph, then the allocation to the Committee on Appropriations may be adjusted by the amounts provided in such legislation for that purpose up to the amounts of budget authority specified in section 104(21) for fiscal year 2008 or fiscal year 2009 and the new outlays resulting therefrom.*

*(B) In the House, if any bill, joint resolution, amendment, or conference report makes appropriations for fiscal year 2008 or fiscal year 2009 for overseas deployments and related activities above the amounts of budget authority and new outlays specified in subparagraph (A) and such amounts are so designated pursuant to this subparagraph, then new budget authority, outlays, or receipts resulting therefrom shall not count for the purposes of titles III and IV of the Congressional Budget Act of 1974.*

*(2) EMERGENCY NEEDS.— In the House, if any bill, joint resolution, amendment, or conference report makes appropriations for discretionary amounts and such amounts are designated as necessary to meet emergency needs, then the new budget authority and outlays resulting therefrom shall not count for the purposes of titles III and IV of the Congressional Budget Act of 1974.*

*(c) PROCEDURE FOR ADJUSTMENTS.—*

*(1) IN GENERAL.—In the House, prior to consideration of any bill, joint resolution, amendment, or conference report, the Chairman of the Committee on the Budget shall make the adjustments set forth in subsection (a) for the incremental new budget authority in that measure and the outlays resulting from that budget authority if that measure meets the requirements set forth in subsection (a), except that no adjustment shall be made for provisions exempted for the purposes of titles III and IV of the Congressional Budget Act of 1974 under subsection (b) of this section.*

*(2) MATTERS TO BE ADJUSTED.—The adjustments referred to in paragraph (1) are to be made to the allocations made under this concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974.*

*(d) SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008.—In the House, if any measure making supplemental appropriations for fiscal year 2008 is enacted, the Chairman of the Committee on the Budget shall make the appropriate adjustments in allocations and aggregates to reflect the difference between such measure and the corresponding levels assumed in this resolution.*

***SEC. 302. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.***

*(a) IN GENERAL.—In the House, except as provided in subsection (b), any bill, joint resolution, amendment, or conference report making a general appropriation or continuing appropriation may not provide for advance appropriations.*

*(b) EXCEPTIONS.—In the House, an advance appropriation may be provided for fiscal year 2010 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers to accompany this resolution under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $28,852,000,000 in new budget authority, and for 2011, accounts separately identified under the same heading.*

*(c) DEFINITION.—In this section, the term ''advance appropriation'' means any new discretionary budget authority provided in a bill or joint resolution making general appropriations or any new discretionary budget authority provided in a bill or joint resolution continuing appropriations for fiscal year 2009 that first becomes available for any fiscal year after 2009.*

***Subtitle B—Senate Enforcement Provisions***

***SEC. 311. SENATE POINT OF ORDER AGAINST LEGISLATION INCREASING LONG-TERM DEFICITS.***

*(a) CONGRESSIONAL BUDGET OFFICE ANALYSIS OF PROPOSALS.—The Director of the Congressional Budget Office shall, to the extent practicable, prepare for each bill and joint resolution reported from committee (except measures within the jurisdiction of the Committee on Appropriations), and amendments thereto and conference reports thereon, an estimate of whether the measure would cause, relative to current law, a net increase in deficits in excess of $5,000,000,000 in any of the 4 consecutive 10-year periods beginning with the first fiscal year that is 10 years after the budget year provided for in the most recently adopted concurrent resolution on the budget.*

*(b) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause a net increase in deficits in excess of $5,000,000,000 in any of the 4 consecutive 10-year periods described in subsection (a).*

*(c) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—*

*(1) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.*

*(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.*

*(d) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels of net deficit increases shall be determined on the basis of estimates provided by the Senate Committee on the Budget.*

*(e) SUNSET.—This section shall expire on September 30, 2017.*

*(f) REPEAL.—In the Senate, subsections (a) through (d) and subsection (f) of section 203 of S. Con. Res. 21 (110th Congress) shall no longer apply.*

***SEC. 312. DISCRETIONARY SPENDING LIMITS, PROGRAM INTEGRITY INITIATIVES, AND OTHER ADJUSTMENTS.***

*(a) SENATE POINT OF ORDER.—*

*(1) IN GENERAL.—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.*

*(2) SUPERMAJORITY WAIVER AND APPEALS.—*

*(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.*

*(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.*

*(b) SENATE DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term ''discretionary spending limit'' means—*

*(1) for fiscal year 2008, $1,050,478,000,000 in new budget authority and $1,094,944,000,000 in outlays; and*

*(2) for fiscal year 2009, $1,011,718,000,000 in new budget authority and $1,106,112,000,000 in outlays;*

*as adjusted in conformance with the adjustment procedures in subsection (c).*

*(c) ADJUSTMENTS IN THE SENATE.—*

*(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—*

*(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and*

*(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.*

*(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:*

*(A) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $264,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to $240,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $240,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.*

*(B) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $6,997,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) and provides an additional appropriation of up to $490,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $490,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.*

*(C) HEALTH CARE FRAUD AND ABUSE CONTROL.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates up to $198,000,000 to the Health Care Fraud and Abuse Control program at the Department of Health and Human Services, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $198,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.*

*(D) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $10,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, and provides an additional appropriation of up to $40,000,000 for in-person reemployment and eligibility assessments and unemployment*

*insurance improper payment reviews, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $40,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.*

*(3) ADJUSTMENTS FOR OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES.—The Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, allocations to the Senate Committee on Appropriations, and aggregates for one or more—*

*(A) bills reported by the Senate Committee on Appropriations or passed by the House of Representatives;*

*(B) joint resolutions or amendments reported by the Senate Committee on Appropriations;*

*(C) amendments between the Houses received from the House of Representatives or Senate amendments offered by the authority of the Senate Committee on Appropriations; or*

*(D) conference reports;*

*making appropriations for fiscal year 2008 or 2009 for overseas deployments and other activities, by the amounts provided in such legislation for those purposes (and so designated pursuant to this paragraph), up to the amounts of budget authority specified in section 104(21) for fiscal years 2008 and 2009 and the new outlays flowing therefrom.*

*(d) SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008.—If legislation making supplemental appropriations for fiscal year 2008 is enacted, the Chairman of the Senate Committee on the Budget may make the appropriate adjustments in allocations, aggregates, discretionary spending limits, and other levels of new budget authority and outlays for 2008 and 2009 to reflect the difference between such measure and the corresponding levels assumed in this resolution.*

*(e) INAPPLICABILITY.—In the Senate, subsections (a), (b), (c), (e), and (f) of section 207 of S. Con. Res. 21 (110th Congress) shall no longer apply.*

***SEC. 313. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.***

*(a) IN GENERAL.—*

*(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.*

*(2) DEFINITION.—In this section, the term ''advance appropriation'' means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2009 that first becomes available for any fiscal year after 2009, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2010, that first becomes available for any fiscal year after 2010.*

*(b) EXCEPTIONS.—Advance appropriations may be provided—*

*(1) for fiscal years 2010 and 2011 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $28,852,000,000 in new budget authority in each year; and*

*(2) for the Corporation for Public Broadcasting.*

*(c) SUPERMAJORITY WAIVER AND APPEAL.—*

*(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.*

*(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).*

*(d) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.*

*(e) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.*

*(f) INAPPLICABILITY.—In the Senate, section 206(a) of S. Con. Res. 21 (110th Congress) shall no longer apply.*

***SEC. 314. SENATE POINT OF ORDER AGAINST PROVISIONS OF APPROPRIATIONS LEGISLATION THAT CONSTITUTE CHANGES IN MANDATORY PROGRAMS WITH NET COSTS.***

*(a) IN GENERAL.—In the Senate, it shall not be in order to consider any appropriations legislation, including any amendment thereto, motion in relation thereto, or conference report thereon, that includes any provision which constitutes a change in a mandatory program producing net costs, as defined in subsection (b), that would have been estimated as affecting direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) were they included in legislation other than appropriations legislation. A point of order pursuant to this section shall be raised against such provision or provisions as described in subsections (e) and (f).*

*(b) CHANGES IN MANDATORY PROGRAMS PRODUCING NET COSTS.—A provision or provisions shall be subject to a point of order pursuant to this section if—*

*(1) the provision would increase budget authority in at least 1 of the 9 fiscal years that follow the budget year and over the period of the total of the budget year and the 9 fiscal years following the budget year;*

*(2) the provision would increase net outlays over the period of the total of the 9 fiscal years following the budget year; and*

*(3) the sum total of all changes in mandatory programs in the legislation would increase net outlays as measured over the period of the total of the 9 fiscal years following the budget year.*

*(c) DETERMINATION.—The determination of whether a provision is subject to a point of order pursuant to this section shall be made by the Committee on the Budget of the Senate.*

*(d) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.*

*(e) GENERAL POINT OF ORDER.—It shall be in order for a Senator to raise a single point of order that several provisions of a bill, resolution, amendment, motion, or conference report violate this section. The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some of the provisions (including provisions of an amendment, motion, or conference report) against which the Senator raised the point of order, then only those provisions (including provision of an amendment, motion, or conference report) against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this section. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.*

*(f) FORM OF THE POINT OF ORDER.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report or amendment shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.*

*(g) EFFECTIVENESS.—This section shall not apply to any provision constituting a change in a mandatory program in appropriations legislation if such provision has been enacted in each of the 3 fiscal years prior to the budget year.*

*(h) INAPPLICABILITY.—In the Senate, section 209 of S. Con. Res. 21 (110th Congress) shall no longer apply.*

***SEC. 315. SENATE POINT OF ORDER AGAINST LEGISLATION INCREASING SHORT-TERM DEFICIT.***

*(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report (except measures within the jurisdiction of the Committee on Appropriations) that would cause a net increase in the deficit in excess of $10,000,000,000 in any fiscal year provided for in the most recently adopted concurrent resolution on the budget unless it is fully offset over the period of all fiscal years provided for in the most recently adopted concurrent resolution on the budget.*

*(b) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—*

*(1) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.*

*(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.*

*(c) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels shall be determined on the basis of estimates provided by the Senate Committee on the Budget.*

*(d) SUNSET.—This section shall expire on September 30, 2017.*

***Subtitle C—Other Provisions***

***SEC. 321. OVERSIGHT OF GOVERNMENT PERFORMANCE.***

*All committees are directed to review programs within their jurisdiction to root out waste, fraud, and abuse in program spending, giving particular scrutiny to issues raised by Government Accountability Office reports. Based on*

*these oversight efforts and committee performance reviews of programs within their jurisdiction, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the appropriate Committee on the Budget.*

***SEC. 322. BUDGETARY TREATMENT OF CERTAIN DISCRETIONARY ADMINISTRATIVE EXPENSES.***

*(a) IN GENERAL.—In the House and Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 2009a of title 39, United States Code, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committees on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.*

*(b) SPECIAL RULE.—In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any off-budget discretionary amounts.*

***SEC. 323. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.***

*(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—*

*(1) apply while that measure is under consideration;*

*(2) take effect upon the enactment of that measure; and*

*(3) be published in the Congressional Record as soon as practicable.*

*(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.*

*(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution, the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the appropriate Committee on the Budget.*

*(d) ADJUSTMENTS.—The Chairmen of the Budget Committees in the House and the Senate may adjust the aggregates, allocations, and other levels in this resolution for legislation which has received final Congressional approval in the same form by the House of Representatives and the Senate, and is either waiting to be presented to the President or awaiting Presidential signature at the time of final consideration of this resolution.*

***SEC. 324. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.***

*Upon the enactment of any bill or joint resolution providing for a change in concepts or definitions, the Chairman of the appropriate Committee on the Budget may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).*

***SEC. 325. EXERCISE OF RULEMAKING POWERS.***

*Congress adopts the provisions of this title—*

*(1) as an exercise of the rulemaking power of the House of Representatives and the Senate and as such they shall be considered as part of the rules of each House or of that House to which they specifically apply, and these rules shall supersede other rules only to the extent that they are inconsistent with other such rules; and*

*(2) with full recognition of the constitutional right of either the House of Representatives or the Senate to change those rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives or the Senate.*

## *TITLE IV—POLICY*

***SEC. 401. POLICY OF THE HOUSE ON MIDDLE-INCOME TAX RELIEF.***

*It is the policy of the House to—*

*(1) minimize fiscal burdens on middle-income families and their children and grandchildren;*

*(2) provide immediate relief for the tens of millions of middle-income households who would otherwise be subject to the alternative minimum tax (AMT) under current law, in the context of permanent, revenue-neutral AMT reform; and*

*(3) support extension of middle-income tax relief and enhanced economic equity through policies such as—*

*(A) extension of the child tax credit;*

*(B) extension of marriage penalty relief;*

*(C) extension of the 10 percent individual income tax bracket;*

*(D) elimination of estate taxes on all but a minute fraction of estates by reforming and substantially increasing the unified tax credit;*

*(E) extension of the research and experimentation tax credit;*

*(F) extension of the deduction for State and local sales taxes;*

*(G) extension of the deduction for small business expensing; and*

*(H) enactment of a tax credit for school construction bonds.*

*The House assumes that the cost of enacting such policies is offset by reforms within the Internal Revenue Code of 1986 that promote a fairer distribution of taxes across families and generations, economic efficiency, higher rates of tax compliance to close the tax gap, and reduced taxpayer burdens through tax simplification.*

***SEC. 402. POLICY ON DEFENSE PRIORITIES.***

*It is the policy of this resolution that—*

*(1) the Administration's budget requests should comply with section 1008, Public Law 109–364, the John Warner National Defense Authorization Act for Fiscal Year 2007, and the Administration should no longer attempt to fund overseas military operations through emergency supplemental appropriations requests;*

*(2) the Department of Defense should exclude nonwar requirements from its funding requests for Iraq and Afghanistan;*

*(3) implementing the recommendation of the National Commission on Terrorist Attacks Upon the United States (commonly referred to as the 9/11 Commission) to adequately fund cooperative threat reduction and nuclear nonproliferation programs (securing ''loose nukes'') is a high priority and should receive far greater emphasis than the President's budget provides;*

*(4) readiness of our troops, particularly the National Guard and Reserve, is a high priority, and that greater emphasis needs to be placed on mitigating equipment and training shortfalls;*

*(5) TRICARE fees for military retirees under the age of 65 should not be increased as the President's budget proposes;*

*(6) military pay and benefits should be enhanced to improve the quality of life of military personnel;*

*(7) improving military health care services continues to be a high priority and adequate funding to ensure quality health care for returning combat veterans should be provided;*

*(8) sufficient funds should be provided to the military services to expedite review of cases involving servicemembers who could have been erroneously discharged from service for a personality disorder, which resulted in a loss of benefits or care, as a result of a combat-related psychological injury (such as Post Traumatic Stress Disorder) or a closed head injury (such as Traumatic Brain Injury);*

*(9) higher priority defense needs could be addressed by funding missile defense at an adequate but lower level, not providing funding for development of space-based missile defense interceptors, and by restraining excessive cost and schedule growth in defense research, development and procurement programs;*

*(10) the Department of Defense should reassess current defense plans to ensure that weapons developed to counter Cold War-era threats are not redundant and are applicable to 21st century threats;*

*(11) sufficient resources should be provided for the Department of Defense to do an aggressive job of addressing as many as possible of the 1,260 pending recommendations made by the Government Accountability Office (GAO) over the last 7 years to improve practices at the Department of Defense, including investigation of the billions of dollars of obligations, disbursements and overcharges for which the Department of Defense cannot account;*

*(12) savings from the actions recommended in paragraphs (9) and (11) of this section should be used to fund the priorities identified in paragraphs (3) through (8);*

*(13) the Department of Defense report to Congress on its assessment of cold war weapons and progress on implementing GAO recommendations as outlined in paragraphs (10) and (11) by a time determined by the appropriate authorizing committees; and*

*(14) the GAO report to the appropriate congressional committees by the end of the 110th Congress regarding the Department of Defense's progress in implementing its audit recommendations.*

## *TITLE V—SENSE OF THE SENATE AND CONGRESS*

### *Subtitle A—Sense of the Senate*

***SEC. 501. SENSE OF THE SENATE REGARDING MEDICAID ADMINISTRATIVE REGULATIONS.***

*(a) FINDINGS.—The Senate makes the following findings:*

*(1) The Medicaid program provides essential health care and long-term care services to approximately 60,000,000 low-income children, pregnant women, parents, individuals with disabilities, and senior citizens. It is a Federal guarantee that ensures the most vulnerable will have access to needed medical services.*

*(2) Medicaid provides critical access to long-term care and other services for the elderly and individuals living with disabilities, and is the single largest provider of long-term care services. Medicaid also pays for personal care and other supportive services that are typically not provided by private health insurance or Medicare, but are necessary to enable individuals with spinal cord injuries, developmental disabilities, neurological degenerative diseases, serious and persistent mental illnesses, HIV/AIDS, and other chronic conditions to remain in the community, to work, and to maintain independence.*

*(3) Medicaid supplements the Medicare program for about 7,500,000 low-income elderly or disabled Medicare beneficiaries, assisting them with their Medicare premiums and co-insurance, wrap-around benefits, and the costs of nursing home care that Medicare does not cover. The Medicaid program spends over $100,000,000,000 on uncovered Medicare services.*

*(4) Medicaid provides health insurance for more than one-quarter of America's children and is the largest purchaser of maternity care, paying for more than one-third of all the births in the United States each year. Medicaid also provides critical access to care for children with disabilities, covering more than 70 percent of poor children with disabilities.*

*(5) More than 21,000,000 women depend on Medicaid for their health care. Women comprise the majority of seniors (64 percent) on Medicaid. Half of nonelderly women with permanent mental or physical disabilities have health coverage through Medicaid. Medicaid provides treatment for low-income women diagnosed with breast or cervical cancer in every State.*

*(6) Medicaid is the Nation's largest source of payment for mental health services, HIV/AIDS*

*care, and care for children with special needs. Much of this care is either not covered by private insurance or limited in scope or duration. Medicaid is also a critical source of funding for health care for children in foster care and for health services in schools.*

*(7) Medicaid funds help ensure access to care for all Americans. Medicaid is the single largest source of revenue for the Nation's safety net hospitals, health centers, and nursing homes, and is critical to the ability of these providers to adequately serve all Americans.*

*(8) Medicaid serves a major role in ensuring that the number of Americans without health insurance, approximately 47,000,000 in 2006, is not substantially higher. The system of Federal matching for State Medicaid expenditures ensures that Federal funds will grow as State spending increases in response to unmet needs, enabling Medicaid to help buffer the drop in private coverage during recessions.*

*(9) The Bush Administration has issued several regulations that shift Medicaid cost burdens onto States and put at risk the continued availability of much-needed services. The regulations relate to Federal payments to public providers, and for graduate medical education, rehabilitation services, school-based administration, school-based transportation, optional case management services.*

*(b) SENSE OF THE SENATE.—It is the sense of the Senate that administrative regulations should not—*

*(1) undermine the role the Medicaid program plays as a critical component of the health care system of the United States;*

*(2) cap Federal Medicaid spending, or otherwise shift Medicaid cost burdens to State or local governments and their taxpayers and health providers, forcing a reduction in access to essential health services for low-income elderly individuals, individuals with disabilities, and children and families; or*

*(3) undermine the Federal guarantee of health insurance coverage Medicaid provides, which would threaten not only the health care safety net of the United States, but the entire health care system.*

***Subtitle B—Sense of the Congress***

***SEC. 511. SENSE OF THE CONGRESS ON SERVICEMEMBERS' AND VETERANS' HEALTH CARE AND OTHER PRIORITIES.***

*It is the sense of the Congress that—*

*(1) the Congress supports excellent health care for current and former members of the United States Armed Services—they have served well and honorably and have made significant sacrifices for this Nation;*

*(2) this resolution provides $48,202,000,000 in discretionary budget authority for 2009 for Function 700 (Veterans Benefits and Services), including veterans' health care, which is $4,940,000,000 more than the 2008 level, $3,654,000,000 more than the Congressional Budget Office's baseline level for 2009, and $3,284,000,000 more than the President's budget for 2009; and also provides more discretionary budget authority than the President's budget in every year after 2009;*

*(3) this resolution provides funding to continue addressing problems such as those identified at Walter Reed Army Medical Center to improve military and veterans' health care facilities and services;*

*(4) this resolution assumes the rejection of the health care enrollment fees and pharmaceutical co-payment increases in the President's budget;*

*(5) this resolution provides additional funding above the President's inadequate budget levels for the Department of Veterans Affairs to research and treat veterans' mental health, posttraumatic stress disorder, and traumatic brain injury; and*

*(6) this resolution provides additional funding above the President's inadequate budget levels for the Department of Veterans Affairs to improve the speed and accuracy of its processing of disability compensation claims, including funding to hire additional personnel above the President's requested level.*

***SEC. 512. SENSE OF THE CONGRESS ON HOMELAND SECURITY.***

*It is the sense of the Congress that—*

*(1) this resolution assumes additional homeland security funding above the President's requested level for 2009 and every subsequent year;*

*(2) this resolution assumes funding above the President's requested level for 2009, and additional amounts in subsequent years, in the four budget functions—Function 400 (Transportation), Function 450 (Community and Regional Development), Function 550 (Health), and Function 750 (Administration of Justice)—that fund most nondefense homeland security activities; and*

*(3) the homeland security funding provided in this resolution will help to strengthen the security of our Nation's transportation system, particularly our ports where significant security shortfalls still exist and foreign ports, by expanding efforts to identify and scan all high-risk United States-bound cargo, equip, train and support first responders (including enhancing interoperable communications and emergency management), strengthen border patrol, and increase the preparedness of the public health system.*

***SEC. 513. SENSE OF THE CONGRESS REGARDING LONG-TERM FISCAL REFORM.***

*It is the sense of the Congress that—*

*(1) both the Government Accountability Office and the Congressional Budget Office have warned that the Federal budget is on an unsustainable path of rising deficits and debt;*

*(2) using recent trend data and reasonable policy assumptions, CBO has projected that the gap between spending and revenues over the next 75 years will reach 6.9 percent of GDP;*

*(3) publicly held debt will rise from 36 percent today to 400 percent of GDP by the decade beginning in 2050 under CBO's alternative policy scenario;*

*(4) the most significant factor affecting the long-term Federal fiscal landscape is the expectation that total public and private health spending will continue to grow faster than the economy;*

*(5) the Congress calls upon governmental and nongovernmental experts to develop specific options to reform the health care system and control costs, that further research and analysis on topics including comparative effectiveness, health information technology, preventative care, and provider incentives is needed, and that of critical importance is the development of a consensus on the appropriate methods for estimating the budgetary impact and health outcome effects of these proposals; and*

*(6) immediate policy action is needed to address the long-term fiscal challenges facing the United States, including the rising costs of entitlements, in a manner that is fiscally responsible, equitable, and lasting, and that also honors commitments made to beneficiaries, and that such action should be bipartisan, bicameral, involve both legislative and executive branch participants, as well as public participation, and be conducted in a manner that ensures full, fair, and timely Congressional consideration.*

***SEC. 514. SENSE OF THE CONGRESS REGARDING WASTE, FRAUD, AND ABUSE.***

*It is the sense of the Congress that—*

*(1) all committees should examine programs within their jurisdiction to identify wasteful and fraudulent spending;*

*(2) title III of this resolution includes cap adjustments to provide appropriations for agencies that control programs that accounted for a significant share of improper payments reported by Federal agencies: Social Security Administration Continuing Disability Reviews, the Medicare/Medicaid Health Care Fraud and Abuse Control Program, and Unemployment Insurance Program Integrity;*

*(3) title III also includes a cap adjustment for the Internal Revenue Services for tax compliance efforts to close the $345,000,000,000 tax gap;*

*(4) the resolution's deficit-neutral reserve funds require authorizing committees to cut lower priority and wasteful spending to accommodate any new high-priority entitlement benefits; and*

*(5) title III of the resolution directs all committees to review the performance of programs within their jurisdiction and report recommendations annually to the appropriate Committee on the Budget as part of the views and estimates process required by section 301(d) of the Congressional Budget Act.*

***SEC. 515. SENSE OF THE CONGRESS REGARDING EXTENSION OF THE STATUTORY PAY-AS-YOU-GO RULE.***

*It is the sense of the Congress that to reduce the deficit, Congress should extend PAYGO consistent with provisions of the Budget Enforcement Act of 1990.*

***SEC. 516. SENSE OF THE CONGRESS ON LONG-TERM BUDGETING.***

*It is the sense of the Congress that the determination of the congressional budget for the United States Government and the President's budget request should include consideration of the Financial Report of the United States Government, especially its information regarding the Government's net operating cost, financial position, and long-term liabilities.*

***SEC. 517. SENSE OF THE CONGRESS REGARDING AFFORDABLE HEALTH COVERAGE.***

*It is the sense of the Congress that—*

*(1) nearly 47 million Americans, including nine million children, lack health insurance;*

*(2) people without health insurance are more likely to experience problems getting medical care and to be hospitalized for avoidable health problems;*

*(3) most Americans receive health coverage through their employers, and a major issue facing all employers is the rising cost of health insurance;*

*(4) small businesses, which have generated most of the new jobs annually over the last decade, have an especially difficult time affording health coverage, because of higher administrative costs and fewer people over whom to spread the risk of catastrophic costs;*

*(5) because it is especially costly for small businesses to provide health coverage, their employees make up a large proportion of the Nation's uninsured individuals; and*

*(6) legislation consistent with the pay-as-you-go principle should be adopted that makes health insurance more affordable and accessible, with attention to the special circumstances affecting employees of small businesses, and that lowers costs and improves the quality of health care by encouraging integration of health information technology tools into the practice of medicine, by expanding comparative effectiveness research, and by promoting improvements in disease management and disease prevention.*

***SEC. 518. SENSE OF THE CONGRESS REGARDING PAY PARITY.***

*It is the sense of the Congress that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services.*

***SEC. 519. SENSE OF THE CONGRESS REGARDING SUBPRIME LENDING AND FORECLOSURES.***

*It is the sense of the Congress that—*

*(1) over the last six months, the Nation has experienced a significant increase in the number of homeowners facing the risk of foreclosure with estimates of as many as 2.8 million subprime and other distressed borrowers facing the loss of their homes over the next five years;*

*(2) the rise in foreclosures not only has an immediate, devastating impact on homeowners and their families, but it also has ripple effects—*

*(A) local communities experiencing high levels of foreclosures experience deterioration as a result of the large number of vacant foreclosed and abandoned homes;*

*(B) rising foreclosure rates can accelerate drops in home prices, affecting all homeowners; and*

*(C) home mortgage default and foreclosure rates increase risk for lenders, further restricting the availability of credit, which can in turn slow economic growth; and*

*(3) the rise in foreclosures is not only a crisis for subprime borrowers, but a larger problem for communities as a whole, and considering the multi-layered effects of increasing foreclosures, the Congress should consider steps to address this complex problem.*

***SEC. 520. SENSE OF THE CONGRESS REGARDING THE NEED TO MAINTAIN AND BUILD UPON EFFORTS TO FIGHT HUNGER.***

*It is the sense of the Congress that—*

*(1) 35.5 million Americans (12.6 million of them children) are food insecure—uncertain of having, or unable to acquire, enough food, and that 11.1 million Americans are hungry because of lack of food;*

*(2) despite the critical contributions of the Department of Agriculture nutrition programs (particularly the food stamp program), which significantly reduced payment error rates while providing help to partially mitigate the effects of rising poverty and unemployment, significant need remains, even among families that receive food stamps;*

*(3) nearly 25 million people, including more than nine million children and nearly three million seniors, sought emergency food assistance from food pantries, soup kitchens, shelters, and local charities last year;*

*(4) additional resources are needed to ensure that nutrition assistance keeps up with inflation and rising food prices; and*

*(5) Department of Agriculture programs that help us fight hunger should be maintained and the Congress should continue to seize opportunities to reach Americans in need and to fight hunger.*

***SEC. 521. SENSE OF THE CONGRESS REGARDING THE IMPORTANCE OF CHILD SUPPORT ENFORCEMENT.***

*It is the sense of the Congress that—*

*(1) additional legislative action is needed to ensure that States have the necessary resources to collect all child support that is owed to families and to allow them to pass 100 percent of support on to families without financial penalty; and*

*(2) when 100 percent of child support payments are passed to the child, rather than administrative expenses, program integrity is improved and child support participation increases.*

***SEC. 522. SENSE OF THE CONGRESS ON THE INNOVATION AGENDA AND AMERICA COMPETES ACT.***

*It is the sense of the Congress that—*

*(1) the Congress should provide sufficient funding so that our Nation may continue to be the world leader in education, innovation and economic growth;*

*(2) last year, Congress passed and the President signed the America COMPETES Act, bipartisan legislation designed to ensure that American students, teachers, businesses, and workers are prepared to continue leading the world in innovation, research, and technology well into the future;*

*(3) this resolution supports the efforts authorized in the America COMPETES Act, providing substantially increased funding above the President's requested level for 2009, and increased amounts after 2009 in Function 250 (General Science, Space and Technology) and other functions;*

*(4) additional increases for scientific research and education are included in Function 270 (Energy), Function 300 (Environment and Natural Resources), Function 500 (Education, Employment, Training and Social Services), and Function 550 (Health), all of which receive more funding than the President's budget provides;*

*(5) because America's greatest resource for innovation resides within classrooms across the country, the increased funding provided in this resolution will support initiatives within the America COMPETES Act to educate tens of thousands of new scientists, engineers, and mathematicians, and place highly qualified teachers in math and science K-12 classrooms; and*

*(6) because independent scientific research provides the foundation for innovation and future technologies, this resolution will keep us on the path toward doubling funding for the National Science Foundation, basic research in the physical sciences, and collaborative research partnerships, and toward achieving energy independence through the development of clean and sustainable alternative energy technologies.*

And the House agree to the same.

JOHN SPRATT,
ROSA L. DELAURO,
CHET EDWARDS,
*Managers on the part of the House.*

KENT CONRAD,
PATTY MURRAY,
RON WYDEN,
*Managers on the part of the Senate.*

## JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the concurrent resolution (S. Con. Res. 70), setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate concurrent resolution after the resolving clause and inserted the House-passed concurrent resolution on the budget (H. Con. Res. 312) as a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate concurrent resolution and the House amendment. The differences between the Senate concurrent resolution, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

## DISPLAYS AND AMOUNTS

The required contents of concurrent budget resolutions are set forth in section 301(a) of the Congressional Budget Act of 1974. The years in this document are fiscal years unless otherwise noted.

The treatment of budget function levels in the House-passed and Senate-passed budget resolutions and the conference report is as follows:

*House-passed Resolution*

The House resolution includes all of the items required as part of a concurrent budget resolution under section 301(a) of the Congressional Budget Act other than the spending and revenue levels for Social Security (which are used to enforce a point of order applicable only in the Senate).

*Senate-passed Resolution*

The Senate concurrent resolution includes all of the items required under section 301(a) of the Congressional Budget Act.

*Conference Agreement*

The conference agreement includes all of the items required by section 301(a) of the Congressional Budget Act.

## AGGREGATE AND FUNCTION LEVELS

Pursuant to section 301(a)(4) of the Congressional Budget Act, the budget resolution must set appropriate levels for each major functional category based on the 302(a) allocations and the budgetary totals.

The respective levels of the House concurrent resolution, the Senate concurrent resolution, and conference agreement for each major budget function, as well as revenue totals, are discussed in the section after the numerical tables. A summary of the overall budget policy is as follows:

Total spending is $3.034 trillion in budget authority (BA) and $3.066 trillion in outlays in 2009, and $16.155 trillion in BA and $16.228 trillion in outlays over 2009–2013.

Discretionary spending for 2009 totals $1.088 trillion in BA and $1.183 trillion in outlays in 2009, and $5.328 trillion in BA and $5.719 trillion in outlays over 2009–2013. Excluding funding for overseas deployments and other activities, discretionary spending for 2009 totals $1.013 trillion in BA and $1.075 trillion in outlays. These aggregate amounts (minus cap adjustments for program integrity initiatives) are allocated to the Appropriations Committees to be suballocated among their respective appropriations subcommittees.

Mandatory spending totals $1.945 trillion in BA and $1.883 trillion in outlays in 2009, and $10.827 trillion in BA and $10.509 trillion in outlays over 2009–2013.

Revenue totals $2.725 trillion in 2009, and $15.637 trillion over five years. Specific policies will be determined by the Committee on Finance in the Senate and the Committee on Ways and Means in the House.

The conference agreement uses the Congressional Budget Office (CBO) March baseline, updated for legislation that has passed the Congress since the baseline was developed.

The conference agreement reduces the budget deficit from $340.4 billion in 2009, to a surplus of $21.9 billion in 2012 and remains in surplus in 2013.

The following section describes the conference agreement's revenue levels and spending according to the budget's functional categories.

**CONFERENCE REPORT 2009 RESOLUTION: TOTAL SPENDING AND REVENUES**

(In billions of dollars)

| Fiscal year | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2009-2013 |
|---|---|---|---|---|---|---|---|
| | | | **Summary** | | | | |
| Total Spending: | | | | | | | |
| BA | 3,036.355 | 3,033.637 | 3,091.795 | 3,243.167 | 3,312.473 | 3,474.182 | 16,155.254 |
| OT | 2,935.838 | 3,065.923 | 3,147.987 | 3,258.723 | 3,293.906 | 3,461.541 | 16,228.080 |
| On-Budget: | | | | | | | |
| BA | 2,563.262 | 2,530.703 | 2,562.856 | 2,693.843 | 2,736.865 | 2,868.813 | 13,393.080 |
| OT | 2,465.711 | 2,565.903 | 2,621.939 | 2,712.795 | 2,722 056 | 2,860.225 | 13,482.918 |
| Off-Budget: | | | | | | | |
| BA | 473.093 | 502.934 | 528.939 | 549.324 | 575.608 | 605.369 | 2,762.174 |
| OT | 470.127 | 500.020 | 526.048 | 545.928 | 571.850 | 601.316 | 2,745.162 |
| Revenues: | | | | | | | |
| Total | 2,542.098 | 2,725.482 | 2,938.214 | 3,185.708 | 3,315.838 | 3,471.616 | 15,636.857 |
| On-budget | 1,875.392 | 2,029.612 | 2,204.652 | 2,413.249 | 2,506.049 | 2,626.582 | 11,780.143 |
| Off-budget | 666.706 | 695.870 | 733.562 | 772.459 | 809.789 | 845.034 | 3,856.714 |
| Surplus/Deficit (-) | | | | | | | |
| Total | -393.740 | -340.441 | -209.773 | -73.015 | 21.932 | 10.075 | -591.223 |
| On-budget | -590.319 | -536.291 | -417.287 | -299.546 | -216.007 | -233.643 | -1,702.775 |
| Off-budget | 196.579 | 195.850 | 207.514 | 226.531 | 237.939 | 243.718 | 1,111.552 |
| Debt Subject to Limit | 9,575 | 10,207 | 10,732 | 11,137 | 11,484 | 11,832 | na |
| Debt Held by the Public | 5,404 | 5,761 | 5,989 | 6,080 | 6,075 | 6,081 | na |
| | | | **By Function** | | | | |
| National Defense (050): | | | | | | | |
| BA | 590.686 | 542.497 | 550.414 | 557.026 | 565.800 | 576.223 | 2,791.960 |
| OT | 576.173 | 573.362 | 560.726 | 560.099 | 556.699 | 568.829 | 2,819.715 |
| International Affairs (150): | | | | | | | |
| BA | 32.648 | 37.158 | 37.901 | 38.221 | 38.491 | 38.451 | 190.222 |
| OT | 32.843 | 35.749 | 36.591 | 36.864 | 36.824 | 36.537 | 182.565 |
| General Science, Space, and Technology (250): | | | | | | | |
| BA | 27.407 | 30.639 | 31.701 | 32.863 | 34.115 | 35.450 | 164.768 |
| OT | 26.456 | 29.072 | 31.192 | 32.642 | 33.891 | 34.694 | 161.491 |
| Energy (270): | | | | | | | |
| BA | 3.550 | 6.514 | 6.615 | 6.450 | 6.550 | 6.474 | 32.603 |
| OT | 1.681 | 2.795 | 4.092 | 4 969 | 5.417 | 5.659 | 22.932 |
| Natural Resources and Environment (300): | | | | | | | |
| BA | 33.169 | 40.515 | 35.278 | 36.307 | 37.396 | 38.033 | 187.529 |
| OT | 34.723 | 36.868 | 37.472 | 37.865 | 38.356 | 38.923 | 189.484 |
| Agriculture (350): | | | | | | | |
| BA | 24.296 | 22.572 | 22.145 | 22.026 | 20.889 | 22.304 | 109.936 |
| OT | 22.179 | 22.312 | 21.241 | 21.022 | 17.463 | 21.606 | 103.644 |
| Commerce and Housing Credit (370): | | | | | | | |
| BA | 12.666 | 10.818 | 14.454 | 8.973 | 9.230 | 9.635 | 53.110 |
| OT | 6 818 | 4.980 | 6.402 | 2.168 | 1.719 | 1.641 | 16.910 |

**CONFERENCE REPORT 2009 RESOLUTION: TOTAL SPENDING AND REVENUES**

(In billions of dollars)

| Fiscal year | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2009-2013 |
|---|---|---|---|---|---|---|---|
| On-budget: | | | | | | | |
| BA | 11.216 | 9.560 | 13.887 | 8.998 | 9.246 | 9.642 | 51.333 |
| OT | 5.381 | 3.722 | 5.835 | 2.193 | 1.735 | 1.648 | 15.133 |
| Off-budget: | | | | | | | |
| BA | 1.450 | 1.258 | 0.567 | -0.025 | -0.016 | -0.007 | 1.777 |
| OT | 1.437 | 1.258 | 0.567 | -0.025 | -0.016 | -0.007 | 1.777 |
| Transportation (400): | | | | | | | |
| BA | 80.189 | 74.682 | 77.999 | 78.900 | 79.741 | 80.641 | 391.963 |
| OT | 77.795 | 80.781 | 84.318 | 86.468 | 88.453 | 90.675 | 430.695 |
| Community and Regional Development (450): | | | | | | | |
| BA | 20.149 | 15.220 | 15.376 | 15.603 | 15.840 | 16.007 | 78.046 |
| OT | 27.820 | 24.401 | 22.109 | 18.330 | 16.301 | 15.986 | 97.127 |
| Education, Training, Employment and Social Services (500): | | | | | | | |
| BA | 90.077 | 94.277 | 103.716 | 105.910 | 107.399 | 100.625 | 511.927 |
| OT | 90.729 | 91.351 | 99.477 | 103.453 | 103.992 | 102.451 | 500.724 |
| Health (550): | | | | | | | |
| BA | 285.601 | 310.260 | 325.344 | 345.817 | 368.395 | 393.337 | 1,743.153 |
| OT | 287.188 | 307.474 | 325.681 | 345.055 | 367.257 | 391.872 | 1,737.339 |
| Medicare (570): | | | | | | | |
| BA | 390.458 | 420.191 | 445.207 | 494.337 | 491.305 | 552.329 | 2,403.369 |
| OT | 390.454 | 419.974 | 445.333 | 494.162 | 491.065 | 552.445 | 2,402.979 |
| Income Security (600). | | | | | | | |
| BA | 389.926 | 415.547 | 420.430 | 429.946 | 416.447 | 432.148 | 2,114.518 |
| OT | 394.161 | 416 039 | 420.710 | 429.463 | 416.044 | 431.699 | 2,113.955 |
| Social Security (650): | | | | | | | |
| BA | 619.586 | 654.285 | 688.636 | 723.840 | 765.481 | 811.642 | 3,643.884 |
| OT | 616.633 | 651.371 | 685.745 | 720.444 | 761 723 | 807.589 | 3,626.872 |
| On-budget: | | | | | | | |
| BA | 19.378 | 21 313 | 23.803 | 27.338 | 30.349 | 33.170 | 135.973 |
| OT | 19.378 | 21.313 | 23.803 | 27.338 | 30.349 | 33.170 | 135.973 |
| Off-budget: | | | | | | | |
| BA | 600.208 | 632.972 | 664.833 | 696.502 | 735.132 | 778.472 | 3,507.911 |
| OT | 597.255 | 630.058 | 661.942 | 693.106 | 731.374 | 774.419 | 3,490.899 |
| Veterans Benefits and Services (700): | | | | | | | |
| BA | 86.365 | 93.320 | 96.233 | 102.038 | 99.359 | 105.344 | 496.294 |
| OT | 83.551 | 92.486 | 95.912 | 101.706 | 98.511 | 104.513 | 493.128 |
| Administration of Justice (750): | | | | | | | |
| BA | 46.237 | 48.303 | 48.673 | 49.348 | 50.139 | 51.051 | 247.514 |
| OT | 44.282 | 48.097 | 49.291 | 49.763 | 50.172 | 50.767 | 248.090 |
| General Government (800): | | | | | | | |
| BA | 56.407 | 23.987 | 19.929 | 20.470 | 21.004 | 21.463 | 106.853 |
| OT | 56.920 | 24.411 | 19.974 | 20.369 | 21.026 | 21.251 | 107.031 |
| Net Interest (900): | | | | | | | |
| BA | 233.951 | 217.009 | 249.005 | 276.316 | 290.193 | 293.112 | 1,325.635 |
| OT | 233.951 | 217.009 | 249.005 | 276.316 | 290.193 | 293.112 | 1,325.635 |

**CONFERENCE REPORT 2009 RESOLUTION: TOTAL SPENDING AND REVENUES**

(In billions of dollars)

| Fiscal year | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2009-2013 |
|---|---|---|---|---|---|---|---|
| On-budget: | | | | | | | |
| BA | 349.351 | 334.409 | 370.805 | 407.916 | 433.193 | 448.812 | 1,995.135 |
| OT | 349.351 | 334.409 | 370.805 | 407.916 | 433.193 | 448.812 | 1,995.135 |
| Off-budget: | | | | | | | |
| BA | -115.400 | -117.400 | -121.800 | -131.600 | -143.000 | -155.700 | -669.500 |
| OT | -115.400 | -117.400 | -121.800 | -131.600 | -143.000 | -155.700 | -669.500 |
| Allowances (920): | | | | | | | |
| BA | 4.426 | -13.201 | -11.955 | -12.307 | -12.689 | -13.000 | -63.152 |
| OT | 2.075 | -6.462 | -9.385 | -11.769 | -13.764 | -13.396 | -54.776 |
| Undistributed Offsetting Receipts (950): | | | | | | | |
| BA | -99.495 | -80.956 | -85.306 | -88.917 | -92.612 | -97.087 | -444.878 |
| OT | -99.495 | -80.956 | -85.306 | -88.917 | -92.612 | -97.087 | -444.878 |
| On-budget: | | | | | | | |
| BA | -86.330 | -67.060 | -70.645 | -73.364 | -76.104 | -79.691 | -366.864 |
| OT | -86.330 | -67.060 | -70.645 | -73.364 | -76.104 | -79.691 | -366.864 |
| Off-budget: | | | | | | | |
| BA | -13.165 | -13.896 | -14.661 | -15.553 | -16.508 | -17.396 | -78.014 |
| OT | -13.165 | -13.896 | -14.661 | -15 553 | -16.508 | -17.396 | -78.014 |
| Overseas Deployments and Other Activities (970): | | | | | | | |
| BA | 108.056 | 70.000 | --- | --- | --- | --- | 70.000 |
| OT | 28.901 | 74.809 | 47.407 | 18.251 | 5.176 | 1.775 | 147.418 |

**CONFERENCE REPORT 2009 RESOLUTION: DISCRETIONARY SPENDING**

(In billions of dollars)

| Fiscal year | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2009-2013 |
|---|---|---|---|---|---|---|---|
| | | | **Summary** | | | | |
| Total Spending: | | | | | | | |
| BA | 1,158.534 | 1,088.447 | 1,038.121 | 1,047.900 | 1,066.323 | 1,087.151 | 5,327.942 |
| OT | 1,123.845 | 1,182.965 | 1,156.797 | 1,127.399 | 1,116 307 | 1,135.247 | 5,718.715 |
| On-Budget: | | | | | | | |
| BA | 1,153.274 | 1,082.956 | 1,032.495 | 1,042.125 | 1,060.386 | 1,081.041 | 5,299.003 |
| OT | 1,118.664 | 1,177.547 | 1,151.198 | 1,121.649 | 1,110.397 | 1,129.165 | 5,689.956 |
| Off-Budget: | | | | | | | |
| BA | 5.260 | 5.491 | 5.626 | 5.775 | 5.937 | 6.110 | 28.939 |
| OT | 5.181 | 5.418 | 5.599 | 5.750 | 5.910 | 6.082 | 28.759 |
| | | | **By Function** | | | | |
| National Defense (050) | | | | | | | |
| BA | 587.221 | 537.769 | 545.539 | 551.962 | 560.690 | 571.154 | 2,767.114 |
| OT | 572.736 | 568.657 | 555.853 | 555.062 | 551.624 | 563.771 | 2,794.967 |
| International Affairs (150): | | | | | | | |
| BA | 36.702 | 38.313 | 38.387 | 38.625 | 38.949 | 39.335 | 193.609 |
| OT | 38.332 | 38.364 | 38.576 | 38.812 | 38.863 | 39.051 | 193.666 |
| General Science, Space, and Technology (250): | | | | | | | |
| BA | 27.282 | 30.514 | 31.576 | 32.738 | 33.990 | 35.325 | 164.143 |
| OT | 26.349 | 28.958 | 31.067 | 32.511 | 33.767 | 34.574 | 160.877 |
| Energy (270): | | | | | | | |
| BA | 4.986 | 7.749 | 7.718 | 7.783 | 7.880 | 7.979 | 39.109 |
| OT | 3.903 | 5.052 | 6.341 | 7.133 | 7.522 | 7.855 | 33.903 |
| Natural Resources and Environment (300): | | | | | | | |
| BA | 31.707 | 38.611 | 33.435 | 34.124 | 34.889 | 35.699 | 176.758 |
| OT | 33.901 | 35.616 | 35.869 | 35.908 | 36.025 | 36.479 | 179.897 |
| Agriculture (350): | | | | | | | |
| BA | 5.884 | 6.013 | 6.152 | 6.305 | 6.472 | 6.642 | 31.584 |
| OT | 6.084 | 5.961 | 6.070 | 6.229 | 6.388 | 6.559 | 31.207 |
| Commerce and Housing Credit (370): | | | | | | | |
| BA | 3.061 | 5.012 | 9.110 | 4.019 | 3.962 | 3.967 | 26.070 |
| OT | 3.107 | 4.852 | 8.257 | 4.667 | 3.956 | 3.981 | 25.713 |
| On-budget: | | | | | | | |
| BA | 2.811 | 4.754 | 8.843 | 3.744 | 3.678 | 3.674 | 24.693 |
| OT | 2.870 | 4.594 | 7.990 | 4.392 | 3.672 | 3.688 | 24.336 |
| Off-budget: | | | | | | | |
| BA | 0.250 | 0.258 | 0.267 | 0.275 | 0.284 | 0.293 | 1.377 |
| OT | 0.237 | 0.258 | 0.267 | 0.275 | 0 284 | 0.293 | 1.377 |
| Transportation (400): | | | | | | | |
| BA | 27.383 | 25.920 | 29.066 | 29.739 | 30.461 | 31.244 | 146 430 |
| OT | 76.137 | 78.692 | 82.094 | 84.125 | 86.045 | 88.187 | 419.143 |
| Community and Regional Development (450): | | | | | | | |
| BA | 20.276 | 15.121 | 15.286 | 15.502 | 15.738 | 15.978 | 77.625 |
| OT | 27.770 | 23.070 | 20 894 | 18.470 | 16.433 | 16.118 | 94.985 |

**CONFERENCE REPORT 2009 RESOLUTION: DISCRETIONARY SPENDING**

(In billions of dollars)

| Fiscal year | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2009-2013 |
|---|---|---|---|---|---|---|---|
| Education, Training, Employment and Social Services (500): | | | | | | | |
| BA | 79.771 | 84.337 | 89.383 | 90.320 | 91.381 | 92.540 | 447.961 |
| OT | 81.068 | 83.355 | 88.209 | 89.082 | 90.101 | 91.251 | 441.998 |
| Health (550): | | | | | | | |
| BA | 53.121 | 59.724 | 58.055 | 58.770 | 59.577 | 60.459 | 296.585 |
| OT | 53.614 | 56.334 | 57.675 | 58.092 | 58.745 | 59.446 | 290.292 |
| Medicare (570): | | | | | | | |
| BA | 4.929 | 5.227 | 5.412 | 5.616 | 5.864 | 6.153 | 28.272 |
| OT | 5.011 | 5.200 | 5.378 | 5.585 | 5.828 | 6.110 | 28.101 |
| Income Security (600): | | | | | | | |
| BA | 52.336 | 58.694 | 59.694 | 60.792 | 62.302 | 63.678 | 305.160 |
| OT | 57.995 | 61.128 | 61.598 | 61.985 | 63.499 | 64.573 | 312.783 |
| Social Security (650): | | | | | | | |
| BA | 5.010 | 5.233 | 5.359 | 5.500 | 5.653 | 5.817 | 27.562 |
| OT | 4.944 | 5.160 | 5.332 | 5.475 | 5.626 | 5.789 | 27.382 |
| On-budget: | | | | | | | |
| BA | — | — | — | — | — | — | — |
| OT | — | — | — | — | — | — | — |
| Off-budget: | | | | | | | |
| BA | 5.010 | 5.233 | 5.359 | 5.500 | 5.653 | 5.817 | 27.562 |
| OT | 4.944 | 5.160 | 5.332 | 5.475 | 5.626 | 5.789 | 27.382 |
| Veterans Benefits and Services (700): | | | | | | | |
| BA | 43.262 | 48.202 | 49.610 | 50.998 | 52 462 | 53.990 | 255.262 |
| OT | 40.575 | 47.527 | 49.457 | 50.713 | 51.844 | 53.389 | 252.930 |
| Administration of Justice (750): | | | | | | | |
| BA | 45.492 | 45.321 | 47.883 | 48.664 | 49.571 | 50.606 | 242.045 |
| OT | 43.319 | 46.476 | 47.708 | 48 550 | 49.596 | 50.316 | 242.646 |
| General Government (800): | | | | | | | |
| BA | 17.055 | 17.351 | 17.823 | 18.359 | 18.929 | 19.523 | 91.985 |
| OT | 17.446 | 17.880 | 17.941 | 18.276 | 18.794 | 19.367 | 92.258 |
| Allowances (920): | | | | | | | |
| BA | 5.000 | -10.664 | -11.367 | -11.916 | -12.447 | -12.938 | -59.332 |
| OT | 2.653 | -4.126 | -8.929 | -11.527 | -13.525 | -13.344 | -51.451 |
| Overseas Deployments and Other Activities (970): | | | | | | | |
| BA | 108.056 | 70.000 | — | — | — | — | 70.000 |
| OT | 28.901 | 74.809 | 47.407 | 18.251 | 5.176 | 1.775 | 147.418 |

**CONFERENCE REPORT 2009 RESOLUTION: MANDATORY SPENDING**

(In billions of dollars)

| Fiscal year | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2009-2013 |
|---|---|---|---|---|---|---|---|
| | | | **Summary** | | | | |
| Total Spending: | | | | | | | |
| BA | 1,877.821 | 1,945.190 | 2,053.674 | 2,195.267 | 2,246.150 | 2,387.031 | 10,827.312 |
| OT | 1,811.993 | 1,882.958 | 1,991.190 | 2,131.324 | 2,177.599 | 2,326.294 | 10,509.365 |
| On-Budget: | | | | | | | |
| BA | 1,409.988 | 1,447.747 | 1,530.361 | 1,651.718 | 1,676.479 | 1,787.772 | 8,094.077 |
| OT | 1,347.047 | 1,388.356 | 1,470.741 | 1,591.146 | 1,611.659 | 1,731.060 | 7,792.962 |
| Off-Budget: | | | | | | | |
| BA | 467.833 | 497.443 | 523.313 | 543.549 | 569.671 | 599.259 | 2,733.235 |
| OT | 464.946 | 494.602 | 520.449 | 540.178 | 565.940 | 595.234 | 2,716.403 |
| | | | **By Function** | | | | |
| National Defense (050): | | | | | | | |
| BA | 3.465 | 4.728 | 4.875 | 5.064 | 5.110 | 5.069 | 24.846 |
| OT | 3.437 | 4.705 | 4.873 | 5.037 | 5.075 | 5.058 | 24.748 |
| International Affairs (150): | | | | | | | |
| BA | -4.054 | -1.155 | -0.486 | -0.404 | -0.458 | -0.884 | -3.387 |
| OT | -5.489 | -2.615 | -1.985 | -1.948 | -2.039 | -2.514 | -11.101 |
| General Science, Space, and Technology (250): | | | | | | | |
| BA | 0.125 | 0.125 | 0.125 | 0.125 | 0.125 | 0 125 | 0.625 |
| OT | 0.107 | 0.114 | 0.125 | 0.131 | 0.124 | 0.120 | 0.614 |
| Energy (270): | | | | | | | |
| BA | -1.436 | -1.235 | -1.103 | -1.333 | -1.330 | -1.505 | -6.506 |
| OT | -2.222 | -2.257 | -2.249 | -2.164 | -2.105 | -2.196 | -10.971 |
| Natural Resources and Environment (300): | | | | | | | |
| BA | 1.462 | 1.904 | 1.843 | 2.183 | 2.507 | 2.334 | 10.771 |
| OT | 0.822 | 1.252 | 1.603 | 1.957 | 2.331 | 2.444 | 9.587 |
| Agriculture (350): | | | | | | | |
| BA | 18.412 | 16.559 | 15.993 | 15.721 | 14.417 | 15.662 | 78.352 |
| OT | 16.095 | 16.351 | 15.171 | 14.793 | 11 075 | 15.047 | 72.437 |
| Commerce and Housing Credit (370): | | | | | | | |
| BA | 9.605 | 5.806 | 5.344 | 4.954 | 5.268 | 5.668 | 27.040 |
| OT | 3.711 | 0.128 | -1.855 | -2.499 | -2 237 | -2.340 | -8.803 |
| On-budget: | | | | | | | |
| BA | 8.405 | 4.806 | 5.044 | 5.254 | 5.568 | 5.968 | 26.640 |
| OT | 2.511 | -0.872 | -2.155 | -2.199 | -1.937 | -2.040 | -9.203 |
| Off-budget: | | | | | | | |
| BA | 1.200 | 1.000 | 0.300 | -0.300 | -0.300 | -0.300 | 0.400 |
| OT | 1.200 | 1.000 | 0.300 | -0.300 | -0.300 | -0.300 | 0.400 |
| Transportation (400): | | | | | | | |
| BA | 52.806 | 48.762 | 48.933 | 49.161 | 49.280 | 49.397 | 245.533 |
| OT | 1.658 | 2.089 | 2.224 | 2.343 | 2.408 | 2.488 | 11.552 |
| Community and Regional Development (450): | | | | | | | |
| BA | -0.127 | 0 099 | 0.090 | 0 101 | 0.102 | 0 029 | 0.421 |
| OT | 0.050 | 1.331 | 1.215 | -0 140 | -0.132 | -0.132 | 2.142 |

**CONFERENCE REPORT 2009 RESOLUTION: MANDATORY SPENDING**

(In billions of dollars)

| Fiscal year | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2009-2013 |
|---|---|---|---|---|---|---|---|
| Education, Training, Employment and Social Services (500): | | | | | | | |
| BA | 10.306 | 9.940 | 14.333 | 15.590 | 16.018 | 8.085 | 63.966 |
| OT | 9.661 | 7.996 | 11.268 | 14.371 | 13.891 | 11.200 | 58.726 |
| Health (550): | | | | | | | |
| BA | 232.480 | 250 536 | 267.289 | 287.047 | 308.818 | 332.878 | 1,446.568 |
| OT | 233.574 | 251.140 | 268 006 | 286.963 | 308.512 | 332.426 | 1,447.047 |
| Medicare (570): | | | | | | | |
| BA | 385.529 | 414.964 | 439.795 | 488.721 | 485.441 | 546.176 | 2,375.097 |
| OT | 385.443 | 414.774 | 439.955 | 488.577 | 485.237 | 546.335 | 2,374.878 |
| Income Security (600): | | | | | | | |
| BA | 337.590 | 356.853 | 360.736 | 369.154 | 354.145 | 368.470 | 1,809.358 |
| OT | 336.166 | 354.911 | 359.112 | 367.478 | 352.545 | 367.126 | 1,801.172 |
| Social Security (650): | | | | | | | |
| BA | 614.576 | 649.052 | 683.277 | 718 340 | 759.828 | 805.825 | 3,616.322 |
| OT | 611.689 | 646.211 | 680.413 | 714.969 | 756.097 | 801.800 | 3,599.490 |
| On-budget: | | | | | | | |
| BA | 19.378 | 21.313 | 23.803 | 27.338 | 30.349 | 33.170 | 135.973 |
| OT | 19.378 | 21.313 | 23.803 | 27.338 | 30.349 | 33.170 | 135.973 |
| Off-budget: | | | | | | | |
| BA | 595.198 | 627.739 | 659.474 | 691.002 | 729.479 | 772.655 | 3,480.349 |
| OT | 592.311 | 624.898 | 656.610 | 687.631 | 725.748 | 768.630 | 3,463.517 |
| Veterans Benefits and Services (700): | | | | | | | |
| BA | 43.103 | 45.118 | 46.623 | 51.040 | 46.897 | 51.354 | 241.032 |
| OT | 42.976 | 44 959 | 46.455 | 50.993 | 46.667 | 51.124 | 240.198 |
| Administration of Justice (750): | | | | | | | |
| BA | 0 745 | 2.982 | 0.790 | 0.684 | 0 568 | 0.445 | 5.469 |
| OT | 0.963 | 1.621 | 1.583 | 1.213 | 0.576 | 0 451 | 5.444 |
| General Government (800): | | | | | | | |
| BA | 39.352 | 6.636 | 2.106 | 2.111 | 2.075 | 1.940 | 14.868 |
| OT | 39.474 | 6.531 | 2.033 | 2.093 | 2.232 | 1.884 | 14.773 |
| Net Interest (900): | | | | | | | |
| BA | 233.951 | 217.009 | 249.005 | 276.316 | 290.193 | 293.112 | 1,325.635 |
| OT | 233.951 | 217.009 | 249.005 | 276.316 | 290.193 | 293.112 | 1,325.635 |
| On-budget: | | | | | | | |
| BA | 349.351 | 334.409 | 370.805 | 407.916 | 433.193 | 448.812 | 1,995.135 |
| OT | 349.351 | 334.409 | 370.805 | 407.916 | 433.193 | 448.812 | 1,995.135 |
| Off-budget: | | | | | | | |
| BA | -115.400 | -117.400 | -121.800 | -131.600 | -143.000 | -155.700 | -669.500 |
| OT | -115.400 | -117.400 | -121.800 | -131.600 | -143.000 | -155 700 | -669.500 |
| Allowances (920): | | | | | | | |
| BA | -0.574 | -2.537 | -0.588 | -0.391 | -0.242 | -0.062 | -3.820 |
| OT | -0.578 | -2.336 | -0.456 | -0.242 | -0.239 | -0.052 | -3.325 |
| Undistributed Offsetting Receipts (950): | | | | | | | |
| BA | -99.495 | -80.956 | -85.306 | -88.917 | -92.612 | -97.087 | -444.878 |
| OT | -99.495 | -80.956 | -85.306 | -88.917 | -92.612 | -97.087 | -444.878 |

**CONFERENCE REPORT 2009 RESOLUTION: MANDATORY SPENDING**

(In billions of dollars)

| Fiscal year | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2009-2013 |
|---|---|---|---|---|---|---|---|
| On-budget: | | | | | | | |
| BA..... | -86.330 | -67.060 | -70.645 | -73.364 | -76.104 | -79.691 | -366.864 |
| OT..... | -86.330 | -67.060 | -70.645 | -73.364 | -76.104 | -79.691 | -366.864 |
| Off-budget: | | | | | | | |
| BA..... | -13.165 | -13.896 | -14.661 | -15.553 | -16.508 | -17.396 | -78.014 |
| OT..... | -13.165 | -13.896 | -14.661 | -15.553 | -16.508 | -17.396 | -78.014 |

**HOUSE-PASSED 2009 RESOLUTION: TOTAL SPENDING AND REVENUES**

(In billions of dollars)

| Fiscal year | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2009-2013 |
|---|---|---|---|---|---|---|---|
| **Summary** | | | | | | | |
| Total Spending: | | | | | | | |
| BA | 3,029.347 | 3,032.185 | 3,093.126 | 3,247.404 | 3,315.728 | 3,472 298 | 16,160.741 |
| OT | 2,932.743 | 3,063.405 | 3,148.367 | 3,262.946 | 3,300.867 | 3,458.775 | 16,234.360 |
| On-Budget: | | | | | | | |
| BA | 2,556.254 | 2,529.246 | 2,564.161 | 2,698.039 | 2,740.065 | 2,866.862 | 13,398.373 |
| OT | 2,462.616 | 2,563.380 | 2,622.295 | 2,716.979 | 2,728.965 | 2,857.394 | 13,489.013 |
| Off-Budget: | | | | | | | |
| BA | 473.093 | 502.939 | 528.965 | 549.365 | 575.663 | 605.436 | 2,762.368 |
| OT | 470.127 | 500.025 | 526.072 | 545.967 | 571.902 | 601.381 | 2,745.347 |
| Revenues: | | | | | | | |
| Total | 2,546.245 | 2,723.000 | 2,939.435 | 3,214.493 | 3,479.113 | 3,616.784 | 15,972.824 |
| On-budget | 1,879.540 | 2,027.124 | 2,205.864 | 2,442.025 | 2,669.315 | 2,771.740 | 12,116.067 |
| Off-budget | 666.705 | 695.876 | 733.571 | 772.468 | 809.798 | 845.044 | 3,856.757 |
| Surplus/Deficit (-) | | | | | | | |
| Total | -386.498 | -340.405 | -208.932 | -48.453 | 178.246 | 158.009 | -261.536 |
| On-budget | -583.076 | -536.256 | -416.431 | -274.954 | -59.650 | -85.654 | -1,372.946 |
| Off-budget | 196.578 | 195.851 | 207.499 | 226.501 | 237.896 | 243.663 | 1,111.410 |
| Debt Subject to Limit | 9,567 | 10,200 | 10,724 | 11,104 | 11,295 | 11,495 | na |
| Debt Held by the Public | 5,397 | 5,754 | 5,981 | 6,048 | 5,886 | 5,744 | na |
| **By Function** | | | | | | | |
| National Defense (050): | | | | | | | |
| BA | 590.686 | 542.497 | 550.414 | 557.026 | 565.800 | 576.223 | 2,791.960 |
| OT | 576.173 | 573.362 | 560.726 | 560.099 | 556.699 | 568.829 | 2,819.715 |
| International Affairs (150): | | | | | | | |
| BA | 32.648 | 37.111 | 38.516 | 39.433 | 40.247 | 40 677 | 195.984 |
| OT | 32.843 | 35 702 | 36.918 | 37.679 | 38.154 | 38.346 | 186.799 |
| General Science, Space, and Technology (250): | | | | | | | |
| BA | 27.407 | 29.934 | 31.165 | 32.474 | 33.853 | 35.298 | 162.724 |
| OT | 26.456 | 28.700 | 30.604 | 32.201 | 33.564 | 34.477 | 159.546 |
| Energy (270): | | | | | | | |
| BA | 3.548 | 4.674 | 4.645 | 4.712 | 4.803 | 4.895 | 23.729 |
| OT | 1.681 | 2.192 | 2.878 | 3.371 | 3.738 | 4.020 | 16.199 |
| Natural Resources and Environment (300): | | | | | | | |
| BA | 32.560 | 38.651 | 33.782 | 34.670 | 35.568 | 36.490 | 179.161 |
| OT | 34.440 | 35.576 | 36.192 | 36.420 | 36.745 | 37.299 | 182.232 |
| Agriculture (350): | | | | | | | |
| BA | 22.456 | 21.529 | 21.719 | 21.891 | 22.263 | 22.621 | 110.023 |
| OT | 21.528 | 21.279 | 20.680 | 20.876 | 21.435 | 21.816 | 106.086 |
| Commerce and Housing Credit (370): | | | | | | | |
| BA | 12.666 | 10.818 | 14.454 | 8.973 | 9.230 | 9.635 | 53.110 |
| OT | 6.818 | 4.980 | 6.402 | 2.168 | 1.719 | 1.641 | 16.910 |

**HOUSE-PASSED 2009 RESOLUTION: TOTAL SPENDING AND REVENUES**

(In billions of dollars)

| Fiscal year | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2009-2013 |
|---|---|---|---|---|---|---|---|
| On-budget: | | | | | | | |
| BA | 11.216 | 9.560 | 13.887 | 8.998 | 9.246 | 9.642 | 51.333 |
| OT | 5.381 | 3.722 | 5.835 | 2.193 | 1.735 | 1.648 | 15.133 |
| Off-budget: | | | | | | | |
| BA | 1.450 | 1.258 | 0.567 | -0.025 | -0.016 | -0.007 | 1.777 |
| OT | 1.437 | 1.258 | 0.567 | -0.025 | -0.016 | -0.007 | 1.777 |
| Transportation (400): | | | | | | | |
| BA | 79.794 | 73.444 | 77.507 | 78.534 | 79.485 | 80.478 | 389.448 |
| OT | 77.795 | 80.443 | 83.861 | 86.062 | 88.134 | 90.443 | 428.943 |
| Community and Regional Development (450): | | | | | | | |
| BA | 20.029 | 14.553 | 14.826 | 15.134 | 15.450 | 15.755 | 75.718 |
| OT | 27.819 | 24.251 | 21.816 | 17.874 | 15.817 | 15.561 | 95.319 |
| Education, Training, Employment and Social Services (500): | | | | | | | |
| BA | 90.077 | 95.235 | 102.594 | 105.612 | 107.828 | 101.690 | 512.959 |
| OT | 90.729 | 90.947 | 98.345 | 103.135 | 104.397 | 103.490 | 500.314 |
| Health (550): | | | | | | | |
| BA | 285.101 | 306.795 | 323.767 | 344.749 | 367.766 | 393.085 | 1,736.162 |
| OT | 286.688 | 305.334 | 324.138 | 343.718 | 366.312 | 391.326 | 1,730.828 |
| Medicare (570): | | | | | | | |
| BA | 390.458 | 420.191 | 445.225 | 494.370 | 491.353 | 552.389 | 2,403.528 |
| OT | 390.454 | 419.974 | 445.349 | 494.193 | 491.110 | 552.503 | 2,403.129 |
| Income Security (600): | | | | | | | |
| BA | 389.865 | 411.699 | 417.519 | 426.924 | 412.355 | 427.988 | 2,096.485 |
| OT | 394.100 | 414.032 | 418.617 | 427.541 | 412.831 | 427.703 | 2,100.724 |
| Social Security (650): | | | | | | | |
| BA | 619.586 | 654.285 | 688.653 | 723.873 | 765.529 | 811.701 | 3,644.041 |
| OT | 616.633 | 651.371 | 685.760 | 720.475 | 761.768 | 807.646 | 3,627.020 |
| On-budget: | | | | | | | |
| BA | 19.378 | 21.308 | 23.794 | 27.330 | 30.342 | 33.162 | 135.936 |
| OT | 19.378 | 21.308 | 23 794 | 27.330 | 30.342 | 33.162 | 135.936 |
| Off-budget: | | | | | | | |
| BA | 600.208 | 632.977 | 664.859 | 696.543 | 735.187 | 778 539 | 3,508.105 |
| OT | 597.255 | 630.063 | 661.966 | 693.145 | 731.426 | 774.484 | 3,491.084 |
| Veterans Benefits and Services (700): | | | | | | | |
| BA | 86.365 | 93.268 | 96.000 | 101.800 | 99.115 | 105.094 | 495.277 |
| OT | 83.551 | 92.443 | 95.710 | 101.475 | 98.271 | 104.266 | 492.165 |
| Administration of Justice (750): | | | | | | | |
| BA | 46.237 | 48.104 | 49.101 | 50.338 | 51.622 | 52.967 | 252.132 |
| OT | 44.282 | 47.936 | 49.602 | 50.596 | 51.501 | 52.542 | 252.177 |
| General Government (800): | | | | | | | |
| BA | 56.407 | 23.520 | 19.961 | 20.611 | 21.319 | 22.007 | 107.418 |
| OT | 56.920 | 23.890 | 19.987 | 20.496 | 21.332 | 21.787 | 107.492 |
| Net Interest (900): | | | | | | | |
| BA | 233.896 | 216.833 | 248.734 | 275.397 | 284.954 | 280.592 | 1,306.510 |
| OT | 233.896 | 216.833 | 248.734 | 275.397 | 284.954 | 280.592 | 1,306.510 |

**HOUSE-PASSED 2009 RESOLUTION: TOTAL SPENDING AND REVENUES**

(In billions of dollars)

| Fiscal year | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2009-2013 |
|---|---|---|---|---|---|---|---|
| On-budget: | | | | | | | |
| BA..... ..... | 349.296 | 334.233 | 370.534 | 406.997 | 427.954 | 436.292 | 1,976.010 |
| OT..... | 349.296 | 334.233 | 370.534 | 406.997 | 427.954 | 436.292 | 1,976.010 |
| Off-budget: | | | | | | | |
| BA..... | -115.400 | -117.400 | -121.800 | -131.600 | -143.000 | -155.700 | -669.500 |
| OT..... | -115.400 | -117.400 | -121.800 | -131.600 | -143.000 | -155.700 | -669.500 |
| Allowances (920): | | | | | | | |
| BA..... | 1.000 | — | -0.150 | -0.200 | -0.200 | -0.200 | -0.750 |
| OT..... | 0.531 | 0.307 | -0.053 | -0.164 | -0.178 | -0.200 | -0.288 |
| Undistributed Offsetting Receipts (950): | | | | | | | |
| BA..... | -99.495 | -80.956 | -85.306 | -88.917 | -92.612 | -97.087 | -444.878 |
| OT..... | -99.495 | -80.956 | -85.306 | -88.917 | -92.612 | -97.087 | -444.878 |
| On-budget: | | | | | | | |
| BA..... | -86.330 | -67.060 | -70.645 | -73.364 | -76.104 | -79.691 | -366.864 |
| OT..... | -86.330 | -67.060 | -70.645 | -73.364 | -76.104 | -79.691 | -366.864 |
| Off-budget: | | | | | | | |
| BA..... | -13.165 | -13.896 | -14.661 | -15.553 | -16.508 | -17.396 | -78.014 |
| OT..... | -13.165 | -13.896 | -14.661 | -15.553 | -16.508 | -17.396 | -78.014 |
| Overseas Deployments and Other Activities (970): | | | | | | | |
| BA..... | 108.056 | 70.000 | — | — | — | — | 70.000 |
| OT..... | 28.901 | 74.809 | 47.407 | 18.251 | 5.176 | 1.775 | 147.418 |

**HOUSE-PASSED 2009 RESOLUTION: DISCRETIONARY SPENDING**

(In billions of dollars)

| Fiscal year | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2009-2013 |
|---|---|---|---|---|---|---|---|
| | | | **Summary** | | | | |
| Total Spending: | | | | | | | |
| BA | 1,154.534 | 1,089.773 | 1,042.073 | 1,055.523 | 1,076.220 | 1,099.928 | 5,363.517 |
| OT | 1,121.723 | 1,182.855 | 1,159.554 | 1,134.891 | 1,127.022 | 1,147.385 | 5,751.707 |
| On-Budget: | | | | | | | |
| BA | 1,149.274 | 1,084.282 | 1,036.430 | 1,049.716 | 1,070.237 | 1,093.761 | 5,334.426 |
| OT | 1,116.542 | 1,177.437 | 1,153.940 | 1,129.111 | 1,121.069 | 1,141.248 | 5,722.805 |
| Off-Budget: | | | | | | | |
| BA | 5.260 | 5.491 | 5.643 | 5.807 | 5.983 | 6.167 | 29.091 |
| OT | 5.181 | 5.418 | 5.614 | 5.780 | 5.953 | 6.137 | 28.902 |
| | | | **By Function** | | | | |
| National Defense (050): | | | | | | | |
| BA | 587.221 | 537.769 | 545.539 | 551.962 | 560.690 | 571.154 | 2,767.114 |
| OT | 572.736 | 568.657 | 555.853 | 555.062 | 551.624 | 563.771 | 2,794.967 |
| International Affairs (150): | | | | | | | |
| BA | 36.702 | 38.313 | 39.044 | 39.875 | 40.720 | 41.563 | 199.515 |
| OT | 38.332 | 38.364 | 38.945 | 39.665 | 40.208 | 40.862 | 198.044 |
| General Science, Space, and Technology (250): | | | | | | | |
| BA | 27.282 | 29.809 | 31.040 | 32.349 | 33.728 | 35.173 | 162.099 |
| OT | 26.349 | 28.586 | 30.479 | 32.070 | 33.440 | 34.357 | 158.932 |
| Energy (270): | | | | | | | |
| BA | 4.986 | 6.097 | 6.079 | 6.163 | 6.281 | 6.400 | 31.020 |
| OT | 3.903 | 4.507 | 5.223 | 5.703 | 6.062 | 6.336 | 27.831 |
| Natural Resources and Environment (300): | | | | | | | |
| BA | 31.707 | 37.556 | 32.570 | 33.422 | 34.324 | 35.251 | 173.123 |
| OT | 33.901 | 34.946 | 35.093 | 35.185 | 35.415 | 35.970 | 176.609 |
| Agriculture (350): | | | | | | | |
| BA | 5.884 | 6.013 | 6.152 | 6.305 | 6.472 | 6.642 | 31.584 |
| OT | 6.084 | 5.961 | 6.070 | 6.229 | 6.388 | 6.559 | 31.207 |
| Commerce and Housing Credit (370): | | | | | | | |
| BA | 3.061 | 5.012 | 9.110 | 4.019 | 3.962 | 3.967 | 26.070 |
| OT | 3.107 | 4.852 | 8.257 | 4.667 | 3.956 | 3.981 | 25.713 |
| On-budget: | | | | | | | |
| BA | 2.811 | 4.754 | 8.843 | 3.744 | 3.678 | 3.674 | 24.693 |
| OT | 2.870 | 4.594 | 7.990 | 4.392 | 3.672 | 3.688 | 24.336 |
| Off-budget: | | | | | | | |
| BA | 0.250 | 0.258 | 0.267 | 0.275 | 0.284 | 0.293 | 1.377 |
| OT | 0.237 | 0.258 | 0.267 | 0.275 | 0.284 | 0.293 | 1.377 |
| Transportation (400): | | | | | | | |
| BA | 27.383 | 24.682 | 28.574 | 29.373 | 30.205 | 31.081 | 143.915 |
| OT | 76.137 | 78.354 | 81.637 | 83.719 | 85.726 | 87.955 | 417.391 |
| Community and Regional Development (450): | | | | | | | |
| BA | 20.276 | 14.528 | 14.800 | 15.107 | 15.421 | 15.726 | 75.582 |
| OT | 27.770 | 22.941 | 20.657 | 18.102 | 16.038 | 15.773 | 93.511 |

**HOUSE-PASSED 2009 RESOLUTION: DISCRETIONARY SPENDING**

(In billions of dollars)

| Fiscal year | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2009-2013 |
|---|---|---|---|---|---|---|---|
| Education, Training, Employment and Social Services (500): | | | | | | | |
| BA | 79.771 | 85.295 | 88.261 | 90.022 | 91.810 | 93.605 | 448.993 |
| OT | 81.068 | 82.951 | 87.077 | 88.764 | 90.506 | 92.290 | 441.588 |
| Health (550): | | | | | | | |
| BA | 53.121 | 57.559 | 56.478 | 57.702 | 58.948 | 60.207 | 290.894 |
| OT | 53.614 | 55.494 | 56.132 | 56.755 | 57.800 | 58.900 | 285.081 |
| Medicare (570): | | | | | | | |
| BA | 4.929 | 5.227 | 5.430 | 5.649 | 5.912 | 6.213 | 28.431 |
| OT | 5.011 | 5.200 | 5.394 | 5.616 | 5.873 | 6.168 | 28.251 |
| Income Security (600): | | | | | | | |
| BA | 52.336 | 55.620 | 57.646 | 58.780 | 59.330 | 60.746 | 292.122 |
| OT | 57.995 | 59.704 | 60.227 | 60.945 | 61.288 | 61.711 | 303.875 |
| Social Security (650): | | | | | | | |
| BA | 5.010 | 5.233 | 5.376 | 5.532 | 5.699 | 5.874 | 27.714 |
| OT | 4.944 | 5.160 | 5.347 | 5.505 | 5.669 | 5.844 | 27.525 |
| On-budget: | | | | | | | |
| BA | — | — | — | — | — | — | — |
| OT | — | — | — | — | — | — | — |
| Off-budget: | | | | | | | |
| BA | 5.010 | 5.233 | 5.376 | 5.532 | 5.699 | 5.874 | 27.714 |
| OT | 4.944 | 5.160 | 5.347 | 5.505 | 5.669 | 5.844 | 27.525 |
| Veterans Benefits and Services (700): | | | | | | | |
| BA | 43.262 | 48.150 | 49.377 | 50.760 | 52.218 | 53.740 | 254.245 |
| OT | 40.575 | 47.484 | 49.255 | 50.482 | 51.604 | 53.142 | 251.967 |
| Administration of Justice (750): | | | | | | | |
| BA | 45.492 | 45.122 | 48.311 | 49.654 | 51.054 | 52.522 | 246.663 |
| OT | 43.319 | 46.315 | 48.019 | 49.383 | 50.925 | 52.091 | 246.733 |
| General Government (800): | | | | | | | |
| BA | 17.055 | 17.788 | 18.286 | 18.849 | 19.446 | 20.064 | 94.433 |
| OT | 17.446 | 18.263 | 18.385 | 18.752 | 19.302 | 19.900 | 94.602 |
| Allowances (920): | | | | | | | |
| BA | 1.000 | — | — | — | — | — | — |
| OT | 0.531 | 0.307 | 0.097 | 0.036 | 0.022 | — | 0.462 |
| Overseas Deployments and Other Activities (970): | | | | | | | |
| BA | 108.056 | 70.000 | — | — | — | — | 70.000 |
| OT | 28.901 | 74.809 | 47.407 | 18.251 | 5.176 | 1.775 | 147.418 |

**HOUSE-PASSED 2009 RESOLUTION: MANDATORY SPENDING**

(In billions of dollars)

| Fiscal year | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2009-2013 |
|---|---|---|---|---|---|---|---|
| | | | **Summary** | | | | |
| Total Spending: | | | | | | | |
| BA | 1,874.813 | 1,942.412 | 2,051.053 | 2,191.881 | 2,239.508 | 2,372.370 | 10,797.224 |
| OT | 1,811.020 | 1,880.550 | 1,988.813 | 2,128.055 | 2,173.845 | 2,311.390 | 10,482.653 |
| On-Budget: | | | | | | | |
| BA | 1,406.980 | 1,444.964 | 1,527.731 | 1,648.323 | 1,669.828 | 1,773.101 | 8,063.947 |
| OT | 1,346.074 | 1,385.943 | 1,468.355 | 1,587.868 | 1,607.896 | 1,716.146 | 7,766.208 |
| Off-Budget: | | | | | | | |
| BA | 467.833 | 497.448 | 523.322 | 543.558 | 569.680 | 599.269 | 2,733.277 |
| OT | 464.946 | 494.607 | 520.458 | 540.187 | 565.949 | 595.244 | 2,716.445 |
| | | | **By Function** | | | | |
| National Defense (050): | | | | | | | |
| BA | 3.465 | 4.728 | 4.875 | 5.064 | 5.110 | 5.069 | 24.846 |
| OT | 3.437 | 4.705 | 4.873 | 5.037 | 5.075 | 5.058 | 24.748 |
| International Affairs (150): | | | | | | | |
| BA | -4.054 | -1.202 | -0.528 | -0.442 | -0.473 | -0.886 | -3.531 |
| OT | -5.489 | -2.662 | -2.027 | -1.986 | -2.054 | -2.516 | -11.245 |
| General Science, Space, and Technology (250): | | | | | | | |
| BA | 0.125 | 0.125 | 0.125 | 0.125 | 0.125 | 0.125 | 0.625 |
| OT | 0.107 | 0.114 | 0.125 | 0.131 | 0.124 | 0.120 | 0.614 |
| Energy (270): | | | | | | | |
| BA | -1.438 | -1.423 | -1.434 | -1.451 | -1.478 | -1.505 | -7.291 |
| OT | -2.222 | -2.315 | -2.345 | -2.332 | -2.324 | -2.316 | -11.632 |
| Natural Resources and Environment (300): | | | | | | | |
| BA | 0.853 | 1.095 | 1.212 | 1.248 | 1.244 | 1.239 | 6.038 |
| OT | 0.539 | 0.630 | 1.099 | 1.235 | 1.330 | 1.329 | 5.623 |
| Agriculture (350): | | | | | | | |
| BA | 16.572 | 15.516 | 15.567 | 15.586 | 15.791 | 15.979 | 78.439 |
| OT | 15.444 | 15.318 | 14.610 | 14.647 | 15.047 | 15.257 | 74.879 |
| Commerce and Housing Credit (370): | | | | | | | |
| BA | 9.605 | 5.806 | 5.344 | 4.954 | 5 268 | 5.668 | 27.040 |
| OT | 3.711 | 0.128 | -1.855 | -2.499 | -2.237 | -2.340 | -8.803 |
| On-budget: | | | | | | | |
| BA | 8.405 | 4.806 | 5.044 | 5.254 | 5.568 | 5.968 | 26.640 |
| OT | 2.511 | -0.872 | -2.155 | -2 199 | -1.937 | -2.040 | -9.203 |
| Off-budget: | | | | | | | |
| BA | 1.200 | 1.000 | 0.300 | -0.300 | -0.300 | -0.300 | 0.400 |
| OT | 1.200 | 1.000 | 0.300 | -0.300 | -0.300 | -0.300 | 0.400 |
| Transportation (400): | | | | | | | |
| BA | 52.411 | 48.762 | 48.933 | 49.161 | 49.280 | 49.397 | 245.533 |
| OT | 1.658 | 2.089 | 2.224 | 2.343 | 2.408 | 2.488 | 11.552 |
| Community and Regional Development (450): | | | | | | | |
| BA | -0.247 | 0.025 | 0.026 | 0.027 | 0.029 | 0.029 | 0.136 |
| OT | 0.049 | 1.310 | 1.159 | -0.228 | -0.221 | -0.212 | 1.808 |

**HOUSE-PASSED 2009 RESOLUTION: MANDATORY SPENDING**

(In billions of dollars)

| Fiscal year | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2009-2013 |
|---|---|---|---|---|---|---|---|
| Education, Training, Employment and Social Services (500): | | | | | | | |
| BA | 10.306 | 9.940 | 14.333 | 15.590 | 16.018 | 8.085 | 63.966 |
| OT | 9.661 | 7.996 | 11.268 | 14.371 | 13.891 | 11.200 | 58.726 |
| Health (550): | | | | | | | |
| BA | 231.980 | 249.236 | 267.289 | 287.047 | 308.818 | 332.878 | 1,445.268 |
| OT | 233.074 | 249.840 | 268.006 | 286.963 | 308.512 | 332.426 | 1,445.747 |
| Medicare (570): | | | | | | | |
| BA | 385.529 | 414.964 | 439.795 | 488.721 | 485.441 | 546.176 | 2,375.097 |
| OT | 385.443 | 414.774 | 439.955 | 488.577 | 485.237 | 546.335 | 2,374.878 |
| Income Security (600): | | | | | | | |
| BA | 337.529 | 356.079 | 359.873 | 368.144 | 353.025 | 367.242 | 1,804.363 |
| OT | 336.105 | 354.328 | 358.390 | 366.596 | 351.543 | 365.992 | 1,796.849 |
| Social Security (650): | | | | | | | |
| BA | 614.576 | 649.052 | 683.277 | 718.341 | 759.830 | 805.827 | 3,616.327 |
| OT | 611.689 | 646.211 | 680.413 | 714.970 | 756.099 | 801.802 | 3,599.495 |
| On-budget: | | | | | | | |
| BA | 19.378 | 21.308 | 23.794 | 27.330 | 30.342 | 33.162 | 135.936 |
| OT | 19.378 | 21.308 | 23.794 | 27.330 | 30.342 | 33.162 | 135.936 |
| Off-budget: | | | | | | | |
| BA | 595.198 | 627.744 | 659.483 | 691.011 | 729.488 | 772.665 | 3,480.391 |
| OT | 592.311 | 624.903 | 656.619 | 687.640 | 725.757 | 768.640 | 3,463.559 |
| Veterans Benefits and Services (700): | | | | | | | |
| BA | 43.103 | 45.118 | 46.623 | 51.040 | 46.897 | 51.354 | 241.032 |
| OT | 42.976 | 44.959 | 46.455 | 50.993 | 46.667 | 51.124 | 240.198 |
| Administration of Justice (750): | | | | | | | |
| BA | 0.745 | 2.982 | 0.790 | 0.684 | 0.568 | 0.445 | 5.469 |
| OT | 0.963 | 1.621 | 1.583 | 1.213 | 0.576 | 0.451 | 5.444 |
| General Government (800): | | | | | | | |
| BA | 39.352 | 5.732 | 1.675 | 1.762 | 1.873 | 1.943 | 12.985 |
| OT | 39.474 | 5.627 | 1.602 | 1.744 | 2.030 | 1.887 | 12.890 |
| Net Interest (900): | | | | | | | |
| BA | 233.896 | 216 833 | 248.734 | 275.397 | 284.954 | 280.592 | 1,306.510 |
| OT | 233.896 | 216.833 | 248.734 | 275 397 | 284.954 | 280.592 | 1,306.510 |
| On-budget: | | | | | | | |
| BA | 349.296 | 334 233 | 370.534 | 406.997 | 427.954 | 436.292 | 1,976.010 |
| OT | 349.296 | 334.233 | 370.534 | 406.997 | 427.954 | 436.292 | 1,976.010 |
| Off-budget: | | | | | | | |
| BA | -115.400 | -117.400 | -121.800 | -131.600 | -143.000 | -155.700 | -669.500 |
| OT | -115.400 | -117.400 | -121.800 | -131.600 | -143.000 | -155.700 | -669.500 |
| Allowances (920): | | | | | | | |
| BA | — | — | -0.150 | -0.200 | -0.200 | -0.200 | -0.750 |
| OT | — | — | -0.150 | -0.200 | -0.200 | -0.200 | -0.750 |
| Undistributed Offsetting Receipts (950): | | | | | | | |
| BA | -99.495 | -80.956 | -85.306 | -88.917 | -92.612 | -97.087 | -444.878 |
| OT | -99.495 | -80.956 | -85.306 | -88.917 | -92.612 | -97.087 | -444.878 |

**HOUSE-PASSED 2009 RESOLUTION: MANDATORY SPENDING**

(In billions of dollars)

| Fiscal year | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2009-2013 |
|---|---|---|---|---|---|---|---|
| On-budget: | | | | | | | |
| BA..... | -86.330 | -67.060 | -70.645 | -73.364 | -76.104 | -79.691 | -366.864 |
| OT..... | -86.330 | -67.060 | -70.645 | -73.364 | -76.104 | -79.691 | -366.864 |
| Off-budget: | | | | | | | |
| BA..... | -13.165 | -13.896 | -14.661 | -15.553 | -16.508 | -17.396 | -78.014 |
| OT..... | -13.165 | -13.896 | -14.661 | -15.553 | -16.508 | -17.396 | -78.014 |

# FISCAL YEAR 2009 BUDGET RESOLUTION
# SENATE-PASSED RESOLUTION
## Total Spending, Revenues, Deficit/Surplus, and Debt

| $ billions | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2009-2013 |
|---|---|---|---|---|---|---|---|
| **Summary** | | | | | | | |
| **Budget Authority** | **3,052.498** | **3,036.933** | **3,084.613** | **3,237.479** | **3,307.339** | **3,465.779** | **16,132.143** |
| Off | 473.243 | 503.179 | 529.212 | 549.621 | 575.926 | 605.709 | 2,763.647 |
| On | 2,579.255 | 2,533.754 | 2,555.400 | 2,687.858 | 2,731.412 | 2,860.070 | 13,368.496 |
| **Outlays** | **2,946.927** | **3,076.074** | **3,142.673** | **3,255.280** | **3,294.503** | **3,453.729** | **16,222.260** |
| Off | 470.172 | 500.341 | 526.306 | 546.221 | 572.165 | 601.652 | 2,746.684 |
| On | 2,476.755 | 2,575.733 | 2,616.367 | 2,709.059 | 2,722.339 | 2,852.077 | 13,475.576 |
| **Revenues** | **2,538.593** | **2,707.999** | **2,931.830** | **3,176.619** | **3,298.471** | **3,458.057** | **15,572.976** |
| Off | 666.705 | 695.876 | 733.571 | 772.468 | 809.798 | 845.044 | 3,856.757 |
| On | 1,871.888 | 2,012.123 | 2,198.259 | 2,404.151 | 2,488.673 | 2,613.013 | 11,716.219 |
| **Deficit (-)/Surplus** | **-408.334** | **-368.075** | **-210.843** | **-78.661** | **3.968** | **4.328** | **-649.284** |
| Off | 196.533 | 195.535 | 207.265 | 226.247 | 237.633 | 243.392 | 1,110.073 |
| On | -604.867 | -563.610 | -418.108 | -304.908 | -233.666 | -239.064 | -1,759.357 |
| **Debt Held by the Public** | 5,418.643 | 5,803.409 | 6,032.755 | 6,129.283 | 6,141.593 | 6,153.706 | -- |
| **Public Debt** | 9,618.792 | 10,278.552 | 10,805.196 | 11,215.114 | 11,580.563 | 11,934.375 | -- |
| **By Function** | | | | | | | |
| **050 National Defense** | | | | | | | |
| Budget Authority | 693.273 | 612.502 | 550.414 | 557.026 | 565.800 | 576.223 | 2,861.965 |
| Outlays | 604.289 | 645.437 | 607.033 | 577.925 | 561.666 | 570.503 | 2,962.564 |
| **150 International Affairs** | | | | | | | |
| Budget Authority | 38.608 | 38.609 | 35.663 | 36.322 | 36.866 | 37.024 | 184.485 |
| Outlays | 33.771 | 39.450 | 37.040 | 35.932 | 35.705 | 35.243 | 183.370 |
| **250 General Science, Space and Technology** | | | | | | | |
| Budget Authority | 27.407 | 30.536 | 30.369 | 30.848 | 31.332 | 31.816 | 154.901 |
| Outlays | 26.456 | 28.987 | 30.490 | 31.167 | 31.650 | 31.635 | 153.929 |
| **270 Energy** | | | | | | | |
| Budget Authority | 3.548 | 7.026 | 6.935 | 6.916 | 6.895 | 6.858 | 34.630 |
| Outlays | 1.681 | 2.843 | 4.533 | 5.481 | 5.981 | 6.159 | 24.997 |
| **300 Natural Resources and Environment** | | | | | | | |
| Budget Authority | 32.560 | 39.835 | 34.730 | 35.424 | 36.111 | 36.812 | 182.912 |
| Outlays | 34.440 | 36.310 | 37.039 | 37.217 | 37.395 | 37.757 | 185.718 |
| **350 Agriculture** | | | | | | | |
| Budget Authority | 22.423 | 21.377 | 21.532 | 21.665 | 21.994 | 22.307 | 108.876 |
| Outlays | 21.495 | 21.127 | 20.501 | 20.659 | 21.176 | 21.513 | 104.976 |
| **370 Commerce and Housing Credit** | | | | | | | |
| Budget Authority | 12.966 | 10.608 | 11.700 | 7.688 | 8.012 | 8.247 | 46.255 |
| Outlays | 6.878 | 5.022 | 4.129 | 0.799 | 0.476 | 0.188 | 10.614 |
| **Off** Budget Authority | 1.450 | 1.258 | 0.567 | -0.025 | -0.016 | -0.007 | 1.777 |
| Outlays | 1.437 | 1.258 | 0.567 | -0.025 | -0.016 | -0.007 | 1.777 |
| **On** Budget Authority | 11.516 | 9.350 | 11.133 | 7.713 | 8.028 | 8.254 | 44.478 |
| Outlays | 5.441 | 3.764 | 3.562 | 0.824 | 0.492 | 0.195 | 8.837 |
| **400 Transportation** | | | | | | | |
| Budget Authority | 87.289 | 75.131 | 78.075 | 78.913 | 79.763 | 80.640 | 392.522 |
| Outlays | 81.370 | 83.311 | 85.504 | 86.779 | 88.515 | 90.534 | 434.643 |
| **450 Community and Regional Development** | | | | | | | |
| Budget Authority | 20.029 | 15.195 | 15.265 | 15.503 | 15.746 | 15.979 | 77.687 |
| Outlays | 27.819 | 24.487 | 22.116 | 18.241 | 16.187 | 15.873 | 96.904 |
| **500 Education, Training, Employment, and Social Services** | | | | | | | |
| Budget Authority | 91.381 | 94.680 | 103.891 | 106.486 | 108.255 | 101.660 | 514.972 |
| Outlays | 90.912 | 91.253 | 98.616 | 103.807 | 104.904 | 103.626 | 502.207 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **550 Health** | | | | | | | |
| Budget Authority | 286.108 | 313.109 | 324.863 | 345.558 | 368.273 | 393.283 | 1,745.087 |
| Outlays | 287.211 | 310.603 | 325.576 | 344.795 | 367.110 | 391.805 | 1,739.888 |
| **570 Medicare** | | | | | | | |
| Budget Authority | 390.458 | 420.389 | 445.380 | 494.477 | 491.399 | 551.039 | 2,402.683 |
| Outlays | 390.454 | 420.150 | 445.513 | 494.305 | 491.163 | 551.161 | 2,402.292 |
| **600 Income Security** | | | | | | | |
| Budget Authority | 393.591 | 414.369 | 416.322 | 425.435 | 411.468 | 426.718 | 2,094.314 |
| Outlays | 394.613 | 419.023 | 418.871 | 426.242 | 411.597 | 426.612 | 2,102.344 |
| **650 Social Security** | | | | | | | |
| Budget Authority | 619.736 | 654.525 | 688.900 | 724.129 | 765.792 | 811.974 | 3,645.320 |
| Outlays | 616.678 | 651.687 | 685.994 | 720.729 | 762.031 | 807.917 | 3,628.357 |
| **Off** Budget Authority | 600.358 | 633.217 | 665.106 | 696.799 | 735.450 | 778.812 | 3,509.384 |
| Outlays | 597.300 | 630.379 | 662.200 | 693.399 | 731.689 | 774.755 | 3,492.421 |
| **On** Budget Authority | 19.378 | 21.308 | 23.794 | 27.330 | 30.342 | 33.162 | 135.936 |
| Outlays | 19.378 | 21.308 | 23.794 | 27.330 | 30.342 | 33.162 | 135.936 |
| **700 Veterans Benefits and Services** | | | | | | | |
| Budget Authority | 86.365 | 93.320 | 95.615 | 100.959 | 97.782 | 103.241 | 490.917 |
| Outlays | 83.551 | 92.398 | 95.399 | 100.749 | 97.064 | 102.521 | 488.131 |
| **750 Administration of Justice** | | | | | | | |
| Budget Authority | 46.282 | 49.432 | 48.018 | 48.907 | 49.819 | 50.768 | 246.944 |
| Outlays | 44.322 | 46.896 | 49.714 | 50.114 | 50.089 | 50.706 | 247.520 |
| **800 General Government** | | | | | | | |
| Budget Authority | 56.407 | 24.477 | 19.972 | 20.395 | 20.796 | 21.107 | 106.747 |
| Outlays | 56.920 | 24.435 | 20.172 | 20.407 | 20.940 | 20.991 | 106.945 |
| **900 Net Interest** | | | | | | | |
| Budget Authority | 234.062 | 217.710 | 250.453 | 278.210 | 292.762 | 296.280 | 1,335.416 |
| Outlays | 234.062 | 217.710 | 250.453 | 278.210 | 292.762 | 296.280 | 1,335.416 |
| **Off** Budget Authority | -115.400 | -117.400 | -121.800 | -131.600 | -143.000 | -155.700 | -669.500 |
| Outlays | -115.400 | -117.400 | -121.800 | -131.600 | -143.000 | -155.700 | -669.500 |
| **On** Budget Authority | 349.462 | 335.110 | 372.253 | 409.810 | 435.762 | 451.980 | 2,004.916 |
| Outlays | 349.462 | 335.110 | 372.253 | 409.810 | 435.762 | 451.980 | 2,004.916 |
| **920 Allowances** | | | | | | | |
| Budget Authority | 9.500 | -14.941 | -8.179 | -8.466 | -8.916 | -9.110 | -49.613 |
| Outlays | 9.500 | -4.100 | -10.713 | -9.361 | -9.295 | -10.207 | -43.677 |
| **950 Undistributed Offsetting Receipts** | | | | | | | |
| Budget Authority | -99.495 | -80.956 | -85.306 | -88.917 | -92.612 | -97.087 | -444.878 |
| Outlays | -99.495 | -80.956 | -85.306 | -88.917 | -92.612 | -97.087 | -444.878 |
| **Off** Budget Authority | -13.165 | -13.896 | -14.661 | -15.553 | -16.508 | -17.396 | -78.014 |
| Outlays | -13.165 | -13.896 | -14.661 | -15.553 | -16.508 | -17.396 | -78.014 |
| **On** Budget Authority | -86.330 | -67.060 | -70.645 | -73.364 | -76.104 | -79.691 | -366.864 |
| Outlays | -86.330 | -67.060 | -70.645 | -73.364 | -76.104 | -79.691 | -366.864 |

# FISCAL YEAR 2009 BUDGET RESOLUTION
# SENATE-PASSED RESOLUTION
## Discretionary Spending

| $ billions | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2009-2013 |
|---|---|---|---|---|---|---|---|
| **Summary** | | | | | | | |
| **TOTAL DISCRETIONARY** | | | | | | | |
| Budget Authority | **1,167.034** | **1,085.381** | **1,031.162** | **1,042.135** | **1,059.422** | **1,078.551** | **5,296.651** |
| Outlays | **1,125.744** | **1,185.468** | **1,151.562** | **1,123.863** | **1,112.450** | **1,127.781** | **5,701.123** |
| **DEFENSE** | | | | | | | |
| Budget Authority | 689.808 | 607.774 | 545.539 | 551.962 | 560.690 | 571.154 | 2,837.119 |
| Outlays | 600.852 | 640.732 | 602.160 | 572.888 | 556.591 | 565.445 | 2,937.816 |
| **NONDEFENSE** | | | | | | | |
| Budget Authority | 477.226 | 477.607 | 485.623 | 490.173 | 498.732 | 507.397 | 2,459.532 |
| Outlays | 524.892 | 544.736 | 549.402 | 550.975 | 555.859 | 562.336 | 2,763.307 |
| **By Function** | | | | | | | |
| **050 National Defense** | | | | | | | |
| Budget Authority | 689.808 | 607.774 | 545.539 | 551.962 | 560.690 | 571.154 | 2,837.119 |
| Outlays | 600.852 | 640.732 | 602.160 | 572.888 | 556.591 | 565.445 | 2,937.816 |
| **150 International Affairs** | | | | | | | |
| Budget Authority | 42.662 | 39.811 | 36.191 | 36.764 | 37.339 | 37.910 | 188.016 |
| Outlays | 39.260 | 42.112 | 39.067 | 37.918 | 37.759 | 37.759 | 194.615 |
| **250 General Science, Space and Technology** | | | | | | | |
| Budget Authority | 27.282 | 30.411 | 30.244 | 30.723 | 31.207 | 31.691 | 154.276 |
| Outlays | 26.349 | 28.873 | 30.365 | 31.036 | 31.526 | 31.515 | 153.315 |
| **270 Energy** | | | | | | | |
| Budget Authority | 4.986 | 8.449 | 8.369 | 8.367 | 8.373 | 8.363 | 41.921 |
| Outlays | 3.903 | 5.158 | 6.878 | 7.813 | 8.305 | 8.475 | 36.629 |
| **300 Natural Resources and Environment** | | | | | | | |
| Budget Authority | 31.707 | 38.740 | 33.518 | 34.176 | 34.867 | 35.573 | 176.874 |
| Outlays | 33.901 | 35.680 | 35.940 | 35.982 | 36.065 | 36.428 | 180.095 |
| **350 Agriculture** | | | | | | | |
| Budget Authority | 5.884 | 6.013 | 6.117 | 6.231 | 6.355 | 6.480 | 31.197 |
| Outlays | 6.084 | 5.961 | 6.043 | 6.164 | 6.281 | 6.408 | 30.857 |
| **370 Commerce and Housing Credit** | | | | | | | |
| Budget Authority | 3.361 | 4.802 | 6.356 | 2.734 | 2.744 | 2.579 | 19.215 |
| Outlays | 3.167 | 4.894 | 5.984 | 3.298 | 2.713 | 2.528 | 19.417 |
| **Off** Budget Authority | 0.250 | 0.258 | 0.267 | 0.275 | 0.284 | 0.293 | 1.377 |
| Outlays | 0.237 | 0.258 | 0.267 | 0.275 | 0.284 | 0.293 | 1.377 |
| **On** Budget Authority | 3.111 | 4.544 | 6.089 | 2.459 | 2.460 | 2.286 | 17.838 |
| Outlays | 2.930 | 4.636 | 5.717 | 3.023 | 2.429 | 2.235 | 18.040 |
| **400 Transportation** | | | | | | | |
| Budget Authority | 34.383 | 27.270 | 29.042 | 29.652 | 30.283 | 30.943 | 147.190 |
| Outlays | 79.712 | 81.222 | 83.280 | 84.436 | 86.107 | 88.046 | 423.091 |
| **450 Community and Regional Development** | | | | | | | |
| Budget Authority | 20.276 | 15.170 | 15.239 | 15.476 | 15.717 | 15.950 | 77.551 |
| Outlays | 27.770 | 23.177 | 20.957 | 18.469 | 16.408 | 16.085 | 95.096 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **500 Education, Training, Employment, and Social Services** | | | | | | | |
| Budget Authority | 81.075 | 84.740 | 89.558 | 90.896 | 92.237 | 93.575 | 451.006 |
| Outlays | 81.251 | 83.257 | 87.348 | 89.436 | 91.013 | 92.426 | 443.481 |
| **550 Health** | | | | | | | |
| Budget Authority | 53.638 | 62.613 | 57.577 | 58.511 | 59.456 | 60.406 | 298.564 |
| Outlays | 53.640 | 59.488 | 57.573 | 57.832 | 58.599 | 59.380 | 292.871 |
| **570 Medicare** | | | | | | | |
| Budget Authority | 4.929 | 5.425 | 5.585 | 5.756 | 5.958 | 6.188 | 28.911 |
| Outlays | 5.011 | 5.376 | 5.558 | 5.728 | 5.926 | 6.151 | 28.739 |
| **600 Income Security** | | | | | | | |
| Budget Authority | 56.029 | 58.138 | 56.297 | 57.139 | 58.291 | 59.324 | 289.191 |
| Outlays | 58.475 | 64.543 | 60.329 | 59.494 | 59.902 | 60.468 | 304.735 |
| **650 Social Security** | | | | | | | |
| Budget Authority | 5.160 | 5.473 | 5.623 | 5.788 | 5.962 | 6.147 | 28.993 |
| Outlays | 4.989 | 5.476 | 5.581 | 5.759 | 5.932 | 6.115 | 28.862 |
| **Off** Budget Authority | 5.160 | 5.473 | 5.623 | 5.788 | 5.962 | 6.147 | 28.993 |
| Outlays | 4.989 | 5.476 | 5.581 | 5.759 | 5.932 | 6.115 | 28.862 |
| **On** Budget Authority | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |
| Outlays | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |
| **700 Veterans Benefits and Services** | | | | | | | |
| Budget Authority | 43.262 | 48.202 | 48.992 | 49.919 | 50.885 | 51.887 | 249.885 |
| Outlays | 40.575 | 47.439 | 48.944 | 49.756 | 50.397 | 51.397 | 247.933 |
| **750 Administration of Justice** | | | | | | | |
| Budget Authority | 45.537 | 46.450 | 47.228 | 48.223 | 49.251 | 50.323 | 241.475 |
| Outlays | 43.359 | 45.275 | 48.131 | 48.901 | 49.513 | 50.255 | 242.076 |
| **800 General Government** | | | | | | | |
| Budget Authority | 17.055 | 17.841 | 17.866 | 18.284 | 18.721 | 19.167 | 91.879 |
| Outlays | 17.446 | 17.904 | 18.139 | 18.314 | 18.708 | 19.107 | 92.172 |
| **900 Net Interest** | | | | | | | |
| Budget Authority | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |
| Outlays | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |
| **Off** Budget Authority | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |
| Outlays | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |
| **On** Budget Authority | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |
| Outlays | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |
| **920 Allowances** | | | | | | | |
| Budget Authority | 0.000 | -21.941 | -8.179 | -8.466 | -8.916 | -9.110 | -56.613 |
| Outlays | 0.000 | -11.100 | -10.713 | -9.361 | -9.295 | -10.207 | -50.677 |
| **950 Undistributed Offsetting Receipts** | | | | | | | |
| Budget Authority | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |
| Outlays | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |
| **Off** Budget Authority | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |
| Outlays | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |
| **On** Budget Authority | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |
| Outlays | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |

# FISCAL YEAR 2009 BUDGET RESOLUTION
# SENATE-PASSED RESOLUTION
## Mandatory Spending

| $ billions | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2009-2013 |
|---|---|---|---|---|---|---|---|
| **Summary** | | | | | | | |
| **TOTAL MANDATORY** | | | | | | | |
| Budget Authority | **1,885.464** | **1,951.552** | **2,053.450** | **2,195.343** | **2,247.917** | **2,387.229** | **10,835.492** |
| Outlays | **1,821.183** | **1,890.606** | **1,991.110** | **2,131.417** | **2,182.054** | **2,325.949** | **10,521.137** |
| **OFF-BUDGET** | | | | | | | |
| Budget Authority | 467.833 | 497.448 | 523.322 | 543.558 | 569.680 | 599.269 | 2,733.277 |
| Outlays | 464.946 | 494.607 | 520.458 | 540.187 | 565.949 | 595.244 | 2,716.445 |
| **ON-BUDGET** | | | | | | | |
| Budget Authority | 1,417.631 | 1,454.104 | 1,530.128 | 1,651.785 | 1,678.237 | 1,787.960 | 8,102.215 |
| Outlays | 1,356.237 | 1,395.999 | 1,470.652 | 1,591.230 | 1,616.105 | 1,730.705 | 7,804.692 |
| **By Function** | | | | | | | |
| **050 National Defense** | | | | | | | |
| Budget Authority | 3.465 | 4.728 | 4.875 | 5.064 | 5.110 | 5.069 | 24.846 |
| Outlays | 3.437 | 4.705 | 4.873 | 5.037 | 5.075 | 5.058 | 24.748 |
| **150 International Affairs** | | | | | | | |
| Budget Authority | -4.054 | -1.202 | -0.528 | -0.442 | -0.473 | -0.886 | -3.531 |
| Outlays | -5.489 | -2.662 | -2.027 | -1.986 | -2.054 | -2.516 | -11.245 |
| **250 General Science, Space and Technology** | | | | | | | |
| Budget Authority | 0.125 | 0.125 | 0.125 | 0.125 | 0.125 | 0.125 | 0.625 |
| Outlays | 0.107 | 0.114 | 0.125 | 0.131 | 0.124 | 0.120 | 0.614 |
| **270 Energy** | | | | | | | |
| Budget Authority | -1.438 | -1.423 | -1.434 | -1.451 | -1.478 | -1.505 | -7.291 |
| Outlays | -2.222 | -2.315 | -2.345 | -2.332 | -2.324 | -2.316 | -11.632 |
| **300 Natural Resources and Environment** | | | | | | | |
| Budget Authority | 0.853 | 1.095 | 1.212 | 1.248 | 1.244 | 1.239 | 6.038 |
| Outlays | 0.539 | 0.630 | 1.099 | 1.235 | 1.330 | 1.329 | 5.623 |
| **350 Agriculture** | | | | | | | |
| Budget Authority | 16.539 | 15.364 | 15.415 | 15.434 | 15.639 | 15.827 | 77.679 |
| Outlays | 15.411 | 15.166 | 14.458 | 14.495 | 14.895 | 15.105 | 74.119 |
| **370 Commerce and Housing Credit** | | | | | | | |
| Budget Authority | 9.605 | 5.806 | 5.344 | 4.954 | 5.268 | 5.668 | 27.040 |
| Outlays | 3.711 | 0.128 | -1.855 | -2.499 | -2.237 | -2.340 | -8.803 |
| **Off** Budget Authority | 1.200 | 1.000 | 0.300 | -0.300 | -0.300 | -0.300 | 0.400 |
| Outlays | 1.200 | 1.000 | 0.300 | -0.300 | -0.300 | -0.300 | 0.400 |
| **On** Budget Authority | 8.405 | 4.806 | 5.044 | 5.254 | 5.568 | 5.968 | 26.640 |
| Outlays | 2.511 | -0.872 | -2.155 | -2.199 | -1.937 | -2.040 | -9.203 |
| **400 Transportation** | | | | | | | |
| Budget Authority | 52.906 | 47.861 | 49.033 | 49.261 | 49.480 | 49.697 | 245.332 |
| Outlays | 1.658 | 2.089 | 2.224 | 2.343 | 2.408 | 2.488 | 11.552 |
| **450 Community and Regional Development** | | | | | | | |
| Budget Authority | -0.247 | 0.025 | 0.026 | 0.027 | 0.029 | 0.029 | 0.136 |
| Outlays | 0.049 | 1.310 | 1.159 | -0.228 | -0.221 | -0.212 | 1.808 |
| **500 Education, Training, Employment, and Social Services** | | | | | | | |
| Budget Authority | 10.306 | 9.940 | 14.333 | 15.590 | 16.018 | 8.085 | 63.966 |
| Outlays | 9.661 | 7.996 | 11.268 | 14.371 | 13.891 | 11.200 | 58.726 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **550 Health** | | | | | | | |
| Budget Authority | 232.470 | 250.496 | 267.286 | 287.047 | 308.817 | 332.877 | 1,446.523 |
| Outlays | 233.571 | 251.115 | 268.003 | 286.963 | 308.511 | 332.425 | 1,447.017 |
| **570 Medicare** | | | | | | | |
| Budget Authority | 385.529 | 414.964 | 439.795 | 488.721 | 485.441 | 544.851 | 2,373.772 |
| Outlays | 385.443 | 414.774 | 439.955 | 488.577 | 485.237 | 545.010 | 2,373.553 |
| **600 Income Security** | | | | | | | |
| Budget Authority | 337.562 | 356.231 | 360.025 | 368.296 | 353.177 | 367.394 | 1,805.123 |
| Outlays | 336.138 | 354.480 | 358.542 | 366.748 | 351.695 | 366.144 | 1,797.609 |
| **650 Social Security** | | | | | | | |
| Budget Authority | 614.576 | 649.052 | 683.277 | 718.341 | 759.830 | 805.827 | 3,616.327 |
| Outlays | 611.689 | 646.211 | 680.413 | 714.970 | 756.099 | 801.802 | 3,599.495 |
| **Off** Budget Authority | 595.198 | 627.744 | 659.483 | 691.011 | 729.488 | 772.665 | 3,480.391 |
| Outlays | 592.311 | 624.903 | 656.619 | 687.640 | 725.757 | 768.640 | 3,463.559 |
| **On** Budget Authority | 19.378 | 21.308 | 23.794 | 27.330 | 30.342 | 33.162 | 135.936 |
| Outlays | 19.378 | 21.308 | 23.794 | 27.330 | 30.342 | 33.162 | 135.936 |
| **700 Veterans Benefits and Services** | | | | | | | |
| Budget Authority | 43.103 | 45.118 | 46.623 | 51.040 | 46.897 | 51.354 | 241.032 |
| Outlays | 42.976 | 44.959 | 46.455 | 50.993 | 46.667 | 51.124 | 240.198 |
| **750 Administration of Justice** | | | | | | | |
| Budget Authority | 0.745 | 2.982 | 0.790 | 0.684 | 0.568 | 0.445 | 5.469 |
| Outlays | 0.963 | 1.621 | 1.583 | 1.213 | 0.576 | 0.451 | 5.444 |
| **800 General Government** | | | | | | | |
| Budget Authority | 39.352 | 6.636 | 2.106 | 2.111 | 2.075 | 1.940 | 14.868 |
| Outlays | 39.474 | 6.531 | 2.033 | 2.093 | 2.232 | 1.884 | 14.773 |
| **900 Net Interest** | | | | | | | |
| Budget Authority | 234.062 | 217.710 | 250.453 | 278.210 | 292.762 | 296.280 | 1,335.416 |
| Outlays | 234.062 | 217.710 | 250.453 | 278.210 | 292.762 | 296.280 | 1,335.416 |
| **Off** Budget Authority | -115.400 | -117.400 | -121.800 | -131.600 | -143.000 | -155.700 | -669.500 |
| Outlays | -115.400 | -117.400 | -121.800 | -131.600 | -143.000 | -155.700 | -669.500 |
| **On** Budget Authority | 349.462 | 335.110 | 372.253 | 409.810 | 435.762 | 451.980 | 2,004.916 |
| Outlays | 349.462 | 335.110 | 372.253 | 409.810 | 435.762 | 451.980 | 2,004.916 |
| **920 Allowances** | | | | | | | |
| Budget Authority | 9.500 | 7.000 | 0.000 | 0.000 | 0.000 | 0.000 | 7.000 |
| Outlays | 9.500 | 7.000 | 0.000 | 0.000 | 0.000 | 0.000 | 7.000 |
| **950 Undistributed Offsetting Receipts** | | | | | | | |
| Budget Authority | -99.495 | -80.956 | -85.306 | -88.917 | -92.612 | -97.087 | -444.878 |
| Outlays | -99.495 | -80.956 | -85.306 | -88.917 | -92.612 | -97.087 | -444.878 |
| **Off** Budget Authority | -13.165 | -13.896 | -14.661 | -15.553 | -16.508 | -17.396 | -78.014 |
| Outlays | -13.165 | -13.896 | -14.661 | -15.553 | -16.508 | -17.396 | -78.014 |
| **On** Budget Authority | -86.330 | -67.060 | -70.645 | -73.364 | -76.104 | -79.691 | -366.864 |
| Outlays | -86.330 | -67.060 | -70.645 | -73.364 | -76.104 | -79.691 | -366.864 |

REVENUES

*Summary*

The revenue component of the budget resolution reflects all of the federal government's tax receipts that are classified as ''on-budget.'' This includes individual income taxes; corporate income taxes; excise taxes, such as the gasoline tax; and other taxes, such as estate and gift taxes. Taxes collected for the Social Security system—the Old Age and Survivors and Disability Insurance (OASDI) payroll tax—are ''off-budget.'' The Hospital Insurance payroll tax portion of Medicare, the Federal Unemployment Tax Act payroll tax, railroad retirement and other retirement systems are all ''on-budget.'' Customs duties, tariffs, and other miscellaneous receipts are also included in the revenue component. Pursuant to the Congressional Budget Act of 1974 and the Budget Enforcement Act of 1990, Social Security payroll taxes are not included in the budget resolution.

*House-passed Resolution*

The House budget resolution matches the total level of revenues under the CBO baseline over the 2008–2013 period, with revenue losses in 2009 and an offsetting gain in 2010–2013, consistent with the resolution's reconciliation instruction to the Ways and Means Committee regarding revenue. For the unified budget, the House resolution calls for a total of $2.7 trillion in revenues for 2009, and $16.0 trillion over five years. (The budget resolution provides only the on-budget amounts, which are $2.0 trillion in revenues for 2009, and $12.1 trillion over five years.)

By following the baseline revenue total for 2008–2013, the House resolution achieves current-law total revenue levels, but does not assume maintaining current tax law. Thus, the House-passed budget resolution accommodates reform of the Alternative Minimum Tax (AMT) and extension of tax cuts benefitting middle-income households (including, but not limited to, the child tax credit, marriage penalty relief, the 10 percent bracket, and the deduction for State and local sales taxes), as long as such changes to tax law are accomplished, consistent with the House pay-as-you-go rule, in a deficit-neutral manner over the 2008–2013 and 2008–2018 periods.

The House resolution also accommodates deficit-neutral extension of other expiring tax provisions, such as the research and experimentation tax credit and the deduction for small business expensing. In addition, the House resolution accommodates deficit-neutral elimination of estate taxes on all but a minute fraction of estates by reforming and substantially increasing the unified tax credit. It also accommodates other high priority deficit-neutral revenue adjustments, such as tax incentives for energy efficiency and renewable energy, and a tax credit for local bonds to support the repair or construction of public schools.

*Senate-passed Resolution*

The Senate budget resolution includes $2.0 trillion in on-budget revenues for 2009, and $11.7 trillion over 2009–2013. (The corresponding revenue figures on a unified basis are $2.7 trillion for 2009 and $15.6 trillion over five years.)

The revenue level in the Senate resolution is $407.5 billion below the levels in the CBO baseline over 2008–2013. This provides for one year of relief from the AMT, protecting more than 20 million taxpayers from being subject to the AMT in 2008. It also provides for the extension after 2010 of middle-class tax relief—child tax credit, the 10 percent bracket, and marriage penalty relief—as well as continuation of the estate tax at 2009 levels adjusted for inflation. In addition, this revenue level accommodates a number of other tax policies, such as property tax relief; relief to those whose homes were damaged or destroyed by Hurricanes Katrina and Rita; tax relief for America's troops and veterans; enhancement of the refundable portion of the child tax credit; and extension of the adoption and dependent care tax credits. Finally, this total accommodates revenue provisions that could be part of an overall economic stimulus package.

The Senate resolution also includes the effects of a number of other tax policies whose cost is offset over the period covered by the resolution. For instance, the resolution reflects tax relief to make college education more affordable and reflects incentives to encourage the development of renewable energy, promote more conservation and energy efficiency, and reduce dependence on foreign energy supplies. In a similar fashion, the resolution assumes that tax provisions that have been routinely extended in the past will be extended and that their cost will be offset.

In addition, the Senate resolution includes several reserve funds that provide for tax relief, including refundable tax relief and the extension of expiring tax relief, as long as the costs of these provisions are offset. These deficit-neutral reserve funds would accommodate, for instance, tax policies designed to encourage the continued production in the United States of advanced technologies, extend enhanced charitable giving from individual retirement accounts, make it easier for companies to use accumulated alternative minimum tax and research and development credits, reduce the cost of teacher out-of-pocket expenses for classroom supplies, encourage highly qualified teachers to serve in high-needs schools, extend existing energy tax incentives as well as provide additional incentives for clean-burning wood stoves, cellulosic ethanol production, plug-in hybrid vehicles, and energy-efficient buildings, products, and power plants. Deficit-neutral reserve funds in the resolution also address AMT reform and reducing the income threshold for the refundable portion of the child tax credit starting in 2009.

The Senate resolution assumes that any additional revenues needed under the resolution can be achieved by closing the tax gap, shutting down abusive tax shelters, addressing offshore tax havens, and without raising taxes. To help close the tax gap and bolster Internal Revenue Service (IRS) enforcement, the resolution fully funds the President's budget request for the IRS, including additional resources available through a discretionary cap adjustment that directs $490 million to IRS enforcement activities.

*Conference Agreement*

The conference agreement includes $2.0 trillion in on-budget revenues for 2009, and $11.8 trillion over 2009–2013. (The corresponding revenue figures on a unified basis are $2.7 trillion for 2009 and $15.6 trillion over five years.) The conference agreement provides immediate relief from the AMT, with its cost fully offset. The agreement supports tax relief to benefit the middle class—including extension of the child tax credit, 10 percent bracket, and marriage penalty relief—and provides for estate tax reform. In addition, the agreement reflects the effects of tax policies in other areas, such as energy and education tax incentives and the extension of expiring and expired provisions, whose costs are offset over the period covered by the resolution. Further, the agreement includes several deficit-neutral reserve funds that provide for a wide range of tax policies.

The revenue level in the conference agreement is $340.570 billion below the levels under current law over 2008–2013. Revenue legislation is subject to House and Senate pay-as-you-go rules. In addition, the House reserve fund adjustment for revenue measures (section 220)—the House ''trigger'' mechanism—creates a second procedural hurdle in the House only, in addition to the pay-as-you-go rule, to ensure fiscal responsibility.

NATIONAL DEFENSE: FUNCTION 050

*Function Summary*

The National Defense function includes the military activities of the Department of Defense (DoD), the nuclear weapons-related activities of the Department of Energy (DOE) and the National Nuclear Security Administration, and the national security activities of several other agencies such as the Selective Service, Coast Guard, and Federal Bureau of Investigation. The programs in this function include: the pay and benefits of active, Guard, and reserve military personnel; DoD operations including training, maintenance of equipment, and facilities; health care for military personnel and dependents; procurement of weapons; research and development; construction of military facilities, including housing; research on nuclear weapons; and the cleanup of nuclear weapons production facilities.

*House-passed Resolution*

The House resolution reflects a total of $542.5 billion in BA and $573.4 billion in outlays in 2009, and $2.8 trillion in BA and outlays over five years. There is no higher priority than the defense of our nation. The House resolution accordingly provides robust funding for Function 050 (National Defense). The House resolution calls, however, for a reallocation of resources to address the most severe threats facing the nation, to emphasize readiness, to guarantee first-rate health care for members of our armed forces, and to improve the quality of life of our troops and their families. The House resolution also calls for greater accountability at the Department of Defense. It includes assumptions on specific defense policy in Title V, section 502.

The National Commission on Terrorist Attacks Upon the United States (commonly referred to as the 9/11 Commission) identified terrorists with weapons of mass destruction as one of the nation's gravest threats. It recommended that Congress supply more resources to secure nuclear weapons and the fissile materials used in making these weapons. It is the policy of the House resolution that non-proliferation programs, such as the Cooperative Threat Reduction program, be given greater priority and higher funding.

As a result of our overseas deployments, military readiness has suffered, especially the readiness of our National Guard and Reserve. The Commission on National Guard and Reserve concluded in its final report, issued on January 31, 2008, that there are substantial shortcomings in the nation's ability to respond during a national crisis. In view of this, the House resolution calls for greater attention to mitigating readiness shortfalls to ensure our military is ready when called upon.

The country owes a great debt of gratitude to those who have sacrificed and to those who are currently sacrificing by serving in the Armed Forces. To honor their service, the country should not only support the troops when they are called to duty, but it should also improve the quality of life of the troops and their families, and ensure that the resources are available when they are discharged from service to provide them the excellent health care they deserve and the assistance they need to make the transition to civilian life. For that reason, the House resolution opposes TRICARE fee increases

proposed by the President and calls for a substantial increase in funding for the veterans' health care system. The House resolution provides funding to continue addressing problems such as those identified at Walter Reed Army Medical Center. The House resolution also calls for enhanced pay and benefits to improve the quality of life of the troops and their families, including emphasis on providing adequate funding for programs like the Yellow Ribbon Reintegration Program, which provides support and assistance to troops and their families while they are deployed and when they return from deployments to readjust to civilian life.

The President's 2009 budget is noncompliant with section 1008, Public Law 109–364, the John Warner National Defense Authorization Act for Fiscal Year 2007, by excluding a full request for overseas military operations. The House resolution reaffirms section 1008. It also calls on the Administration to end the practice of including non-war requirements in funding requests for overseas military operations as a way to avoid making tradeoffs in the defense budget. The Congressional Budget Office reported in September 2007 that 40 percent of supplemental funds requested for Army ''reset'' (fixing and replacing equipment) was instead used for upgrading the capability of weapons systems and procuring new equipment to eliminate shortfalls, and in some cases, shortfalls that were long-standing.

It is the policy of the House resolution that missile defense acquisition be funded at lower, but still adequate levels and development of space-based interceptors as part of the missile defense program should be de-emphasized. The House resolution also points out the need to restrain excessive cost and schedule growth in defense research, development, and procurement programs. DoD has allowed the cost of its major acquisition programs to grow at an unsustainable rate. The Department's major acquisition programs grew by more than $392 billion above their initial projections from 2002 to 2007.

The House resolution recognizes the need for DoD to root out wasteful spending with far more diligence. Eighteen years after passage of the Chief Financial Officers Act of 1990, DoD still cannot pass a standard audit. The Department cannot adequately track what it owns or what it spends in its annual budgets. DoD has awarded contracts for its foreign deployments that have been grossly more wasteful than domestic contracts, especially in Iraq. Furthermore, DoD continues to fund weapons systems that were developed years ago to counter Cold War era threats, which may not be as effective in protecting the nation from today's threats.

Over the last seven years, the Government Accountability Office (GAO) has performed numerous audits of DoD's financial management, contracting, and business practices. GAO made 2,864 recommendations, of which 1,260 have yet to be implemented. The House resolution assumes that enhancing accounting practices at DoD and implementing many GAO recommendations would yield substantial savings that could be applied to other security needs, including those mentioned above.

The House resolution also encourages the committees with jurisdiction over defense to conduct more oversight with the objective of ferreting out wasteful practices, fraud, and abuse. It encourages the committees to require DoD to report to Congress on its progress in implementing GAO audit recommendations and to report on the applicability of Cold War era weapons to 21st century challenges. The House resolution also directs GAO to report by the end of the 110th Congress on DoD's progress in implementing its audit recommendations.

The House resolution also recognizes the need for DoD to do a better job of reconciling its plans with its budget, including the Navy's shipbuilding plan. Unrealistic expectations of technology development and ship designs have led to high unit costs and a plan that is not viable in terms of providing the Navy with an adequate ship force, or the shipbuilding industrial base with a sustainable level of work. The House resolution therefore encourages more congressional oversight to ensure the Administration puts more emphasis on developing a viable shipbuilding plan to maintain a naval ship force and a shipbuilding industrial base that meets the challenges of the 21st century.

In addition to emphasizing nuclear nonproliferation programs at the Department of Energy, the House recognizes the importance of the Department's Environmental Management program and that nuclear cleanup activities are a high priority.

For mandatory programs, the House resolution matches the President's request.

*Senate-passed Resolution*

The Senate resolution calls for a total of $612.5 billion in BA and $645.4 billion in outlays for 2009, and $2.9 trillion in BA and $3.0 trillion in outlays over five years. This includes full funding for the President's requests for war costs in 2008 and 2009.

Excluding requested war funds, the Senate resolution provides $542.5 billion in BA for defense in 2009, an increase of $26.2 billion in BA over the 2008 level adjusted for inflation.

The Senate resolution provides for a 3.4 percent pay raise for military personnel, and again rejects the President's proposals for new TRICARE enrollment fees and deductibles for military retirees under the age of 65.

The Senate resolution also assumes no less than $5.8 billion in funding for the Defense Environmental Cleanup account, an increase of $500 million compared to the President's request. The environmental management program is charged with efficiently cleaning up the environmental damage resulting from 50 years of nuclear weapons production. The President's budget underfunded cleanup efforts at several major sites addressed under this program including Hanford, Idaho Falls, Oak Ridge, and Savannah River. This increase brings total environmental management funding for nuclear site cleanup (including amounts in other budget functions) to $6.4 billion.

The National Guard has a long history of outstanding service to our nation, and our nation's reliance on the Guard has only increased since September 11, 2001. The Senate resolution assumes that the Department of Defense will provide at least $49.1 billion to recruit, train, equip, and sustain National Guard and Reserve units. The Appropriations Committee is encouraged to identify additional resources within the defense budget to address critical needs for National Guard equipment left unfunded in the President's budget.

Some servicemembers injured in Iraq and Afghanistan have been inappropriately given ''personality disorder'' discharges that cost them access to various veterans' benefits and care. The defense funding level in the Senate resolution includes an amendment addressing the backlog at the military services' respective Boards for the Correction of Military Records to allow these servicemembers to have their discharges promptly reviewed and, if appropriate, upgraded to ''honorable'' status.

The Administration continues to seek war funding as an emergency, five years into the war in Iraq. The Armed Services and Foreign Relations Committees have indicated that they believe these costs should no longer be handled on an emergency basis. The Senate resolution includes a $70 billion cap adjustment provision that allows the Chairman of the Budget Committee to revise the discretionary spending cap for non-emergency appropriations related to the wars in Iraq and Afghanistan. The Senate resolution's levels of deficits and debt assume that this cap adjustment is fully utilized.

The existence of this cap adjustment would not prevent the Appropriations Committee from reporting emergency supplemental appropriations legislation if war costs exceed the allotted level. Emergency funding falls outside the discretionary spending caps included in the resolution, and hence does not require an adjustment.

The Senate resolution also includes a program integrity cap adjustment dedicated to reducing waste in defense contracting. The cap adjustment allows the Chairman of the Budget Committee to increase the discretionary spending cap by up to $100 million to accommodate legislation appropriating funding for the Department of Defense for additional activities to reduce waste, fraud, abuse and overpayments in defense contracting; achieve the legal requirement for the Pentagon to submit auditable financial statements; reduce waste by improving accounting for and ordering of spare parts; or subject contracts performed outside the United States to the same ethical standards as those performed domestically. When billions of dollars are wasted due to poor contracting practices, ordering of unneeded spare parts, or other waste, fraud and abuse, it is our troops that suffer.

*Conference Agreement*

The conference agreement for Function 050 includes a total of $542.5 billion in BA and $573.4 billion in outlays in 2009, and $2.8 trillion in BA and outlays over five years. The conference agreement does not assume enactment of the President's proposals for new TRICARE enrollment fees and deductibles for military retirees under the age of 65. Consistent with both the House- and Senate-passed resolutions, the conference agreement affirms the need for increased emphasis on programs to provide support to troops and their families while troops are deployed and to assist with reintegration when troops return from deployments. The conference agreement also reaffirms the importance of adequate funding for atomic energy defense environmental cleanup activities.

For mandatory programs, the conference agreement is consistent with current law.

The conference agreement reflects the cost of overseas deployments and other activities in Function 970, as in the House-passed resolution.

The conference agreement also includes two deficit-neutral reserve funds (section 202 and section 203 in the House, and section 225 and section 226 in the Senate) to accommodate initiatives related to meeting our commitments to the nation's military personnel and veterans, and their survivors.

The conference agreement includes a statement of policy on defense issues (section 402) that outlines key priorities to be funded within the defense allocation and the need for the Department of Defense to do a better job of reining in wasteful spending, particularly with regard to contracting practices and continuing funding of Cold War era weapons systems that may not be as effective against today's threats. Consistent with the Senate-passed resolution, the statement of policy also calls for expediting review of cases involving former servicemembers suffering from post traumatic stress disorder or a traumatic brain injury and whose discharge from service was handled erroneously, resulting in a loss of benefits or care.

INTERNATIONAL AFFAIRS: FUNCTION 150

*Function Summary*

Function 150 covers funding for U.S. international activities, including: operating and securing U.S. embassies and consulates throughout the world; providing military assistance to allies; assisting refugees; aiding developing nations; dispensing economic assistance to fledgling democracies; promoting U.S. exports abroad; making U.S. payments to international organizations; and contributing to international peacekeeping efforts. The major agencies in this function include the Departments of State, Agriculture, and the Treasury; the U.S. Agency for International Development; and the Millennium Challenge Corporation.

*House-passed Resolution*

The House resolution calls for a total of $37.1 billion in BA and $35.7 billion in outlays for 2009, and for $196.0 billion in BA and $186.8 billion in outlays over five years. The function's negative mandatory budget authority and outlay levels reflect receipts of the foreign military sales trust fund, the repayment of loans and credits by foreign nations, and the liquidation of economic assistance loans, foreign military financing loans, Export-Import Bank loans, and housing and other credit guaranty programs.

The House resolution's discretionary budget authority for 2009 is $4.0 billion (11.6 percent) above the 2008 level excluding emergencies and $3.3 billion (9.6 percent) more than the amount needed to maintain purchasing power at the 2008 level. The House resolution matches the President's Function 150 request for HIV/AIDS relief. The House resolution also provides funding for the Department of State to hire a significant number of new staff to strengthen the United States' diplomacy and national security.

Consistent with the President's budget, the House resolution provides $2.6 billion for Foreign Military Financing (FMF) for Israel. The United States signed a new agreement with Israel in 2007 to provide $30 billion in FMF over ten years.

The House resolution provides additional funding above the President's requested level for 2009 for the McGovern-Dole International Food for Education and Child Nutrition Program. This additional funding will be used to maintain and expand the number of children, especially girls, who benefit from this program as food and transportation costs rise.

The House notes the importance of robust funding for child survival and health programs, development assistance, and the United States' contributions to international organizations and peacekeeping.

The House notes the large amount of funding for the Millennium Challenge Corporation (MCC) that remains unobligated or unspent. MCC has received about $7.5 billion in total appropriations from 2004 through 2008.

The House recognizes the humanitarian problem of millions of Iraqis who are refugees in neighboring countries or are internally displaced in Iraq.

The House notes the strong support for H.R. 1595, the Guam World War II Loyalty Recognition Act, which the House approved on May 8, 2007. The bill authorizes compensation to the Guamanian victims of the Imperial Japanese military occupation during World War II.

*Senate-passed Resolution*

The Senate resolution calls for a total of $38.6 billion in BA and $39.5 billion in outlays in 2009, and $184.5 billion in BA and $183.4 billion in outlays over five years, excluding emergencies. The amount provided in 2009 is $2 million less than the President's request.

Overall, the Senate resolution assumes a U.S. contribution to the Global Fund for HIV/AIDS, Tuberculosis and Malaria of $1.35 billion. In addition, the Senate resolution assumes additional funds will be provided to respond to international appeals for Iraqi refugee assistance, and for victims of humanitarian disasters in Africa and the Middle East.

*Conference Agreement*

The conference agreement provides a total of $37.2 billion in BA and $35.7 billion in outlays for 2009, and $190.2 billion in BA and $182.6 billion in outlays over five years, excluding emergencies. The conference agreement provides $38.3 billion in BA for 2009 for discretionary programs, which is $3.3 billion (9.6 percent) more than the amount needed to maintain purchasing power at the 2008 level, excluding emergencies. (The total BA and outlay levels are lower than the discretionary BA and outlay levels because this function has negative mandatory BA and outlay levels, reflecting various U.S. receipts from other nations.)

GENERAL SCIENCE, SPACE AND TECHNOLOGY: FUNCTION 250

*Function Summary*

The General Science, Space, and Technology function includes funding for the National Aeronautics and Space Administration (NASA), except aviation programs, the National Science Foundation (NSF), as well as programs in the Department of Energy (DOE) Office of Science.

*House-passed Resolution*

The House resolution calls for a total of $29.9 billion in BA and $28.7 billion in outlays for 2009, and for $162.7 billion in BA and $159.5 billion in outlays over five years. Funding in Function 250 exceeds the funding levels in the President's budget and the current services level for all five years in the budget window. Additional increases for scientific research and education are included in Function 270 (Energy), Function 300 (Environment and Natural Resources), Function 350 (Agriculture), Function 370 (Commerce and Housing Credit), Function 400 (Transportation), Function 500 (Education, Training, Employment, and Social Services), and Function 550 (Health), all of which receive more funding than the President requested. These increases will support the goals of the House Leadership's Innovation Agenda and the America COMPETES Act: To put NSF funding on a path toward doubling, to train more qualified science and math teachers, and to invest in basic research on energy technologies.

*Senate-passed Resolution*

The Senate resolution calls for a total of $30.5 billion in BA and $29.0 billion in outlays for 2009, and $154.9 billion in BA and $153.9 billion in outlays over five years.

The Senate resolution assumes $18.7 billion for NASA, $1 billion above the President's 2009 request. This level of funding reflects the ongoing need to reimburse NASA for the catastrophic loss of Space Shuttle Columbia as well as the costs of investigating the Columbia tragedy. The United States' goals for space exploration were defined in the President's 'Vision for Space Exploration' and included in the National Aeronautics and Space Administration Authorization Act of 2005, which is scheduled to be updated and renewed during the current session of Congress. The Senate resolution recognizes the importance of our nation's space program and endorsed the Act's balanced goals of exploration, science and aeronautics. The Act calls for retirement of the Space Shuttle by 2010 and launching the Crew Exploration Vehicle (CEV) as close to 2010 as possible. NASA currently projects that the CEV will not be operational before 2015, thus creating a five-year gap in U.S. human space flight capability. The Senate resolution recognizes the strategic importance of uninterrupted access to space and supports efforts to reduce this five-year gap in U.S. human space flight.

In addition, the Senate resolution fully funds the President's 2009 request for programs authorized in the America COMPETES Act. These programs help to ensure that the U.S. maintains its technological innovation advantage in the global economy.

*Conference Agreement*

The conference agreement includes $30.6 billion in BA and $29.1 billion in outlays in 2009, and $164.8 billion in BA and $161.5 billion in outlays over five years. The conference agreement provides significant increases in this function in every year within the budget window for competitiveness programs that support the goals of the COMPETES Act and other Innovation programs, with additional resources provided in other functions. In addition, for NASA, the conference agreement recognizes the contributions of our nation's space program and the strategic importance of uninterrupted access to space. The conference agreement provides $18.7 billion for NASA, $1 billion above the President's budget in 2009, and significant increases in the outyears.

ENERGY: FUNCTION 270

*Function Summary*

Function 270 covers energy-related programs including research and development, environmental clean-up, and rural utility loans. Most of these programs are within the Department of Energy (DOE). This function covers about 20 percent of appropriated funding for DOE but does not include DOE's national security activities, which are in Function 050 (National Defense), or its basic research and science activities, which are in Function 250 (General Science, Space and Technology). This function also includes the Agriculture Department's Rural Utilities Service, the Tennessee Valley Authority, the Federal Energy Regulatory Commission, and the Nuclear Regulatory Commission.

*House-passed Resolution*

The House resolution calls for a total of $4.7 billion in BA and $2.2 billion in outlays for 2009, and for $23.7 billion in BA and $16.2 billion in outlays over five years. The House resolution provides $1.1 billion in appropriated funding above the 2008 level and $1.2 billion above the President's budget for 2009, funding that could be used for energy efficiency and renewable energy programs. The House resolution maintains the Weatherization Assistance Program, which the President's budget unwisely terminates.

The House resolution also invests in new initiatives for renewable energy and energy efficiency, emerging energy and vehicle technologies, carbon capture and sequestration, and worker training for green collar jobs.

*Senate-passed Resolution*

The Senate resolution calls for a total of $7.0 billion in BA and $2.8 billion in outlays for 2009, and $34.6 billion in BA and $25.0 billion in outlays over five years. This funding level would provide a significant commitment of resources to invest in clean energy, create green collar jobs in our communities, and reduce our dependence on imported energy. The resolution assumes $8.45 billion in 2009 energy discretionary spending. This would represent the highest discretionary spending level for the energy function since 1981.

The Senate resolution includes $2.7 billion to invest in green jobs in our nation's communities (including $100 million in Function 500). This funding level could accommodate

significant increases in a variety of loan guarantee and grant programs which would fund energy efficiency and conservation activities, the production of fuel efficient vehicles, worker training programs, and biofuels production. These programs were authorized in the Energy Independence and Security Act of 2007 and not adequately funded in the President's budget. Funding these programs will move our nation towards energy independence, cleaner energy, and energy efficiency while also developing new industries and creating green jobs. The resolution also assumes funding increases for similar programs authorized in the Energy Policy Act of 2005.

The Senate resolution assumes approximately $2 billion for DOE's Energy Efficiency and Renewable Energy program. This funding level is $738 million above the President's request and would accommodate significant increases for programs such as wind, solar, geothermal, biomass and biorefinery R&D, hydrogen, and vehicle/building technologies. This funding level would also provide $450 million for the Weatherization Assistance Program, a program which was zeroed out in the President's budget. The resolution significantly increases funding for the Energy Efficiency and Conservation Block Grant Program and Energy Grants for Universities and Institutions.

The Senate resolution includes significant increases for fossil energy R&D. This funding would provide additional resources for programs such as carbon sequestration and clean coal research. The resolution also significantly increases funding for DOE's Office of Electricity Delivery and Energy Reliability.

The Senate resolution supports consideration by the Budget Committees of the reclassification of receipts for the annual operating expenses of Southeastern, Southwestern, and Western Area Power Administrations. By reclassifying the receipts, power rates will become more closely linked to the annual appropriations they fund. This direct link will promote long-term planning and improve the overall efficiency and reliability of the federal power program.

The Senate resolution includes a deficit-neutral reserve fund for legislation that would decrease greenhouse gas emissions, reduce our nation's dependence on imported energy, produce green jobs, or preserve or protect national parks, oceans, or coastal areas. The legislation may include tax legislation. The resolution also includes deficit-neutral reserve funds for legislation that would improve energy efficiency and production or provide for investments in energy infrastructure.

*Conference Agreement*

The conference agreement provides a total of $6.5 billion in BA and $2.8 billion in outlays for 2009, and $32.6 billion in BA and $22.9 billion in outlays over five years. The conference agreement provides $7.7 billion for discretionary programs in this function. This amount is $2.8 billion more than the President's proposed funding level for 2009. (The total BA and outlay levels are lower than the discretionary BA and outlay levels because this function has negative mandatory BA and outlay levels, reflecting that the U.S. government collects more money than it spends marketing federally produced power and collects fees from commercial nuclear reactors.)

The conference agreement includes $2.0 billion to create green collar jobs in our nation's communities. The conference agreement includes a significant commitment of resources to invest in cleaner energy, promote renewable energy and energy efficiency, and reduce our nation's dependence on imported energy. It also provides increases for the Weatherization Assistance Program and emerging energy technologies such as carbon capture and sequestration.

The conference agreement includes deficit-neutral reserve funds to accommodate energy legislation in both the House and the Senate.

NATURAL RESOURCES AND ENVIRONMENT: FUNCTION 300

*Function Summary*

The Natural Resources and Environment function consists of funding for water resources, conservation, land management, pollution control and abatement, and recreational resources. Major departments and agencies in this function are the Department of the Interior (including the National Park Service, the Bureau of Land Management, the Bureau of Reclamation, the Fish and Wildlife Service, and the Minerals Management Service), conservation-oriented and land management agencies within the Department of Agriculture (including the Forest Service), the National Oceanic and Atmospheric Administration at the Department of Commerce, the Army Corps of Engineers, and the Environmental Protection Agency (EPA).

*House-passed Resolution*

The House resolution calls for a total of $38.7 billion in BA and $35.6 billion in outlays for 2009, and for $179.2 billion in BA and $182.2 billion in outlays over five years. The House resolution rejects the President's deep and misguided cuts to priority programs, such as the Land and Water Conservation Fund, the Fish and Wildlife Service's wildlife refuge system, the EPA's Clean Water State Revolving Fund and other grants to States and Tribes to address water and air quality, and other EPA programs. It also includes funding to address high-priority brownfield redevelopment concerns. In addition, the House resolution accommodates the President's emergency Army Corps spending for efforts related to Hurricane Katrina rebuilding. Additionally, the House resolution recognizes that in recent years, fire suppression costs have overwhelmed the Forest Service's budget, and that Congress should work to identify solutions to this problem and to address the impact of increasing fire suppression costs.

The House resolution includes deficit-neutral reserve funds for Secure Rural Schools and Payments in Lieu of Taxes, San Joaquin River Restoration and Navajo Nation Water Rights Settlements, and the establishment of the National Park Centennial Fund. Additional funding addressing environmental quality is accommodated in the House resolution's deficit-neutral renewable energy and energy efficiency reserve fund.

*Senate-passed Resolution*

The Senate resolution calls for a total of $39.8 billion in BA and $36.3 billion in outlays for 2009, and $182.9 billion in BA and $185.7 billion in outlays over five years. The Senate resolution includes approximately $7.9 billion for the EPA. This funding level will accommodate significant increases for programs such as Superfund and EPA's programs to support clean and safe drinking water. The resolution rejects the President's proposal to cut a variety of environmental protection programs. The resolution also rejects the President's cuts to a variety of discretionary programs which fund climate change research.

The Senate resolution provides significant increases for the Army Corps of Engineers and the Bureau of Reclamation and includes a deficit-neutral reserve fund to accommodate legislation that provides for investments in water infrastructure.

The Senate resolution includes $5.8 billion in 2009 emergency funding for the Corps of Engineers to continue its Katrina-related recovery work in Louisiana. The Senate resolution also includes increases sufficient to fully fund ongoing Everglades Restoration Activities at the Army Corps of Engineers and the Department of the Interior. These additional funds are provided to commence construction of the Indian River Lagoon which received only planning funding in the President's request. Additionally, these funds will provide increases to Modified Water Deliveries, the C–111 canal, and the Kissimmee River Restoration, all critical components of Everglades Restoration.

The Senate resolution rejects the President's proposal to cut crucial Great Lakes funding. The resolution recognizes the importance of the Great Lakes, as they make up 90 percent of the United States surface fresh water and serve as a source of drinking water for over 35 million people. The Senate resolution also recognizes that the approximately 5,000 miles of U.S. shoreline along the Great Lakes is greater than that of either the Eastern or Western seaboard. Unfortunately, the Great Lakes continue to face unique and challenging problems such as toxic sediment remediation, invasive species, non-point source pollution, and habitat loss. The Senate resolution includes $175 million for Great Lakes programs including the Great Lakes Legacy Act, the Great Lakes Fish and Wildlife Restoration Act, Great Lakes Fishery and Ecosystem Restoration, Remedial Action Plan (RAP) Assistance, Great Lakes Environmental Research Lab and the Great Lakes Basin Program.

The Senate resolution includes a reserve fund to invest in clean energy, preserve the environment, and provide for certain settlements. The reserve fund would accommodate legislation that would decrease greenhouse gas emissions, reduce our Nation's dependence on imported energy, produce green jobs, or preserve or protect national parks, oceans, or coastal areas. It would also accommodate legislation that would fulfill the purposes of the San Joaquin River Restoration Settlement Act or implement a Navajo Nation water rights settlement and other provisions authorized by the Northwestern New Mexico Rural Water Projects Act.

The Senate resolution rejects the President's cuts to numerous programs at the Department of the Interior and the Forest Service. The Senate resolution reflects concerns that, in recent years, the President's budget has significantly underestimated fire suppression costs. The Senate resolution also responds to concerns that increasing fire suppression costs are having a negative impact on funding levels for other discretionary programs at agencies such as the Forest Service. The funding levels in the resolution assume that if the severity of the fire season requires additional funding, wildland fire suppression activities will be funded for 2009 at no less than $500 million above the ten-year average.

The Senate resolution does not assume savings from proposals to permit oil and gas leasing in the Arctic National Wildlife Refuge. The Senate resolution also does not assume any savings from the President's proposal to sell federal lands. The Senate resolution includes a deficit-neutral reserve fund that would accommodate legislation that terminates deductions from mineral revenue payments to states.

The Senate resolution rejects the proposal in the President's budget to reallocate the repayment of the capital costs of the Pick-Sloan Missouri Basin irrigation program to power customers. The Senate resolution recognizes the importance of the Bureau of Reclamation rural water program to support ongoing Municipal, Rural, and Industrial

(MR&I) systems for the Great Plains Region. The Bureau of Reclamation supplies drinking water to 2.6 million people in the Great Plains region and is encouraged to prioritize the completion of the Pick Sloan-Missouri Basin Program—Garrison Diversion Unit, Mni Wiconi, Lewis and Clark, Perkins County, Fort Peck Reservation/Dry Prairie, and Rocky Boy's/North Central rural water system projects. The Senate supports funding these vital rural water development projects at a level that is as close to $306 million as possible.

The Senate resolution includes increases for the United States Geological Survey and Endangered Species Act assistance.

*Conference Agreement*

The conference agreement includes a total of $40.5 billion in BA and $36.9 billion in outlays for 2009, and $187.5 billion in BA and $189.5 billion in outlays over five years.

The conference agreement includes significant increases for natural resources and environment programs, including a variety of programs at the EPA. The agreement provides additional resources for agencies such as the Army Corps of Engineers and the Bureau of Reclamation to invest in national water infrastructure priorities. It also increases funding for a number of other programs throughout the Department of the Interior and the Forest Service. The funding levels in the conference agreement assume that if the severity of the fire season requires additional funding, wildland fire suppression activities will be funded for 2009 at a level that is above the ten-year average.

AGRICULTURE: FUNCTION 350

*Function Summary*

The Agriculture function includes farm income stabilization, agricultural research, and other services administered by the U.S. Department of Agriculture. The discretionary programs include research and education programs, economics and statistics services, administration of the farm support programs, farm loan programs, meat and poultry inspection, and a portion of the Public Law 480 international food aid program. The mandatory programs include commodity programs, crop insurance, and certain farm loans.

*House-passed Resolution*

The House resolution calls for a total of $21.5 billion in BA and $21.3 billion in outlays for 2009, and for $110.0 billion in BA and $106.1 billion in outlays over five years. The budget resolution provides greater funds than the President to ensure sufficient resources to bolster commodity support, agricultural research, and animal and plant inspection programs. The House resolution also assumes sufficient resources for the farm bill, providing resources for such objectives as to secure an economic safety net for agricultural producers, conserve our natural resources, and address nutrition needs.

*Senate-passed Resolution*

The Senate resolution reflects a total of $21.4 billion in BA and $21.1 billion in outlays for 2009, and $108.9 billion in BA and $105.0 billion in outlays over five years. With the 2002 Farm Bill expiring, the Senate resolution provides a deficit-neutral reserve fund for the reauthorization of agricultural programs. To address the needs of rural America and promote new sources of renewable energy from U.S. farm products, it would provide a $15.0 billion deficit-neutral reserve fund for the 2008 through 2013 period to reauthorize the Farm Bill. The reauthorization of the Farm Bill will provide an economic safety net for agricultural producers, enhance the stewardship of our natural resources, address domestic nutrition needs, increase agricultural research, and improve our export competitiveness.

*Conference Agreement*

The conference agreement calls for a total of $22.6 billion in BA and $22.3 billion in outlays for 2009, and for $109.9 billion in BA and $103.6 billion in outlays over five years. For discretionary spending, the agreement matches CBO's baseline estimate in 2009. For mandatory spending, the agreement incorporates the effects of the recently passed Farm Bill in this and several other functions where its effects appear. In addition, in the event further action is required by Congress, the conference agreement includes a Senate-only deficit-neutral reserve fund (section 221(g)(1)) for the Farm Bill and related changes.

COMMERCE AND HOUSING CREDIT: FUNCTION 370

*Function Summary*

The Commerce and Housing Credit function includes mortgage credit, the Postal Service, deposit insurance, and other advancement of commerce (the majority of the discretionary and mandatory spending in this function). The mortgage credit component of this function includes housing assistance through the Federal Housing Administration, the Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac), the Government National Mortgage Association (Ginnie Mae), and rural housing programs of the Department of Agriculture. The function also includes net Postal Service spending and spending for deposit insurance activities of banks, thrifts, and credit unions. Most of the Commerce Department is provided for in this function, including the International Trade Administration, the Bureau of Economic Analysis, the Patent and Trademark Office, the National Institute of Standards and Technology, the National Telecommunications and Information Administration, and the Bureau of the Census. Finally, the function also includes funding for independent agencies such as the Securities and Exchange Commission, the Commodity Futures Trading Commission, the Federal Trade Commission, the Federal Communications Commission, and the majority of the Small Business Administration.

*House-passed Resolution*

For the unified budget, the House resolution calls for a total of $10.8 billion in BA and $5.0 billion in outlays for 2009, and for $53.1 billion in BA and $16.9 billion in outlays over five years. (The budget resolution provides only the on-budget amounts, which are $9.6 billion in BA and $3.7 billion in outlays for 2009, and $51.3 billion in BA and $15.1 billion in outlays over five years.) The discretionary function total includes significantly increased funding for the Bureau of the Census, reflecting continued preparation for the 2010 census, and continues to support agencies such as the National Institute of Standards and Technology. For 2009, and over the following four years, funding in Function 370 is above the level in the President's budget.

*Senate-passed Resolution*

The Senate resolution calls for a total of $10.6 billion in unified BA and $5.0 billion in unified outlays for 2009, and $46.3 billion in unified BA and $10.6 billion in unified outlays over five years. (The corresponding on-budget figures are $9.4 billion in BA and $3.8 billion in outlays for 2009, and $44.5 billion in BA over five years and $8.8 billion in outlays over five years.) The Senate resolution rejects the President's proposal to cut assistance to America's small businesses. The President proposes to eliminate the Manufacturing Extension Program, which helps small businesses adopt advanced manufacturing technologies. The Senate resolution restores funding to this vital program to the level authorized in the America COMPETES Act. The Senate resolution also provides robust resources for the Small Business Administration and the Census Bureau.

*Conference Agreement*

For the unified budget, the conference agreement calls for a total of $10.8 billion in BA and $5.0 billion in outlays for 2009, and for $53.1 billion in BA and $16.9 billion in outlays over five years. (The conference agreement provides only the on-budget amounts, which are $9.6 billion in BA and $3.7 billion in outlays for 2009, and $51.3 billion in BA and $15.1 billion in outlays over five years.) The discretionary function total includes significantly increased funding for the Bureau of the Census, reflecting continued preparation for the 2010 census, and continues to support programs such as the Manufacturing Extension Program and the Technology Innovation Program. For 2009, and over the following four years, funding in Function 370 is above the level in the President's budget.

TRANSPORTATION: FUNCTION 400

*Function Summary*

The Transportation function consists mostly of the programs administered by the Department of Transportation, including programs for highways, mass transit, aviation, and maritime activities. This function also includes two components of the Department of Homeland Security: the Coast Guard and the Transportation Security Administration. In addition, this function includes several small transportation-related agencies and the research program for civilian aviation at NASA.

*House-passed Resolution*

The House resolution calls for a total of $73.4 billion in BA and $80.4 billion in outlays for 2009, and for $389.4 billion in BA and $428.9 billion in outlays over five years. This resolution recognizes the importance of investing in infrastructure systems on which our Nation depends. Our society depends on transportation systems to integrate the economies of our communities. However, those systems are stressed from growing congestion and a backlog of repair needs. It is imperative that, in the last year of the current surface transportation authorization, the budget place these systems in a position to address the challenges of the 21st century. To that end, the House resolution fully funds the highway, transit, and highway safety programs at the levels originally authorized in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU). Specifically, considering the country's infrastructure challenges, the House resolution does not accept the President's estimate of revenue aligned budget authority (RABA), or the further cuts in highway and transit funding included in the President's 2009 budget. Rather, the House resolution continues to invest in infrastructure, laying the groundwork for a reauthorization of these programs in 2010.

The House resolution increases funding for Amtrak and provides additional funding for grants to airports, in anticipation of a new aviation authorization.

*Senate-passed Resolution*

The Senate resolution calls for a total of $75.1 billion in BA and $83.3 billion in outlays for 2009, and $392.5 billion in BA and $434.6 billion in outlays over five years. The Senate resolution rejects the President's cuts to transportation programs and fully funds the highway, transit, and highway safety programs authorized in SAFETEA–LU for 2009.

The Senate resolution also provides an additional $7 billion for ''ready-to-go'' infrastructure projects. Additionally, the Senate resolution provides $1.8 billion in BA for Amtrak, a funding level that is $1 billion above the President's request. Amtrak is a vital link to many small communities, and the Senate resolution will help Amtrak pay off debt and continue to improve its operations.

*Conference Agreement*

The conference agreement calls for a total of $74.7 billion in BA and $80.8 billion in outlays for 2009, and for $392.0 billion in BA and $430.7 billion in outlays over five years. This agreement recognizes the importance of investing in infrastructure systems on which our Nation depends. Our society depends on transportation systems to integrate the economies of our communities. However, those systems are stressed from growing congestion and a backlog of repair needs. The conference agreement fully funds the highway, transit, and highway safety programs at the levels originally authorized in SAFETEA–LU. Specifically, considering the country's infrastructure challenges, the agreement does not accept the President's estimate of RABA, or the further cuts in highway and transit funding included in the President's 2009 budget. Rather, the agreement continues to invest in infrastructure, laying the groundwork for a reauthorization of these programs in 2010.

The conference agreement provides $1.8 billion in BA for Amtrak and provides additional funding for grants to airports, in anticipation of a new aviation authorization.

COMMUNITY AND REGIONAL DEVELOPMENT: FUNCTION 450

*Function Summary*

The Community and Regional Development function includes federal programs to improve community economic conditions, promote rural development, and assist in federal preparations for and response to disasters. This function provides appropriated funding for the Community Development Block Grant, Department of Agriculture rural development programs, the Bureau of Indian Affairs (BIA), the Federal Emergency Management Agency (FEMA) (including homeland security grants), and other disaster mitigation and community development-related programs. It also provides mandatory funding for the federal flood insurance program.

*House-passed Resolution*

The House resolution calls for a total of $14.6 billion in BA and $24.3 billion in outlays for 2009, and for $75.7 billion in BA and $95.3 billion in outlays over five years. The budget resolution provides substantially more than the President's 2009 discretionary funding level for Function 450, rejecting the President's deep cuts to the Community Development Block Grant program, first responder grants, and rural development.

*Senate-passed Resolution*

The Senate resolution calls for a total of $15.2 billion in BA and $24.5 billion in outlays for 2009, and $77.7 billion in BA and $96.9 billion in outlays over five years. This level restores cuts proposed in the President's budget for community development programs and several Department of Homeland Security grant programs, including first responder grants. In addition, the Senate resolution includes increases in funding for interoperable communications equipment grants, FEMA operations and management, and BIA tribal justice programs.

*Conference Agreement*

The conference agreement includes a total of $15.2 billion in BA and $24.4 billion in outlays for 2009, and $78.0 billion in BA and $97.1 billion in outlays over five years. The conference agreement rejects the President's deep cuts to community and rural development programs, including the Community Development Block Grant, and to several Department of Homeland Security grant programs, including first responder grants. The agreement accommodates higher funding for programs such as interoperable communications equipment grants, FEMA operations and management, a new Department of Homeland Security headquarters, and BIA tribal justice programs.

EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES: FUNCTION 500

*Function Summary*

The Education, Training, Employment and Social Services function includes funding for the Department of Education, as well as programs in the Department of Health and Human Services (HHS) and the Department of Labor. This function provides funding for elementary and secondary, career and technical, and post-secondary educational programs; job training and employment services; children and family services; and statistical analysis and research related to these areas. It also contains funding for the Library of Congress and independent research and arts agencies such as the Corporation for Public Broadcasting, the Smithsonian Institution, the National Gallery of Art, the John F. Kennedy Center for the Performing Arts, the National Endowment for the Arts, and the National Endowment for the Humanities.

*House-passed Resolution*

The House budget resolution calls for a total of $95.2 billion in BA and $90.9 billion in outlays for 2009, and for $513.0 billion in BA and $500.3 billion in outlays over five years. The House resolution specifically rejects the President's cuts to education funding, including his plan to eliminate many education programs, including all vocational education programs. The House resolution also rejects the President's steep cuts to job training and social services programs—programs needed now more than ever when the economy is slowing and the cost of living is rising.

In contrast to the President's funding cuts, the House budget resolution makes a down payment toward addressing long-standing needs in education, training, employment, and social services. To that end, the House resolution provides an appropriated program level for Function 500 that is $7.1 billion above the 2009 level in the President's budget.

The House resolution's increased funding could be used to support vital assistance to help children learn and succeed. Increased funding could support key programs such as Head Start, Impact Aid, and the Individuals with Disabilities Education Act. It also could support the No Child Left Behind Act programs to ensure that children can read and achieve at grade level, including programs such as Title I, school improvement programs, teacher quality improvement, and education technology state grants. Finally, the House resolution's funding increase for education can help make college more affordable and accessible by raising the maximum Pell grant, maintaining Supplemental Educational Opportunity Grants and Perkins Loans, and broadening access to Historically Black Colleges and Universities as well as Hispanic-serving institutions and other minority-serving institutions, which continue to make important contributions towards increasing the percentage of minority students gaining a college degree.

Increased funding could be used to enhance funding for the Workforce Investment Act programs, which provide important job training and assistance. It could also support training for green collar jobs in renewable energy and energy efficiency fields. Other aspects of the Democratic leadership's innovation agenda could also be supported, including math and science education, development of basic and applied research, as well as demonstrations of effective approaches to innovative learning such as those in H.R. 3631, the Revolutionizing Education Through Digital Investment Act of 2007.

The House resolution rejects the President's proposed cuts to the Corporation for Public Broadcasting, and provides a funding level that could be used to support an increase. The House continues to support two-year advance funding for the Corporation.

The House resolution also contains a reserve fund to accommodate legislation that makes college more affordable, consistent with the House pay-as-you-go rule.

*Senate-passed Resolution*

The Senate resolution calls for a total of $94.7 billion in BA and $91.3 billion in outlays for 2009, and $515.0 billion in BA and $502.2 billion in outlays over five years.

The Senate-passed budget resolution recognizes that strong education and training programs at all levels are critical for building a highly skilled workforce that can compete in the global marketplace. It makes this effort a high priority by providing an increase for discretionary education and training program-level funding of $9.3 billion above the President's request, or $6 billion above 2009 baseline levels.

The Senate-passed resolution rejects the President's proposed cuts in education, training and social services, including his proposal to eliminate programs and slash resources for the Corporation for Public Broadcasting. It assumes that additional funding will be invested in critical areas from birth through post-secondary education, including Head Start; key programs authorized by the No Child Left Behind Act, especially Title I; the Individuals with Disabilities Education Act (IDEA); Pell Grants; and job training. The increased investments will:

- ensure that more preschool children will be ready for school;
- help grade schools, middle schools, and high schools close achievement gaps, increase graduation rates, and reduce the need for remedial education;
- ensure that all schools can attract, train, and retain high-quality teachers and reduce class sizes;
- keep our commitment to educate students with disabilities;
- expand access to higher education by making college more affordable;
- ensure that employers have increasingly well-educated employees that can compete in the global marketplace; and
- expand job training opportunities to help workers respond to shifts in the economic landscape, including training for green jobs.

With regard to the Department of Education, the Senate resolution increases overall program-level funding by $5.7 billion above the President's requested level. In contrast, the President cuts Department of Education funding by $612 million in 2009, or one percent, below the 2008 inflation-adjusted level. To help schools meet the requirements of the No Child Left Behind Act and IDEA, the Senate resolution provides the largest increase for elementary and secondary education programs since 2002. In addition, the Senate resolution assumes an increase in the maximum Pell grant award, and fully funds the Pell shortfall.

The Senate adopted amendments to increase funding for the Teacher Incentive Fund, adult literacy and civics programs, and programs under the Older Americans

Act, including the Lifespan Respite Care Act at the Administration on Aging.

The Senate resolution provides deficit-neutral reserve funds to facilitate enactment of legislation to improve college access and affordability, facilitate modernization of school facilities through renovation or construction bonds, reduce the cost of teachers' out-of-pocket expenses for school supplies, provide tax incentives for highly qualified teachers to serve in high-needs schools, improve student achievement during secondary education, and promote flexibility in existing federal education programs.

*Conference Agreement*

The conference agreement calls for a total of $94.3 billion in BA and $91.4 billion in outlays for 2009, and for $511.9 billion in BA and $500.7 billion in outlays over five years. The conference agreement rejects the cuts to education, training, and social services programs in the President's 2009 budget, including the President's proposal to eliminate many programs that boost student achievement, provide needed social services, and provide workers with training and assistance. In contrast to the President's funding cuts, the conference agreement increases funds for vital programs, providing $8.4 billion more than the President's budget for program year 2009.

The conference agreement recognizes the importance of investing in strong education and training programs and supporting social services, particularly when the cost of living is rising rapidly and we are building a highly skilled workforce that can compete in the global marketplace. It therefore includes significant increases for education programs to help students from early childhood through post-secondary education, which include programs such as Head Start, Title I, services under the Individuals with Disabilities Education Act, Pell Grants, and other key programs.

The conference agreement contains a deficit-neutral reserve fund for the House to accommodate legislation that makes college more affordable. It also includes a Senate reserve fund to facilitate enactment of legislation to make higher education more accessible or more affordable, facilitate modernization of school facilities through renovation or construction bonds, reduce the cost of teachers' out-of-pocket expenses for school supplies, provide tax incentives for highly qualified teachers to serve in high-needs schools, improve student achievement during secondary education, and promote flexibility and accountability in federal education programs.

HEALTH: FUNCTION 550

*Function Summary*

The Health function includes most direct health care service programs as well as funding for anti-bioterrorism activities, national biomedical research, protecting the health of the general population and workers in their places of employment, providing health services for under-served populations, and promoting training for the health care workforce. The major programs in this function include Medicaid, the State Children's Health Insurance Program (SCHIP), health benefits for federal workers and retirees, the National Institutes of Health (NIH), the Food and Drug Administration (FDA), the Health Resources and Services Administration (HRSA), the Centers for Disease Control and Prevention (CDC), the Substance Abuse and Mental Health Services Administration (SAMHSA), the Indian Health Service (IHS), and the Agency for Healthcare Research and Quality.

*House-passed Resolution*

The House resolution calls for a total of $306.8 billion in BA and $305.3 billion in outlays for 2009, and for $1.7 trillion in BA and $1.7 trillion in outlays over five years. The budget resolution rejects the Administration's harmful cuts to Medicaid.

The discretionary resources for Function 550 for 2009 represent an increase over both the 2008 level and the President's 2009 request, with a particular focus on NIH, CDC, FDA, and the Occupational Safety & Health Administration (OSHA). The House resolution increases resources for public health, which includes programs focused on addressing health promotion and disease prevention. Preventative health care measures and disease management have the potential to lead to more efficient use of health care spending, and reduced illness, as well as an improvement in the health of the public. The House resolution also includes increased funding for food safety, access to quality health care for under-served populations, and other important programs.

Programs in Function 550 are also addressed in the House resolution's deficit-neutral reserve funds for SCHIP and for Medicaid.

*Senate-passed Resolution*

The Senate resolution calls for a total of $313.1 billion in BA and $310.6 billion in outlays for 2009, and $1.7 trillion in BA and $1.7 trillion in outlays over five years. The Senate resolution includes increases above the 2008 enacted level adjusted for inflation and above the President's request for NIH, HRSA, FDA, CDC, and IHS. Significant increases for Community Health Centers, health professions, and the National Health Service Corps within HRSA are also included. The Senate resolution rejects the President's proposed cuts for Rural Health Activities in HRSA. The Senate resolution also supports funding demonstration programs to provide patient navigator services as authorized in the Patient Navigator, Outreach, and Chronic Disease Prevention Act under HRSA as well as funding to support research into the causes, diagnoses, and treatments for postpartum depression. The Senate resolution also includes increases for the Maternal and Child Health Block Grant, for autism research, education, and early detection, and for the organ transplantation program. In addition, the Senate resolution contains various health care related deficit-neutral reserve funds, including a reserve fund for SCHIP legislation.

*Conference Agreement*

The conference agreement includes a total of $310.3 billion in BA and $307.5 billion in outlays for 2009, and $1.7 trillion in BA and $1.7 trillion in outlays over five years. The conference agreement rejects the Administration's harmful cuts to Medicaid.

The discretionary resources for Function 550 for 2009 include increases above the 2008 enacted level adjusted for inflation and above the President's request for NIH, HRSA, FDA, CDC, IHS, and OSHA. The conference agreement includes an increase for the Indian Health Service to help meet the health needs of American Indians and Alaska Natives. The conference agreement assumes additional FDA funding to give the agency resources to protect and promote the health of American families. Significant increases for Community Health Centers, the National Health Service Corps, and health professions within HRSA are also included as well as increases for patient navigator services, the Maternal and Child Health Block Grant, and resources to enhance federal efforts on autism. The conference agreement increases resources for programs focused on addressing health promotion and disease prevention. Preventative health care measures and disease management have the potential to lead to more efficient use of health care spending, and reduced illness, as well as an improvement in the health of the public.

Programs in Function 550 are also addressed in various deficit-neutral reserve funds, including those addressing SCHIP and Medicaid.

MEDICARE: FUNCTION 570

*Function Summary*

The Medicare function includes funding to administer and to provide benefits under the Medicare program. Medicare is a federal health insurance program that currently covers 44 million Americans aged 65 and older, as well as younger adults who are disabled or suffer from end-stage renal disease.

Congress provides an annual appropriation for the costs of administering Medicare, including resources to conduct program integrity activities to guard against improper payments, fraud, and abuse. The remainder of spending in this function is mandatory and reflects payments to health care providers and private insurance plans, as well as beneficiary premiums and other receipts and payments to the Medicare trust funds, under the Part A Hospital Insurance (HI) program, the Part B Supplementary Medical Insurance (SMI) program, the Part C Medicare Advantage program, and the Part D Prescription Drug program.

*House-passed Resolution*

The House resolution reflects a total of $420.2 billion in BA and $420.0 billion in outlays in 2009, and $2.4 trillion in BA and $2.4 trillion in outlays over five years.

The House resolution rejects the Administration's harmful cuts to Medicare. The House resolution assumes the extension of Medicare premium assistance for qualified individuals with incomes between 120 and 135 percent of the federal poverty level and limited financial resources. The House resolution assumes that savings from Medicare program efficiency improvements will offset the costs of extending the premium assistance program as well other initiatives to improve the Medicare program for beneficiaries.

The House resolution assumes targeted assistance to hospitals with 100 beds or more that have faced a reduction in Medicare disproportionate share hospital payments due to assignment to a Micropolitan area.

The House resolution provides a discretionary cap adjustment of $198 million for additional activities aimed at detecting and preventing Medicare fraud. The Health Care Fraud and Abuse Control program—a joint effort of the Department of Health and Human Services, the HHS Office of Inspector General, and the Department of Justice—generated roughly $4 in program savings for every dollar spent in 2004 and 2005.

The House resolution also contains a reserve fund to accommodate legislation for Medicare program improvements.

*Senate-passed Resolution*

The Senate resolution calls for a total of $420.4 billion in BA and $420.2 billion in outlays for 2009, and $2.4 trillion in BA and $2.4 trillion in outlays over five years.

For 2009, the discretionary funding levels in this function include a discretionary cap adjustment of up to $198 million for program integrity activities of the Health Care Fraud and Abuse Control (HCFAC program) to address improper payments, fraud, and abuse in the Medicare program.

In addition, the mandatory funding levels in this function assume Medicare savings of $1.3 billion in 2013, allowing for legislation to delay the Medicare trigger. Specific policies to enact these savings will be determined by the Senate Finance Committee.

*Conference Agreement*

The conference agreement reflects a total of $420.2 billion in BA and $420.0 billion in

outlays in 2009, and $2.4 trillion in BA and $2.4 trillion in outlays over five years. Discretionary and mandatory spending levels in this function are consistent with the CBO baseline funding levels.

For 2009, the discretionary funding levels in Function 920 include a discretionary cap adjustment of up to $198 million for program integrity activities of the Health Care Fraud and Abuse Control program, to address improper payments, fraud, and abuse in the Medicare program.

INCOME SECURITY: FUNCTION 600

*Function Summary*

The Income Security function contains a range of income security programs including: 1) major cash and in-kind means-tested entitlements; 2) general retirement, disability, and pension programs excluding Social Security and veterans' compensation programs; 3) federal and military retirement programs; 4) unemployment compensation; 5) low-income housing programs; and 6) other low-income support programs. Major federal entitlement programs in this function include unemployment insurance, food stamps, child nutrition, Temporary Assistance to Needy Families (TANF), foster care, child support enforcement, child care, Supplemental Security Income, and spending for the refundable portion of the Earned Income Credit.

*House-passed Resolution*

The House resolution calls for a total of $411.7 billion in BA and $414.0 billion in outlays for 2009, and for $2.1 trillion in BA and $2.1 trillion in outlays over five years. The discretionary resources for Function 600 represent an increase over both the 2008 level and the President's request. The funding will support efforts to reduce the unacceptable number of Americans who live in poverty and to provide assistance to those in need. The budget resolution includes additional funding to address the current shortfall in the project-based rental assistance program, prevent a shortfall in the tenant-based rental assistance program which would occur under the President's budget, and improve supportive housing for the elderly, as in H.R. 2930 as passed by the House. The House resolution also specifically rejects the President's cut to the Low-Income Home Energy Assistance Program (LIHEAP).

Economic uncertainty and rising costs are increasing the need for food assistance for children and adults. The House budget resolution rejects the President's proposals to terminate food stamps for 390,000 working families and eliminate the Commodity Supplemental Food Program and notes that legislation that passed the House with bipartisan support was an appropriate first step toward ensuring that nutrition assistance keeps up with inflation and rising food prices.

Mandatory programs in Function 600 are also addressed in the House resolution's deficit-neutral reserve funds for trade adjustment assistance and unemployment insurance modernization, and child support enforcement.

*Senate-passed Resolution*

The Senate resolution calls for a total of $414.4 billion in BA and $419.0 billion in outlays for 2009, and $2.1 trillion in BA and $2.1 trillion in outlays over five years. The Senate resolution includes increases for the Low-Income Home Energy Assistance Program to continue providing heating and cooling assistance to over five million low income households, including the working poor, disabled persons, elderly, and families with young children. The Senate resolution rejects the President's proposals to cut various housing assistance programs and includes significant resources for Section 8 housing assistance in order to address the funding shortfall for the project-based Section 8 program. The Senate resolution also provides increases for the Child Care Development Block Grant and for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). The Senate resolution also includes several deficit-neutral reserve funds including reserve funds for up to an additional $5.0 billion in mandatory child care funding, for the reauthorization of the Temporary Assistance for Needy Families supplemental grants, for improvements to TANF, child welfare, or child support enforcement, for improvements to the unemployment compensation program, and the reauthorization of the trade adjustment assistance programs.

*Conference Agreement*

The conference agreement calls for a total of $415.5 billion in BA and $416.0 billion in outlays for 2009, and for $2.1 trillion in BA and $2.1 trillion in outlays over five years. The conference agreement supports a total funding level of $5.1 billion for LIHEAP—$3.1 billion in regular funding and $2 billion in contingency funding. Rising fuel costs have strained family budgets. The conference agreement level for LIHEAP will provide heating and cooling assistance to over five million low income households, including the working poor, disabled persons, elderly, and families with young children. The conference agreement also recognizes that additional funding above the 2008 level adjusted for inflation will be needed for WIC.

The conference agreement accommodates additional funding for the project-based rental assistance program shortfall and to increase funding for the tenant-based rental assistance program. The conference agreement also includes funding to improve supportive housing for the elderly, as in H.R. 2930 as passed by the House.

Mandatory programs in Function 600 are addressed in several deficit-neutral reserve funds in the House and the Senate, including reserve funds for up to an additional $5.0 billion in mandatory child care funding, for reauthorization or expansion of TANF grants, for child welfare or child support enforcement, for modernization of the unemployment compensation program, and for the reauthorization of the trade adjustment assistance programs.

SOCIAL SECURITY: FUNCTION 650

*Function Summary*

The Social Security function includes funding for the Old-Age, Survivors, and Disability Insurance (OASDI) programs, which provide earned Social Security benefits to nearly 50 million eligible retired workers, disabled persons, and their spouses and survivors. In addition, this function provides funding to the Social Security Administration (SSA) and the Office of the Inspector General (OIG) to administer the Social Security program and ensure program integrity.

Under provisions of the Congressional Budget Act and the Budget Enforcement Act, the Old-Age and Survivors Insurance (OASI) trust fund and the Disability Insurance (DI) trust fund are off-budget and do not appear in the budget resolution totals. A small portion of spending in Function 650, the general fund transfer of income taxes on Social Security benefits to the trust funds, is considered on-budget and appears in the budget resolution totals.

*House-passed Resolution*

For the unified budget, the House resolution calls for a total of $654.3 billion in BA and $651.4 billion in outlays for 2009, and for $3.6 trillion in BA and outlays over five years. (The budget resolution provides only the on-budget amounts, which are $21.3 billion in BA and outlays for 2009, and $135.9 billion in BA and outlays over five years.) The House resolution rejects the President's private account proposal for Social Security.

The administrative budget for the SSA includes resources in Function 570 (Medicare) and Function 600 (Income Security) as well as Function 650. The House resolution assumes a $10.4 billion discretionary funding level for the administrative expenses of SSA and the OIG. The increased resources will enable SSA to address the significant number of individuals waiting for disability and hearing decisions and thereby reduce its unacceptable backlog in case reviews.

The House resolution also accommodates an additional $240 million above the funding level through a discretionary cap adjustment for program integrity initiatives. The cap adjustment allows the agency to conduct an increasing number of Continuing Disability Reviews (CDRs) and Supplemental Security Income redeterminations.

*Senate-passed Resolution*

The Senate resolution calls for $21.3 billion in on-budget BA and outlays for 2009, and $135.9 billion in on-budget BA and outlays over five years. (The corresponding figures on a unified basis are $654.5 billion in BA and $651.7 billion in outlays for 2009 and $3.6 trillion in BA and outlays over five years.) This spending reflects the general fund transfer of income taxes on Social Security benefits to the trust funds.

For 2009, the Senate resolution provides $5.5 billion in BA and $5.5 billion in outlays for SSA administrative expenses, as outlined in section 102(c) of the resolution, which represents a $240 million increase over the President's request. The resolution also provides $150 million in additional one-time funding for SSA administrative expenses. The additional funding is intended to help address the serious backlog of Social Security disability claims and hearings, as well as other backlog workloads for which additional resources are needed.

*Conference Agreement*

For the unified budget, the conference agreement calls for $654.3 billion in BA and $651.4 billion in outlays for 2009, and $3.6 trillion in BA and outlays over five years. (The conference agreement provides only the on-budget amounts, which are $21.3 billion in BA and outlays for 2009, and $136.0 billion in BA and outlays over five years.) The conference agreement rejects the President's private account proposal for Social Security.

For 2009, the conference agreement provides total net discretionary resources for the administrative expenses of SSA and the OIG (across all relevant functions) of $10.7 billion, $240 million above the President's requested level. The total SSA funding level in the conference agreement assumes both the President's full request for a cap adjustment in Function 920 for program integrity efforts (including CDRs and SSI redeterminations), and additional resources to address the serious backlog of disability claims and hearings, as well as other backlog workloads for which additional resources are needed.

VETERANS BENEFITS AND SERVICES: FUNCTION 700

*Function Summary*

Function 700 covers the programs of the Department of Veterans Affairs (VA), including veterans' medical care, compensation and pensions, education and rehabilitation benefits, and housing programs. It also includes the Department of Labor's Veterans' Employment and Training Service, the United States Court of Appeals for Veterans Claims, and the American Battle Monuments Commission. More than 99 percent of appropriated veterans' funding goes to VA, and

more than 85 percent of this funding is for VA medical care and hospital services.

*House-passed Resolution*

The House resolution calls for a total of $93.3 billion in BA and $92.4 billion in outlays for 2009, and for $495.3 billion in BA and $492.2 billion in outlays over five years. For 2009, the House resolution provides $4.9 billion of discretionary budget authority over the 2008 level and $3.2 billion above the President's 2009 budget. The House resolution reflects the very high priority that Congress places on adequately funding veterans' medical care. The House resolution also rejects the health care enrollment fees and drug co-payment increases proposed by the President's budget.

The House resolution provides full funding to support excellent health care for veterans. The House resolution provides funding to continue addressing problems such as those identified at Walter Reed Army Medical Center to improve military and veterans' health care facilities and services.

The House resolution provides funding in Function 700 above the President's requested level for 2009 to address important priorities including veterans' mental health, post-traumatic stress disorder, and traumatic brain injury. There have been many traumatic brain injuries in Iraq and Afghanistan. The House notes that there is legislation to address the prevalence of epilepsy among veterans, especially those with traumatic brain injury. Research conducted by VA and the Department of Defense found that about half of Vietnam veterans who suffered penetrating head injuries developed epilepsy. The House resolution also has additional funding for disability compensation claims processing so that VA can continue to address the inventory of pending claims.

The House notes that many military service families are experiencing financial difficulties due to overseas military deployments and that Congress should consider ways to address these difficulties.

*Senate-passed Resolution*

The Senate resolution calls for a total of $93.3 billion in BA and $92.4 billion in outlays for 2009, and $490.9 billion in BA and $488.1 billion in outlays over five years. The Senate resolution provides $48.2 billion in BA in 2009 for discretionary veterans' programs, including medical care. This amount is $3.3 billion more than the President's proposed funding level. The funding in the Senate resolution will ensure that the Veterans Health Administration within VA can provide the highest quality health care for all veterans.

Over the past several years, the President has consistently underestimated the needs of veterans, and Congress has made up the shortfall. In 2005, the President's budget underfunded the Veterans Health Administration, which required Congress to pass two supplemental funding bills. Last year, the nation was shocked to learn of the mistreatment of soldiers recuperating from wounds at the Walter Reed Army Medical Center. To address these and other funding shortfalls in the President's budget, last year's budget resolution paved the way for the largest funding increase in VA's history.

The Senate resolution also recognizes the difficulties veterans leaving active duty have in transitioning their medical records to the VA. These administrative disconnects can have dramatic and sometimes dire consequences on our young men and women when they leave the military. It is also difficult for VA to evaluate and treat veterans because VA may not have a complete medical record. Therefore, the Senate resolution supports efforts to implement fully the Wounded Warrior Act, section 1635 in the National Defense Authorization Act. This provision requires the Department of Defense and VA to develop a ''fully interoperable electronic personal health information system'' as well as establish a joint program office to oversee the creation of this new healthcare system.

Additionally, the Senate resolution recognizes that the President's proposed funding for VA major construction projects will result in significant delays and cost-growth to on-going projects. Therefore, the Senate resolution provides robust resources for VA major projects. The Senate resolution also notes the importance of medical research at VA, including the Air Force Health Study, and provides the resources for this important priority. The Senate resolution also supports robust funding for State Veterans Cemeteries.

*Conference Agreement*

The conference agreement provides a total of $93.3 billion in BA and $92.5 billion in outlays for 2009, and $496.3 billion in BA and $493.1 billion in outlays over five years. The conference agreement provides $48.2 billion for 2009 for discretionary veterans' programs, including medical care. This amount is $4.9 billion more than the 2008 enacted level, $3.7 billion more than the amount needed to maintain purchasing power at the 2008 level, and $3.3 billion more than the President's proposed funding level for 2009. Over five years (2009–2013) the agreement provides $39.0 billion more than the President's budget. The conference agreement level enjoys the strong support of major veterans organizations, including the Independent Budget which is developed by AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and Veterans of Foreign Wars the American Legion, Iraq and Afghanistan Veterans of America, and Vietnam Veterans of America.

## ADMINISTRATION OF JUSTICE: FUNCTION 750

*Function Summary*

The Administration of Justice function includes funding for federal law enforcement activities at the Department of Justice (DOJ) including criminal investigations by the Federal Bureau of Investigation (FBI) and the Drug Enforcement Agency (DEA). The function also includes funding for border enforcement by the Department of Homeland Security (DHS). Additionally, the function includes funding for civil rights enforcement and prosecution; federal block, categorical, and formula law enforcement grant programs to state and local governments; prison construction and operation; the United States Attorneys; and the federal judiciary.

*House-passed Resolution*

The House resolution calls for a total of $48.1 billion in BA and $47.9 billion in outlays for 2009, and for $252.1 billion in BA and $252.2 billion in outlays over five years. For Function 750, the House resolution rejects the President's repeated cut of local law enforcement programs. Instead, the function total includes enough resources to increase homeland security programs and provide for law enforcement programs, such as the State Criminal Alien Assistance Program (SCAAP)—and recognizes the importance of this critical reimbursement program.

In addition to rejecting the repeated cuts to SCAAP in the President's budget, the House resolution also rejects the President's cuts to Community Oriented Policing Services (COPS) and Edward Byrne Memorial Justice Assistance Grants—both of which are important priorities for keeping our communities safe. The House resolution values the funding Byrne-JAG provides to local law enforcement at a time when many communities are combating problems including a methamphetamine epidemic and other crimes.

In addition, the House resolution protects both our youth and victims of crime by restoring cuts to both juvenile justice and programs to prevent violence against women and by limiting amounts diverted from the Crime Victims Fund. The House resolution provides funding above the President's budget level for 2009 for these purposes and to protect the border.

*Senate-passed Resolution*

The Senate resolution calls for a total of $49.4 billion in BA and $46.9 billion in outlays for 2009, and $246.9 billion in BA and $247.5 billion in outlays over five years. This level restores cuts proposed in the President's budget and provides additional resources for several law enforcement grant programs such as COPS, including meth hotspot grants, and the Edward Byrne Memorial Justice Assistance Grant program. In addition, the Senate resolution restores cuts and provides additional resources to the State Criminal Alien Assistance Program, Violence Against Women Act programs, and DOJ Tribal Justice programs. The Senate resolution also includes increases in funding proposed in the President's budget for border security.

*Conference Agreement*

The conference agreement calls for a total of $48.3 billion in BA and $48.1 billion in outlays for 2009, and for $247.5 billion in BA and $248.1 billion in outlays over five years. For Function 750, the agreement rejects the President's repeated cuts and provides additional resources for law enforcement programs such as COPS, including meth hotspot grants, the Edward Byrne Memorial Justice Assistance Grant program, and SCAAP an important reimbursement program for our state and local law enforcement agencies.

In addition, the conference agreement protects both our youth and victims of crime by rejecting cuts to juvenile justice, programs to prevent violence against women, and DOJ tribal justice programs. The agreement provides funding for these purposes and to protect the border.

## GENERAL GOVERNMENT: FUNCTION 800

*Function Summary*

The General Government function consists of the activities of the Legislative Branch, the Executive Office of the President, general tax collection and fiscal operations of the Department of the Treasury (including the IRS), the Office of Personnel Management, the property and personnel costs of the General Services Administration, and general purpose fiscal assistance to states, localities, the District of Columbia, and U.S. territories.

*House-passed Resolution*

The House resolution calls for a total of $23.5 billion in BA and $23.9 billion in outlays for 2009, and for $107.4 billion in BA and $107.5 billion in outlays over five years. The budget resolution includes a program integrity initiative to increase IRS tax compliance efforts to collect unpaid taxes from those who are not paying what they owe. Funding in this function could be used for items such as H.R. 3548, the Plain Language in Government Communications Act of 2007, to enhance citizen access to government information and services by establishing plain language as the standard style of covered government documents issued to the public.

*Senate-passed Resolution*

The Senate resolution calls for $24.5 billion in BA and $24.4 billion in outlays for 2009, and $106.8 billion in BA and $106.9 billion in outlays over five years. The Senate resolution fully funds the President's budget request for the IRS, including additional resources available through a discretionary

cap adjustment that directs an additional $490 million to IRS enforcement activities. The Senate resolution includes funding to carry out the Freedom of Information Act (FOIA) by establishing the Office of Government Information Services at the National Archives. The Senate resolution also includes funding to construct a new headquarters for the Department of Homeland Security.

The Senate resolution includes a deficit-neutral reserve fund to accommodate legislation that provides for the reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000, or makes changes to the Payments in Lieu of Taxes Act of 1976, or both. The Senate resolution also includes a deficit-neutral reserve fund for legislation that achieves savings by requiring that agencies increase their use of recovery audits.

*Conference Agreement*

The conference agreement includes $24.0 billion in BA and $24.4 billion in outlays for 2009, and $106.9 billion in BA and $107.0 billion in outlays over five years. It fully funds the President's budget request for the IRS, including additional resources available through a discretionary cap adjustment (included in Function 920) that directs $490 million to IRS enforcement activities. The conference agreement includes a deficit-neutral reserve fund to accommodate legislation that provides for the reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000, or makes changes to the Payments in Lieu of Taxes Act of 1976, or both.

NET INTEREST: FUNCTION 900

*Function Summary*

The Net Interest function is entirely mandatory with no discretionary components. It consists primarily of the interest paid by the federal government to private and foreign government holders of U.S. Treasury securities. It includes the interest on the public debt after deducting the interest income received by the federal government from trust fund investments, loans and cash balances, and earnings of the National Railroad Retirement Investment Trust.

*House-passed Resolution*

For the unified budget, the House resolution calls for a total of $216.8 billion in BA and outlays for 2009, and for $1.3 trillion in BA and outlays over five years. (The budget resolution provides only the on-budget amounts, which are $334.2 billion in BA and outlays for 2009, and $2.0 trillion in BA and outlays over five years.)

Since 2001, the federal government's net interest payments on its debt have grown dramatically, becoming one of the largest and fastest-growing components of the federal budget, exceeding spending on education, veterans' affairs, and homeland security combined.

*Senate-passed Resolution*

The Senate resolution calls for BA and outlays of $217.7 billion in unified net interest payments in 2009 and a total of $1.3 trillion over five years. (The on-budget totals for BA and outlays are $335.1 billion for 2009 and $2.0 trillion over five years.)

*Conference Agreement*

For the unified budget, the conference agreement calls for a total of $217.0 billion in BA and outlays for 2009, and for $1.3 trillion in BA and outlays over five years. (The on-budget amounts are $334.4 billion in BA and outlays for 2009, and $2.0 trillion in BA and outlays over five years.)

ALLOWANCES: FUNCTION 920

*Function Summary*

The Allowances function is used for planning purposes to address the budgetary effects of proposals or assumptions that cross several budget functions. Once such changes are enacted, the budgetary effects are distributed to the appropriate budget function.

*House-passed Resolution*

The House resolution calls for a total of $0.0 billion in BA and $0.3 billion in outlays for 2009, and for −$0.8 billion in BA and −$0.3 billion in outlays over five years. The House resolution includes $1.0 billion in 2008 discretionary budget authority to cover unanticipated needs, should they arise. The House resolution also includes $750 million in mandatory savings over six years. These savings reflect a reconciliation instruction to the Ways and Means Committee. To meet the instructions, savings can be achieved in any program within the Committee's jurisdiction, other than Social Security, which reconciliation cannot impact.

*Senate-passed Resolution*

The Senate resolution calls for a total of −$14.9 billion in BA and −$4.1 billion in outlays for 2009, and −$49.6 billion in BA and −$43.7 billion in outlays over five years.

*Conference Agreement*

The conference agreement includes a total of −$13.2 billion in BA and −$6.5 billion in outlays for 2009, and −$63.2 billion in BA and −$54.8 billion in outlays over five years. These funding levels reflect adjustments for program integrity and other non-security adjustments.

UNDISTRIBUTED OFFSETTING RECEIPTS: FUNCTION 950

*Function Summary*

The Undistributed Offsetting Receipts function includes major offsetting receipt items that would distort the funding levels of other functional categories if they were distributed to them. Examples of such items include the employer share of federal employee retirement benefits, outer continental shelf rents and royalties, and the sale of major assets.

*House-passed Resolution*

For the unified budget, the House resolution calls for a total of −$81.0 billion in BA and outlays for 2009, and for −$444.9 billion in BA and outlays over five years. (The budget resolution provides only the on-budget amounts, which are −$67.1 billion in BA and outlays for 2009, and −$366.9 billion in BA and outlays over five years.) The negative spending in Function 950 represents CBO's baseline estimate of undistributed offsetting receipts.

*Senate-passed Resolution*

The Senate resolution calls for unified undistributed offsetting receipts of $81.0 billion in BA and outlays for 2009 and −$444.9 billion in BA and outlays over five years. (The on-budget totals for BA and outlays are −$67.1 billion for 2009 and −$366.9 billion over five years.) The Senate resolution matches CBO's baseline estimate of undistributed offsetting receipts.

*Conference Agreement*

For the unified budget, the conference agreement includes undistributed offsetting receipts of −$81.0 billion in BA and outlays for 2009, and −$444.9 billion in BA and outlays over five years. (The on-budget amounts are −$67.1 billion in BA and outlays for 2009, and −$366.9 billion in BA and outlays over five years.)

OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES: FUNCTION 970

*Function Summary*

This function includes funding for overseas deployments and other activities.

*House-passed Resolution*

The House resolution includes, as a placeholder, an amount equal to the President's pending request for 2008 and 2009 to account for any future House consideration of appropriations for overseas deployments and other activities.

*Senate-passed Resolution*

The Senate resolution did not include Function 970.

*Conference Agreement*

The conference agreement includes Function 970 in an amount equal to the President's pending request for 2008 and 2009 as a placeholder to account for any future consideration of appropriations for overseas deployments and other activities.

RECONCILIATION

*House-passed Resolution*

Section 201 of the House-passed resolution contains reconciliation instructions. Reconciliation is a special congressional procedure used to implement the spending and revenue targets in a budget resolution. The instructions direct a committee to make changes in laws under its jurisdiction that affect revenues or direct spending to achieve a specified budgetary result. The legislation used to implement those instructions is reported as a reconciliation bill.

Section 201 contains two separate instructions to the House Committee on Ways and Means. Subsection (a) directs the Committee to report a measure by September 12, 2008, that reduces direct spending by $750 million for the period of 2008 through 2013. Subsection (b) directs the Committee to report a measure by July 15, 2008, to decrease revenues by $70 billion in 2009 and to increase revenues by $70 billion for the period of 2010 through 2013. When only one committee receives an instruction the measure is reported directly to the House.

Last year the House adopted a rule relating to reconciliation instructions (clause 7, Rule XXI). The rule requires that any reconciliation instruction must not increase the deficit or reduce the surplus over the pay-as-you-go time periods. These instructions satisfy the requirement established under clause 7 of Rule XXI.

*Senate-passed Resolution*

The Senate resolution did not include any reconciliation instructions.

*Conference Agreement*

The conference agreement does not include any reconciliation instructions.

RESERVE FUNDS

The House and the Senate use reserve funds in connection with consideration of deficit-neutral legislation that complies with each chamber's rules. The conference agreement therefore contains reserve funds for the House and for the Senate to address the rules and procedures that apply in each chamber.

*House-passed Resolution*

*Sec. 301. Deficit-neutral reserve fund for the State Children's Health Insurance Program*

The reserve fund accommodates legislation, within the jurisdiction of the Committee on Energy and Commerce, of up to $50 billion in additional outlays to improve children's health through reauthorization of the State Children's Health Insurance Program (SCHIP) as long as the authorizing legislation placed before the House complies with the pay-as-you-go principle. These additional resources will sustain current caseloads, expand coverage, and reduce the number of uninsured children. There are over nine million uninsured children in this nation. Last year, Congress twice passed bipartisan legislation that would have expanded coverage to nearly four million additional children if the President had not twice vetoed the legislation.

*Sec. 302. Deficit-neutral reserve fund for veterans and servicemembers*

The reserve fund accommodates legislation that enhances medical care for wounded or disabled military personnel or veterans; maintains affordable health care for military retirees and veterans; improves disability benefits or evaluations for wounded or disabled military personnel or veterans, including measures to expedite the claims process; expands eligibility to permit additional disabled military retirees to receive both disability compensation and retired pay; eliminates the offset between Survivor Benefit Plan annuities and veterans' Dependency and Indemnity Compensation; or provides or increases benefits for Filipino veterans of World War II or their survivors and dependents, to the extent that any such legislation complies with the pay-as-you-go principle.

*Sec. 303. Deficit-neutral reserve fund for education benefits for servicemembers, veterans, and their families*

The reserve fund accommodates legislation that enhances education benefits or assistance for servicemembers, members of the National Guard, reservists, veterans, or their spouses, survivors, or dependents, to the extent that such legislation complies with the pay-as-you-go principle. Among the proposals that the reserve fund could accommodate is H.R. 3882, which would address a provision in law that results in certain members of the National Guard and Reserves receiving less in Montgomery GI bill (MGIB) education benefits than servicemembers who served about the same amount of time on active duty. The current requirement for receiving full MGIB benefits is active-duty service of 24 months.

*Sec. 304. Deficit-neutral reserve fund for infrastructure investment*

The reserve fund accommodates legislation that provides for increased investment in infrastructure projects, so long as it complies with the pay-as-you-go principle. The fund accommodates new investment in highways, bridges, transit, rail, aviation, ports, waterways, and water treatment facilities, among other types of infrastructure.

*Sec. 305. Deficit-neutral reserve fund for renewable energy and energy efficiency*

The reserve fund accommodates legislation that provides tax incentives for or otherwise encourages the production of renewable energy or increased energy efficiency; encourages investment in emerging energy or vehicle technologies or carbon capture and sequestration; provides for reductions in greenhouse gas emissions; or facilitates the training of workers for these industries (green collar jobs), to the extent that any such legislation complies with the pay-as-you-go principle. For example, one item that the reserve fund could accommodate is extension of the solar energy and fuel cell investment tax credit.

*Sec. 306. Deficit-neutral reserve fund for middle-income tax relief and economic equity*

The reserve fund for middle-income tax relief supports legislation to reduce tax burdens on middle-income families and taxpayers that complies with the pay-as-you-go principle. This includes legislation such as the extension of the 10 percent individual income tax rate, marriage penalty relief, the child tax credit, the research and experimentation tax credit, the deduction for small business expensing, and the deduction for State and local sales taxes. It also accommodates elimination of estate taxes on all but a minute fraction of estates, and a tax credit for school construction.

*Sec. 307. Deficit-neutral reserve fund for reform of the alternative minimum tax*

The reserve fund for Alternative Minimum Tax (AMT) relief accommodates legislation that reforms the tax code to shield middle-income families from the AMT as long as it adheres to the pay-as-you-go principle. Without reform, the number of taxpayers subject to the AMT will rise from 4.2 million in 2007 to 25.7 million in 2008 and to 28.3 million in 2009, according to the Joint Committee on Taxation.

*Sec. 308. Deficit-neutral reserve fund for higher education*

The reserve fund accommodates reforms to the student loan programs or changes in law that increase benefits to students, consistent with the pay-as-you-go principle adopted by the House. Both the House and the Senate have passed bills to reauthorize the Higher Education Act, and this reserve fund will provide committees maximum flexibility in finding offsets to make college more affordable and accessible for students.

*Sec. 309. Deficit-neutral reserve fund for affordable housing*

The reserve fund accommodates legislation that creates an affordable housing fund, offset by savings from reforming the regulation of certain government-sponsored entities, such as Fannie Mae and Freddie Mac, to the extent that such legislation complies with the pay-as-you-go principle.

*Sec. 310. Deficit-neutral reserve fund for Medicare improvements*

The reserve fund accommodates additional mandatory spending for Medicare program improvements such as increasing the Medicare reimbursement rate for physicians while holding beneficiaries harmless from associated premium increases, as long as the legislation is consistent with the House pay-as-you-go principle. Under current law, physicians face a 10.6 percent cut in their Medicare payment rate on July 1 of this year, and further cuts every year through 2016. The reserve fund also accommodates other program improvements, such as greater access to preventive benefits; additional assistance for low-income beneficiaries; and better efficiencies within the Part D program, such as prompt payment of prescription drug claims; as long as the legislation is consistent with the pay-as-you-go principle.

*Sec. 311. Deficit-neutral reserve fund for health care quality, effectiveness, and efficiency*

The reserve fund accommodates legislation that: provides incentives or other support for adoption of modern health information technology; establishes a new federal or public-private initiative for research on the comparative effectiveness of different medical interventions; or that provides parity between health insurance coverage of mental health benefits and benefits for medical and surgical services, including parity in public programs; as long as the legislation is consistent with the House pay-as-you-go principle.

*Sec. 312. Deficit-neutral reserve fund for Medicaid and other programs*

The reserve fund accommodates legislation that prevents or delays the implementation or administration of regulations or administrative actions affecting Medicaid, SCHIP, or other programs, as well as extension of the Transitional Medical Assistance (TMA) or Qualified Individuals (QI) programs, as long as the legislation complies with the pay-as-you-go principle. TMA provides temporary Medicaid assistance for families transitioning to the workforce and QI provides premium assistance for lower-income Medicare beneficiaries.

*Sec. 313. Deficit-neutral reserve fund for trade adjustment assistance and unemployment insurance modernization*

The reserve fund accommodates legislation to reauthorize and expand the trade adjustment assistance program (TAA) and modernize the unemployment insurance (UI) system, consistent with the pay-as-you-go rule adopted by the House. Last year, the House passed legislation that included much-needed reforms to substantially increase the number of workers able to receive needed income support and job training.

*Sec. 314. Deficit-neutral reserve fund for county payments legislation*

The reserve fund accommodates any legislation that reauthorizes the Secure Rural Schools and Community Self-Determination Act (Public Law 106–393) or makes changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94–565), to the extent that such legislation complies with the pay-as-you-go principle. Public Law 106–393 provides economic assistance for roads and schools in rural communities affected by the loss of receipts from sales on federal lands in their communities. Federal payments under Public Law 94–565 to local governments are designed to offset lost property tax revenue from federal lands within the localities. Both forms of assistance are intended to compensate local governments for the tax-exempt status of the national forests and other federal lands.

*Sec. 315. Deficit-neutral reserve fund for San Joaquin River restoration and Navajo Nation water rights settlements*

The reserve fund accommodates legislation that would fulfill the purposes of the San Joaquin River Restoration Settlement Act, implement a Navajo Nation water rights settlement as authorized by the Northwestern New Mexico Rural Water Projects Act, or both, to the extent that the legislation complies with the pay-as-you-go principle.

*Sec. 316. Deficit-neutral reserve fund for the National Park Centennial Fund*

The reserve fund accommodates any legislation that provides for the establishment of the National Park Centennial Fund, so long as it complies with the pay-as-you-go principle. The Centennial Fund would provide additional funding for specific Interior-approved, community-supported projects within the National Park system to improve parks and provide better visitor experiences.

*Sec. 317. Deficit-neutral reserve fund for child support enforcement*

The reserve fund accommodates legislation to increase the number of children who receive the full child support that is owed to them by enhancing federal collection efforts or supporting state initiatives to pass through 100 percent of collected child support to families, as long as the legislation complies with the pay-as-you-go principle. For every dollar the federal government spends on child support enforcement, $6.50 is collected on behalf of working families. Last year, the child support enforcement system collected $22 billion in private support for 17 million children.

*Senate-passed Resolution*

*Sec. 301. Strengthening and stimulating the American economy and providing economic relief to American families*

(a) Tax Relief. The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for one or more pieces of tax relief legislation, which may include extensions of expiring tax cuts and reinstatement of expired tax relief, provided the legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

(b) Manufacturing. The Senate-passed resolution allows the Chairman of the Budget

Committee to revise the levels in the resolution for legislation aimed at revitalizing the manufacturing sector in the United States, which may include tax incentives, increased research and development, and other important support, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

(c) Housing. The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would provide housing assistance, which may include low-income rental assistance, or establish an affordable housing fund to finance low-income housing investments, financed by contributions from the government-sponsored enterprises or other sources, provided the legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

(d) Flood Insurance Reform. The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation that authorizes flood insurance reform and modernization, provided the legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

(e) Trade. The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation to address our nation's trade agreements, preferences, sanctions, enforcement, or customs laws, provided the legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

(f) Economic Relief for American Families. The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation in the following areas, provided it is deficit-neutral over the total of 2008–2013 and 2008–2018:

(1) TANF—legislation reauthorizing Temporary Assistance for Needy Families supplemental grants or making improvements to the TANF program, child welfare programs, or child support enforcement. The legislation for improving child welfare includes steps to help support foster children being raised by grandparents, older youth aging out of foster care, and other improvements in child welfare financing to prevent child abuse and neglect and promote permanent families for children. In addition, legislation that strengthens support for treatment options for families struggling with substance abuse and addiction, and in particular takes steps to prevent the increased use of methamphetamines as well as provides treatment for addicted individuals and families can be accommodated within this reserve fund to improve child welfare.

(2) Child Care—legislation providing up to $5 billion for the child care entitlement to states.

(3) Emergency Food Assistance—legislation providing up to $40 million for the emergency food assistance program.

(4) Unemployment Compensation—legislation improving the unemployment compensation program.

(5) TAA—legislation reauthorizing trade adjustment assistance programs.

(g) America's Farms and Rural America.

(1) Farm Bill. The Senate-passed resolution allows the Chairman of the Budget Committee to revise the levels in the resolution for legislation to reauthorize agricultural programs, address the needs of rural America, promote new sources of renewable energy from U.S. farm products, provide an economic safety net for agricultural producers, enhance the stewardship of our natural resources, address domestic nutrition needs, increase agricultural research, and improve our export competitiveness, provided the legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

(2) County Payments. The Senate-passed resolution includes a deficit-neutral reserve fund allowing the Chairman of the Budget Committee to revise the levels and limits in the resolution for legislation that provides for the reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000, makes changes to the Payments in Lieu of Taxes Act of 1976, or both, provided the legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

*Sec. 302. Improving education*

The Senate-passed resolution includes deficit-neutral reserve funds allowing the Chairman of the Budget Committee to revise the levels in the resolution for—

(a) legislation to make higher education more accessible or more affordable, which may include increasing funding for the federal Pell Grant program or increasing federal student loan limits, modernize school facilities through renovation or construction bonds, reduce the cost to teachers of out-of-pocket expenses for school supplies, or provide tax incentives for highly-qualified teachers to serve in high-needs schools; and

(b) legislation to improve student achievement during secondary education—

provided the legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

*Sec. 303. Investing in infrastructure*

The Senate-passed resolution provides a reserve fund allowing the Chairman of the Budget Committee to revise the levels and limits in the resolution for legislation to provide a sustained, robust federal investment in our nation's infrastructure, which may include transit, housing, energy, water, highways, bridges, or other important infrastructure projects, provided the legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

*Sec. 304. Investing in clean energy, preserving the environment, and providing for certain settlements*

(a) Energy and the Environment: The Senate-passed resolution includes a deficit-neutral reserve fund that will allow the Chairman of the Budget Committee to revise the levels and limits in the resolution for energy legislation or environmental legislation that would decrease greenhouse gas emissions, reduce our nation's dependence on imported energy, produce ''green'' jobs, or protect national parks, oceans, or coastal areas, provided the legislation is deficit-neutral over the total of 2008–2013 and 2008–2018. The legislation may include tax provisions.

(b) Settlements: The Senate-passed resolution includes a deficit-neutral reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation to carry out the San Joaquin River Restoration Settlement Act, or legislation to implement a Navajo Nation water rights settlement and other provisions authorized by the Northwestern New Mexico Rural Water Projects Act, provided the legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

*Sec. 305. Providing for America's veterans, wounded servicemembers, and a post–9/11 G.I. bill*

The Senate-passed resolution includes deficit-neutral reserve funds allowing the Chairman of the Budget Committee to revise the levels in the resolution for—

(a) Veterans and Wounded Servicemembers: Legislation that would—

(1) enhance medical care, disability evaluations, or disability benefits for wounded or disabled military personnel or veterans;

(2) provide for or increase benefits to Filipino veterans of World War II, their survivors and dependents;

(3) allow for the transfer of education benefits from servicemembers to family members or veterans (including the elimination of the offset between Survivor Benefit Plan annuities and veterans' dependency and indemnity compensation);

(4) provide for continuing payment to Armed Forces Members retired or separated due to combat-related injury after September 11, 2001, of bonuses they were entitled to prior to retirement or separation; or

(5) enhance availability of health care and other services for veterans in rural areas

—provided the legislation does not include increased fees charged to veterans for pharmacy co-payments, annual enrollment, or other third-party insurance payment offsets, and provided it is deficit-neutral over the total of 2008–2013 and 2008–2018.

(b) A Post–9/11 G.I. Bill: Legislation to enhance educational benefits of servicemembers and veterans with service on active duty in the Armed Forces on or after September 11, 2001, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

*Sec. 306. Improving America's health*

The Senate-passed resolution includes deficit-neutral reserve funds allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation in the following areas, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

(a) SCHIP: Legislation to reauthorize the State Children's Health Insurance Program, expand coverage of the estimated six million children eligible but not enrolled in either SCHIP or Medicaid, and maintain coverage for all currently-enrolled children.

(b) Medicare Improvements—

(1) Physician Payments: Legislation to increase the reimbursement rate for physician services under Medicare Part B. Under current law, without further Congressional action, physician payments under Medicare Part B will be cut over ten percent on July 1, 2008, and an additional five percent in subsequent years. The President's budget does not propose to prevent this cut. If no adjustments are made, over time, more and more physicians will stop providing services to Medicare patients, reducing seniors' access to care.

(2) Other Medicare Improvements: Legislation to make other improvements to the Medicare program, including improvements to the prescription drug benefit under Medicare Part D, adjustments to the Medicare Savings Program, reductions to beneficiary cost-sharing for preventive benefits under Medicare Part B, and to encourage physicians to train in primary care residencies and attract more physicians and other health care providers to States that face a shortage of health care providers.

(3) Electronic Prescribing: Legislation to promote deployment and use of electronic prescribing technologies.

(4) Rural Equity Payment Policies: Legislation to preserve existing Medicare payment provisions supporting rural health care and promote Medicare payment policies that increase access to quality health care in isolated and undeserved rural areas.

(5) Medicare Low-Income Programs: Legislation making improvements to the Medicare Savings Program and the Medicare Part D low-income subsidy program.

(c) Health Care Quality, Effectiveness, Efficiency, and Transparency, including:

(1) Comparative Effectiveness Research: Legislation to establish a new federal or public-private initiative for comparative effectiveness research.

(2) Improving the Health Care System: Legislation to create a framework and parameters for the use of Medicare data for the

purpose of conducting research, public reporting, and other activities to evaluate health care safety, effectiveness, efficiency, quality, and resource utilization in federal programs and the private health care system, while protecting the privacy of beneficiaries and other proprietary information.

(3) Health Information Technology and Best Practices—

(A) Health Information Technology: Legislation to provide incentives or other support for adoption of modern health information technology, including the adoption of electronic prescribing technology, to improve quality and protect privacy in health care, such as activities by the Department of Defense and the Department of Veterans Affairs to integrate their electronic health record data.

(B) Best Practices: Legislation that provides for payments that are based on adherence to clinical ''best practices.''

(d) FDA, including:

(1) Regulation: Legislation that authorizes the Food and Drug Administration (FDA) to regulate products and assess user fees on manufacturers and importers of these products to cover the cost of FDA's regulatory activities, and

(2) Drug Importation: Legislation allowing for the safe importation of prescription drugs approved by the FDA.

(e) Medicaid, including:

(1) Rules or Administrative Actions: Legislation addressing certain rules or administrative actions, and

(2) TMA: Legislation extending the Transitional Medical Assistance program.

(f) Other Improvements in Health, including legislation making health insurance coverage more affordable and available to small businesses and their employees, improving health care and provide quality health insurance for the uninsured and underinsured, reauthorizing special diabetes programs, improving long-term care, or providing for mental health parity.

(g) Pediatric Dental Care, for legislation providing for improved access to pediatric dental care for children from low-income families. The Senate recognizes the importance of pediatric dental services in the overall health of children and the potential preventative dental care services have to save costs in the long run. However, access to pediatric dental services can be improved. For example, community-based dental clinics cite low reimbursement as a strain on their ability to treat uninsured patients and improve access to Medicaid and SCHIP beneficiaries. To address this issue, the Senate-passed resolution includes a deficit-neutral reserve fund for legislation to improve pediatric oral health and increase access to such services, including adequately compensating qualified dental clinics and other oral health providers for treatment of children from low-income families.

*Sec. 308. Judicial pay and judgeships*

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that authorizes salary adjustments for justices and judges of the United States or increases the number of federal judgeships, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

*Sec. 309. Reforming the AMT for individuals*

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would reinstate the pre-1993 rates for the alternative minimum tax for individuals, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

*Sec. 310. Repealing the 1993 increase in the income tax on Social Security benefits*

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would repeal the 1993 increase in the income tax on Social Security benefits, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

*Sec. 311. Improving energy efficiency and production*

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation including specific proposals to improve energy efficiency and production, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

*Sec. 312. Immigration reform and enforcement*

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would provide increased border security, immigration law enforcement, staffing, reform measures, and penalties against employers hiring undocumented immigrants; prohibit employers hiring undocumented immigrants from receiving federal contracts; provide funding for enforcing sanctions against such employers; deploy National Guard troops to the northern or southern borders of the U.S. under certain circumstances; evaluate noncitizen prison populations for removable criminal aliens; or implement exit data, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

*Sec. 313. Border security, immigration enforcement, and criminal alien removal*

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that funds border security, immigration enforcement, and criminal alien removal programs, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

*Sec. 314. Science parks*

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that provides grants and loan guarantees for developing and constructing science parks to promote innovation through high technology, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

*Sec. 315. Pilot program for background checks on long-term care employees*

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that provides for a three-year extension of the pilot program for national and state background checks on direct patient access employees of long-term care facilities or providers under section 307 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 and removes the limit on the number of participating states under the pilot program, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

*Sec. 316. Studying the effect of cooperation with local law enforcement*

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that requires an assessment of the impact of local ordinances prohibiting cooperation with the Department of Homeland Security regarding the effectiveness of law enforcement, success rates of criminal prosecutions, reporting of criminal activities by immigrant victims of crime, and level of public safety; changes in the number of reported incidents or complaints of racial profiling; or wrongful detention of U.S. citizens and lawful permanent residents, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

*Sec. 317. Terminating deductions from mineral revenue payments to states*

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would terminate the authority to deduct certain amounts from mineral revenues payable to states, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

*Sec. 318. Establishing state internet sites for disclosure of information regarding payments made under the state Medicaid program*

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution if legislation is reported by the Finance Committee that provides for states to disclose through a publicly accessible internet site institutional providers receiving payment under the state Medicaid program, amounts paid to each provider each year, the number of patients treated by each provider, and the dollar amount paid per patient to each provider, provided that the Finance Committee is within its committee allocation pursuant to section 302(a) of the Congressional Budget Act of 1974 and such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

*Sec. 319. Traumatic brain injury*

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would provide at least $9 million for 2009 to fund traumatic brain injury programs, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

*Sec. 320. Improving the animal health and disease program*

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would fully fund the animal health and disease program, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

*Sec. 321. Implementing yellow ribbon reintegration program for National Guard and Reserve members*

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would provide for implementation of the Yellow Ribbon Reintegration Program for members of the National Guard and Reserve, provided such legislation is deficit-neutral over the total of 2008–2013.

*Sec. 322. Reimbursing states for costs of housing undocumented criminal aliens*

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would reimburse states and local governments for costs incurred to house undocumented criminal aliens, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

*Sec. 323. Acceleration of phased-in eligibility for concurrent receipt of benefits*

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would change the date from December 31, 2013, to September 30, 2008, by which eligibility of members of the Armed Forces for concurrent receipt of retired pay and veterans' disability compensation would be fully phased in, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

*Sec. 324. Increased use of recovery audits*

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would achieve savings by requiring agencies to increase their use of recovery audits and use those savings to reduce the deficit, provided such legislation would not increase the deficit over the total of 2008–2013 or 2008–2018.

*Sec. 325. Food safety*

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would expand FDA and Department of Agriculture food safety inspection services, develop risk-based approaches to inspecting domestic and imported food products, provide for infrastructure and information technology systems to enhance the safety of the food supply, expand scientific capacity and training, invest in improved surveillance and testing technologies, provide for foodborne illness awareness and education, and enhance the FDA's recall authority, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

*Sec. 326. Demonstration project regarding Medicaid coverage of low-income HIV-infected individuals*

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would provide for a demonstration project under which a state may apply to provide medical assistance under a state Medicaid program to HIV-infected individuals who are otherwise ineligible for such medical assistance, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

*Sec. 327. Reducing the income threshold for the refundable child tax credit*

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would reduce the income threshold for the refundable child tax credit to $10,000 for 2009 and 2010 with no inflation adjustment, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

*Sec. 329. Education reform*

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would promote flexibility in federal education programs, restore state and local authority in education, ensure that public schools are held accountable for results, and prevent discrimination against homeschoolers, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

*Sec. 330. Processing naturalization applications*

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would provide for adjudication of name check and security clearances by the FBI or provide for adjudication of applications, including interviewing and swearing-in of applications by the Department of Homeland Security/U.S. Citizenship and Immigration Services by October 1, 2008, for individuals who have submitted applications for naturalization before March 1, 2008, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

*Sec. 331. Access to quality and affordable health insurance*

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would promote choice and competition to drive down costs and improve access to health care for all Americans without increasing taxes, strengthen health care quality by promoting wellness and empowering consumers with information on quality and cost, protect Americans' economic security from catastrophic events by expanding insurance options and improving health insurance portability, and promote advanced research and development of new treatments and cures, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

*Sec. 332. 9/11 health program*

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution if the HELP Committee reports legislation to establish a program that includes medical monitoring and treatment to address adverse health impacts linked to the September 11, 2001 attacks, and if the HELP Committee finds that previously spent World Trade Center Health Program funds were used to provide screening, monitoring, and treatment services and directly related program support, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

*Sec. 333. Banning Medicare Advantage and Medicare prescription drug plan sales and marketing abuses*

The Senate-passed resolution includes a reserve fund allowing the Chairman of the Budget Committee to revise the levels in the resolution for legislation that would limit inappropriate or abusive marketing tactics by private insurers and their agents offering Medicare Advantage or Medicare prescription drug plans by enacting recommendations agreed to by leaders of the health insurance industry on March 3, 2008, provided such legislation is deficit-neutral over the total of 2008–2013 and 2008–2018.

*Conference Agreement*

Title II of the conference agreement contains reserve funds.

*Subtitle A: House reserve funds*

Subtitle A of the conference agreement contains the following reserve funds that apply only in the House:

Sec. 201. Deficit-neutral reserve fund for SCHIP legislation (Sec. 301 of the House-passed resolution)

Sec. 202. Deficit-neutral reserve fund for America's veterans and servicemembers (Sec. 302 of the House-passed resolution, as modified)

Sec. 203. Deficit-neutral reserve fund for education benefits for servicemembers, veterans, and their families (Sec. 303 of the House-passed resolution, as modified)

Sec. 204. Deficit-neutral reserve fund for infrastructure investment (Sec. 304 of the House-passed resolution, as modified)

Sec. 205. Deficit-neutral reserve fund for renewable energy and energy efficiency (Sec. 305 of the House-passed resolution)

Sec. 206. Deficit-neutral reserve fund for middle-income tax relief and economic equity (Sec. 306 of the House-passed resolution)

Sec. 207. Deficit-neutral reserve fund for reform of the alternative minimum tax (Sec. 307 of the House-passed resolution)

Sec. 208. Deficit-neutral reserve fund for higher education (Sec. 308 of the House-passed resolution)

Sec. 209. Deficit-neutral reserve fund for affordable housing (Sec. 309 of the House-passed resolution)

Sec. 210. Deficit-neutral reserve fund for Medicare improvements (Sec. 310 of the House-passed resolution, as modified)

Sec. 211. Deficit-neutral reserve fund for health care quality, effectiveness, and efficiency (Sec. 311 of the House-passed resolution, as modified)

Sec. 212. Deficit-neutral reserve fund for Medicaid and other programs (Sec. 312 of the House-passed resolution, as modified)

Sec. 213. Deficit-neutral reserve fund for a 9/11 health program (Sec. 332 of the Senate-passed resolution, as modified)

Sec. 214. Deficit-neutral reserve fund for trade adjustment assistance and unemployment insurance modernization (Sec. 313 of the House-passed resolution)

Sec. 215. Deficit-neutral reserve fund for county payments legislation (Sec. 314 of the House-passed resolution)

Sec. 216. Deficit-neutral reserve fund for San Joaquin River restoration and Navajo Nation water rights settlements (Sec. 315 of the House-passed resolution, as modified)

Sec. 217. Deficit-neutral reserve fund for the National Park Centennial Fund (Sec. 316 of the House-passed resolution)

Sec. 218. Deficit-neutral reserve fund for child support enforcement (Sec. 317 of the House-passed resolution)

Sec. 219. Deficit-neutral reserve fund for children and families (Sec. 301(f) of the Senate-passed resolution, as modified)

Sec. 220. Reserve fund adjustment for revenue measures in the House

Last year, section 321 of the Conference Report to accompany S. Con. Res. 21 created a reserve fund for consideration of any revenue measure (including a conference report) in the House. This section supersedes last year's provision. It applies to revenue measures that would increase the deficit or reduce the surplus in violation of the House PAYGO rule and would reduce revenues below the revenue levels for the period of fiscal years 2009 through 2013 as measured against the Congressional Budget Office baseline used for consideration of this concurrent resolution. The revenue measure can become effective only upon certification by the Secretary of the Treasury and the Director of the Office of Management and Budget that any reduction in revenues for the period comprising the fiscal years through 2013 will not exceed the lesser of $340.570 billion or 80 percent of the sum of the unified budget surplus for fiscal years 2012 and 2013, as estimated by them no earlier than October 1, 2009. If this certification provision is not included in the language of the measure, the Chairman of the House Budget Committee will adjust aggregate revenue levels in the resolution to create a point of order in the House against the measure under section 311 of the Congressional Budget Act. The Chairman would readjust the levels upon disposition of any measure considered in violation of this section. This point of order would be in addition to a House PAYGO point of order, which lies against any bill that is not deficit-neutral over the periods specified in the PAYGO rule, notwithstanding any other provisions of this conference agreement.

Any measure, including a conference report, that is in violation of the PAYGO rule and decreases revenues in fiscal years 2009

through 2013 below the CBO baseline for that period, would have this additional point of order against it in the House, unless the measure includes a provision consistent with the following:

None of the provisions of this Act or amendments made by it shall have legal force or effect unless on or after October 1, 2009, the Secretary of the Treasury and the Director of the Office of Management and Budget project a unified budget surplus for the fiscal years 2012 and 2013, estimate the budgetary impact of this Act, and certify by a joint communication, published in the Federal Register, that the estimated reduction in revenues for the period comprising the fiscal years through 2013 resulting from this Act (including any amendments made by this Act) will not exceed the lesser of $340.570 billion or 80 percent of the sum of the projected unified surplus for fiscal years 2012 and 2013.

Section 220 is a reserve fund that applies in the House only. It does not apply in the Senate. Its inclusion in this conference report, and the inclusion of the above language by the House of Representatives in this joint statement regarding the operation of this section in the House, is not to be construed as setting any procedural precedent in the Senate and does not reflect the Senate's agreement to any provisions in any conference agreement on revenue measures that are affected in the House by the requirements of this reserve fund.

*Subtitle B: Senate reserve funds*

Subtitle B of the conference agreement contains the following reserve funds that apply only in the Senate:

Sec. 221. Deficit-neutral reserve fund to strengthen and stimulate the American economy and provide economic relief to American families (Sec. 301 of the Senate-passed resolution, as modified)

Sec. 222. Deficit-neutral reserve fund for improving education (Secs. 302 and 329 of the Senate-passed resolution, as modified)

Sec. 223. Deficit-neutral reserve fund for investments in America's infrastructure (Sec. 303 of the Senate-passed resolution)

Sec. 224. Deficit-neutral reserve fund to invest in clean energy, preserve the environment, and provide for certain settlements (combines provisions from Sec. 304 and Sec. 311 of the Senate-passed resolution, as modified)

Sec. 225. Deficit-neutral reserve fund for America's veterans and servicemembers (Sec. 305(a) of the Senate-passed resolution, as modified)

Sec. 226. Deficit-neutral reserve fund for education benefits for servicemembers, veterans, and their families (Sec. 305(b) of the Senate-passed resolution, as modified)

Sec. 227. Deficit-neutral reserve fund to improve America's health (Secs. 306, 315, and 333 of the Senate-passed resolution, as modified)

Sec. 228. Deficit-neutral reserve fund for reform of the alternative minimum tax (Sec. 309 of the Senate-passed resolution, as modified)

Sec. 229. Deficit-neutral reserve fund for judicial pay and judgeships (Sec. 308 of the Senate-passed resolution)

Sec. 230. Deficit-neutral reserve fund for immigration enforcement and reform (replaces Secs. 312, 313, 316, 322, and 330 of the Senate-passed resolution)

Sec. 231. Deficit-neutral reserve fund for science parks (Sec. 314 of the Senate-passed resolution, as modified)

Sec. 232. Deficit-neutral reserve fund to terminate deductions from mineral revenue payments to States (Sec. 317 of the Senate-passed resolution, as modified)

Sec. 233. Deficit-neutral reserve fund for increased used of recovery audits (Sec. 324 of the Senate-passed resolution)

Sec. 234. Deficit-neutral reserve fund for food safety (Sec. 325 of the Senate-passed resolution, as modified)

Sec. 235. Deficit-neutral reserve fund for demonstration project regarding Medicaid coverage of low-income HIV-infected individuals (Sec. 326 of the Senate-passed resolution)

Sec. 236. Deficit-neutral reserve fund for reducing the income threshold for the refundable child tax credit, and other selected tax relief policies (Sec. 327 of the Senate-passed resolution, as modified)

Sec. 237. Deficit-neutral reserve fund for a 9/11 health program (Sec. 332 of the Senate-passed resolution, as modified)

Throughout this subtitle, the use of the word ''limits'' refers to the discretionary spending limits in the Senate.

BUDGET ENFORCEMENT

The House and the Senate use enforcement provisions to ensure that legislation is consistent with the budget plan set forth in the budget resolution. The conference agreement contains enforcement provisions for the House and Senate to accommodate the procedures that apply to consideration of legislation in each chamber. Other provisions applicable in both the House and Senate are included in Subtitle C.

*House-passed Resolution*

*Sec. 401. Program Integrity Initiatives*

Section 401 provides for specific allocation adjustments for the Committee on Appropriations when the Committee reports legislation that includes increased appropriations for the following four program integrity initiatives: 1) continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration; 2) improved compliance with the provisions of the Internal Revenue Code; 3) the Health Care Fraud and Abuse Control program at the Department of Health and Human Services; and 4) unemployment insurance in-person reemployment and eligibility assessments and improper payment reviews.

The adjustments under this section are intended to do no more than provide additional administrative funding for current program integrity activities to eliminate errors or fraud in the operation of a number of federal programs and to promote compliance with federal tax laws. For example, the adjustment for unemployment compensation programs is provided to increase limited administrative funding for current program integrity activities, and not to finance other proposals that would adversely affect workers who have received unemployment benefits. The section outlines procedures for these allocation adjustments.

*Sec. 402. Oversight of Government Performance*

Section 402 directs Committees of the House of Representatives to review programs within their jurisdiction for waste, fraud, and abuse and to include recommendations for improved governmental performance in views and estimates submitted to the Budget Committee pursuant to section 301(d) of the Congressional Budget Act.

*Sec. 403. Advance Appropriations*

Section 403 limits the amount and type of advance appropriations for fiscal years 2010 and 2011. Under this section, advance appropriations for fiscal year 2010 are restricted to $27.558 billion for the programs, projects, activities, or accounts to be included in the joint explanatory statement of managers to accompany the conference report on this resolution. Advances for 2011 are listed separately. The section defines advance appropriations as any new discretionary budget authority provided in a bill or joint resolution making general or continuing appropriations for fiscal year 2009 that first becomes available for any fiscal year after 2009.

*Sec. 404. Overseas Deployments and Emergency Needs*

Section 404 establishes a procedure whereby provisions or measures reported by the Committee on Appropriations will be exempt from the restrictions under titles III and IV of the Congressional Budget Act of 1974. The exemption will apply if: (1) the Committee determines and designates that amounts appropriated are necessary for overseas deployments and related activities; or, (2) the Committee provides discretionary appropriations and designates those amounts as necessary to meet emergency needs.

*Sec. 405. Budgetary Treatment of Certain Discretionary Administrative Expenses*

Section 405 provides that administrative expenses of the Social Security Administration and of the Postal Service shall be part of the annual appropriations process by including those expenses in the allocation to the Committee on Appropriations pursuant to section 302 of the Congressional Budget Act.

*Sec. 406. Application and Effect of Changes in Allocations and Aggregates*

Section 406 details the allocation and aggregate adjustment procedures that are required to accommodate legislation for the reserve funds and program integrity initiatives in this resolution. This section provides that the adjustments shall apply while the legislation is under consideration and take effect upon enactment of the legislation. In addition, the section requires the adjustments to be printed in the Congressional Record.

The section also notes that, for purposes of enforcement, aggregate and allocation levels resulting from adjustments made pursuant to this resolution will have the same effect as if adopted in the original levels of Title I of this budget resolution. This section also provides that the Committee on the Budget shall determine the budgetary levels and estimates which are required to enforce points of order under the Congressional Budget Act.

*Sec. 407. Adjustments to Reflect Changes in Concepts and Definitions*

Section 407 requires the chairman of the Committee on the Budget to adjust levels and allocations in this budget resolution upon enactment of legislation that changes concepts or definitions.

*Sec. 408. Exercise of Rulemaking Powers*

Section 408 provides that, once adopted, the provisions of the budget resolution are incorporated into the rules of the House of Representatives and shall supersede inconsistent rules. The section recognizes the constitutional right of the House of Representatives to change those rules at any time.

*Senate-passed Resolution*

The FY2008 budget resolution (S. Con Res. 21, 110th Congress) included many important enforcement provisions which remain in effect in the Senate. These include:

- The Senate pay-as-you-go point of order (Sec. 201), requiring that new mandatory spending and tax cuts be offset or get 60 votes. The Senate-passed resolution assumed that all existing balances on the Senate pay-as-you-go ledger would be eliminated, and the scorecard reset to zero for 2008–2013 and 2008–2018;
- The 60-vote point of order against reconciliation increasing the deficit (Sec. 202);
- The 60-vote point of order against emergency designations (Sec. 204);

• Continued 60-vote enforcement of Senate budgetary points of order (Sec. 205); and

• The requirement that the discretionary administrative expenses of the Social Security Administration be included in the Appropriations Committee's 302(a) allocation in any budget resolution (Sec. 210).

The Senate-passed resolution for 2009, S. Con. Res. 70, included the following enforcement provisions, most of which updated provisions that were part of the 2008 budget resolution.

Subtitle A—Direct Spending and Receipts

*Sec. 201. Point of order against legislation increasing long-term deficits*

The Senate-passed resolution included a point of order in the Senate against legislation that would cause a net deficit increase (including changes in revenues and mandatory spending, but excluding debt service) in any of the four consecutive ten-year periods beginning with the first fiscal year that is ten years after the budget year provided for in the most recently-adopted budget resolution (for 2009 these time periods would be 2019–2028, 2029–2038, 2039–2048, and 2049–2058). The point of order could be waived with 60 votes, and it would sunset at the end of 2017.

*Sec. 202. Point of order—20 percent limit on new direct spending in reconciliation legislation*

The Senate-passed resolution would create a 60–vote point of order against provisions of any reconciliation legislation that would increase outlays if the effect of all the provisions in any committee's jurisdiction would create gross new direct spending exceeding 20% of the total savings instruction to that committee.

Subtitle B—Discretionary Spending

*Sec. 211. Discretionary spending caps*

The Senate-passed resolution would strengthen fiscal responsibility by establishing discretionary spending limits for 2008 and 2009, and enforce them with a point of order in the Senate that could only be waived with 60 votes. For 2008, it provides a cap of $1,055.478 billion in budget authority and $1,093.343 billion in outlays. For 2009, it sets a cap of $1,008.482 billion in budget authority and $1,108.449 billion in outlays.

As in past years, the Senate resolution would permit adjustments to the discretionary spending limits in 2009 for program integrity initiatives, such as Social Security Administration continuing disability reviews (CDRs) and Supplemental Security Income redeterminations, enhanced Internal Revenue Service tax enforcement to address the tax gap, appropriations for the Health Care Fraud and Abuse Control (HCFAC) program at the Department of Health and Human Services, and unemployment insurance improper payments reviews at the Department of Labor. It also provides for adjustments in 2008 and 2009 for the wars in Iraq and Afghanistan, as well as adjustments in 2009 for comparative effectiveness research at the Agency for Healthcare Research and Quality (AHRQ).

The Senate resolution also includes a program integrity cap adjustment dedicated to reducing waste in defense contracting. It allows the Chairman of the Budget Committee to increase the discretionary spending cap by up to $100,000,000 to accommodate legislation appropriating funding for the Department of Defense for additional activities to reduce waste, fraud, abuse, and overpayments in defense contracting; achieve the legal requirement for the Pentagon to submit auditable financial statements; subject contracts performed outside the U.S. to the same requirements as those performed domestically; or improve accounting for and ordering of spare parts.

*Sec. 212. Advance appropriations*

As in past years, the Senate-passed resolution provided a supermajority point of order in the Senate against appropriations in fiscal year 2009 bills that would first become effective in any year after fiscal year 2009, and against appropriations in fiscal year 2010 bills that would first become effective in any year after fiscal year 2010. It would not apply against appropriations for the Corporation for Public Broadcasting, nor against changes in mandatory programs or deferrals of mandatory budget authority from one year to the next. There is an exemption for each of fiscal years 2009 and 2010 of up to $29.352 billion for the following:

ACCOUNTS IDENTIFIED FOR ADVANCE APPROPRIATIONS IN THE SENATE

Labor, HHS:
Employment and Training Administration
Job Corps
Education for the Disadvantaged
School Improvement
Children and Family Services (Head Start)
Special Education
Career, Technical, and Adult Education
Financial Services and General Government: Payment to Postal Service
Transportation, Housing and Urban Development: Section 8 Renewals

*Sec. 213. Appropriations changes in mandatory programs (ChIMPs) with net costs*

The Senate-passed resolution again included a 60-vote point of order against any provision of appropriations legislation that would have been estimated as affecting direct spending or receipts if it were included in legislation other than appropriations legislation, if all three of the following conditions are met:

(1) the provision would increase BA in—

(a) at least one of the nine fiscal years that follow the budget year, and

(b) over the period of the total of the budget year and the nine fiscal years following the budget year;

(2) the provision would increase net outlays over the period of the total of the nine fiscal years following the budget year; and

(3) the sum total of all changes in mandatory programs in the legislation would increase net outlays as measured over the period of the total of the nine fiscal years following the budget year.

The point of order would not apply against any ChIMPs that were enacted in each of the three fiscal years prior to the budget year. The point of order works like the Byrd rule in that it applies against individual provisions of legislation rather than against an entire bill, amendment, or conference report. If the point of order is not waived then the offending provision is stricken.

*Sec. 214. Treatment of Postal Service administrative expenses*

The 2008 budget resolution included a provision, which remains in effect, requiring that all budget resolutions include the Administrative Expenses of the Social Security Administration in the 302(a) allocations to the Appropriations Committee. The Senate-passed resolution for 2009 included a new, similar requirement, that all budget resolutions include the Administrative Expenses of the Postal Service in the 302(a) allocations to the Appropriations Committee.

Subtitle C—Other Provisions

*Sec. 221. Application and effect of changes in allocations and aggregates*

This section of the Senate-passed resolution details the adjustment procedures required to accommodate legislation provided for in this resolution, and requires adjustments made to be printed in the Congressional Record. For purposes of enforcement, the levels resulting from adjustments made pursuant to this resolution will have the same effect as if adopted in the levels of Title I of this resolution. The Committee on the Budget of the Senate determines the budgetary levels and estimates required to enforce budgetary points of order, including those pursuant to this resolution and the Congressional Budget Act of 1974.

*Sec. 222. Adjustments to reflect changes in concepts and definitions*

This section of the Senate-passed resolution allows the Chairman of the Committee on the Budget to adjust levels in this resolution upon the enactment of legislation that changes concepts or definitions.

*Secs. 223 and 224. Debt disclosure*

These sections reflected an amendment adopted in the Senate Budget Committee regarding the levels of debt assumed in the budget resolution and to require budget resolutions to contain a debt disclosure section.

*Sec. 225. Exercise of rulemaking powers*

This section of the Senate-passed resolution recognizes that the provisions of this resolution are adopted pursuant to the rulemaking power of the Senate, and also recognizes the Constitutional right of the Senate to change those rules as they apply to the Senate.

*Sec. 226. Circuit breaker to protect Social Security*

This section of the Senate resolution would create a 60–vote point of order, in any year in which CBO projects an on-budget deficit for the budget year or any subsequent fiscal year, against a budget resolution for that year (and amendments thereto) which would fail to reduce on-budget deficits relative to CBO's projections and put the budget on a path to achieve on-budget balance within five years. There is an exception during times of war and low economic growth.

*Conference Agreement*

Title III contains the following enforcement provisions:

*Subtitle A: House Enforcement Provisions*

Sec. 301. Program integrity initiatives and other adjustments (Secs. 401 and 404 of the House-passed resolution, as modified, and Sec. 211 (d) of the Senate-passed resolution, as made applicable in the House)

Sec. 302. Point of order against advance appropriations (Sec. 403 of the House-passed resolution, as modified)

Accounts identified for advance appropriations in the House:

*Advance Appropriations for Fiscal Year 2010:*

Employment and Training Administration
Job Corps
Education for the Disadvantaged
School Improvement
Children and Family Services (Head Start)
Special Education
Career, Technical and Adult Education
Payment to Postal Service
Tenant-based Rental Assistance
Project-based Rental Assistance

*Advance Appropriations for Fiscal Year 2011:*

The Corporation for Public Broadcasting

*Subtitle B: Senate Enforcement Provisions*

The FY2008 budget resolution (S. Con Res. 21, 110th Congress) included many important enforcement provisions which remain in effect in the Senate. These include:

• The Senate pay-as-you-go point of order (Sec. 201), requiring that new mandatory spending and tax cuts be offset or get 60 votes. The Senate-passed resolution assumed that all existing balances on the Senate pay-as-you-go ledger would be eliminated, and the scorecard reset to zero for 2008–2013 and 2008–2018;

• The 60–vote point of order against reconciliation increasing the deficit (Sec. 202);

• The 60–vote point of order against emergency designations (Sec. 204);

• Continued 60–vote enforcement of Senate budgetary points of order (Sec. 205); and

• The requirement that the discretionary administrative expenses of the Social Security Administration be included in the Appropriations Committee's 302(a) allocation in any budget resolution (Sec. 210).

Sec. 311. Senate point of order against legislation increasing long-term deficits (Sec. 201 of the Senate-passed resolution, as modified)

Sec. 312. Discretionary spending limits, program integrity initiatives, and other adjustments (Sec. 211 of the Senate-passed resolution, as modified)

Sec. 313. Point of order against advance appropriations (Sec. 212 of the Senate-passed resolution, as modified)

Accounts identified for advance appropriations in the Senate:

Labor, HHS:

Employment and Training Administration

Job Corps

Education for the Disadvantaged

School Improvement

Children and Family Services (Head Start)

Special Education

Career, Technical, and Adult Education

Financial Services and General Government: Payment to Postal Service

Transportation, Housing and Urban Development:

Tenant-based Rental Assistance

Project-based Rental Assistance

Sec. 314. Senate point of order against provisions of appropriations legislation that constitute changes in mandatory programs with net costs (Sec. 213 of the Senate-passed resolution, as modified)

Sec. 315. Senate point of order against legislation increasing short-term deficit

This section creates a point of order in the Senate against legislation other than appropriations measures that would increase the on-budget deficit by more than $10 billion in any year covered by the budget resolution, unless the legislation is fully offset over the total of all of the years covered by the budget resolution. Its purpose is to complement paygo, by requiring that any measure with a cost of over $10 billion in any year be paid for over the budget window. The point of order can be waived only with 60 votes. Like paygo and other Senate points of order, it will remain in place until September 30, 2017.

*Subtitle C: Other Provisions*

Sec. 321. Oversight of government performance (Sec. 402 of the House-passed resolution and Sec. 211(d) of the Senate-passed resolution, as modified)

Sec. 322. Budgetary treatment of certain discretionary administrative expenses (Sec. 405 of the House-passed resolution and Sec. 214 of the Senate-passed resolution, as modified)

Sec. 323. Application and effect of changes in allocations and aggregates (Sec. 406 of the House-passed resolution and Sec. 221 of the Senate-passed resolution, as modified)

Sec. 324. Adjustments to reflect changes in concepts and definitions (Sec. 407 of the House-passed resolution and Sec. 222 of the Senate-passed resolution, as modified)

Sec. 325. Exercise of rulemaking powers (Sec. 408 of the House-passed resolution and Sec. 225 of the Senate-passed resolution, as modified)

POLICY

*House-passed Resolution*

Title V of the House-passed resolution contains the following policy sections:

Sec. 501. Policy on middle-income tax relief

Sec. 502. Policy on defense priorities

*Senate-passed Resolution*

Unlike Title V of the House-passed resolution, the Senate resolution did not contain a policy statement title.

*Conference Agreement*

Title IV of the conference agreement contains the following policy sections:

Sec. 401. Policy on middle-income tax relief

Sec. 401 applies only in the House.

The policy of the Senate with regard to middle-income tax relief is as follows:

The Senate adopted by a vote of 99 to 1 an amendment to S. Con. Res. 70 as reported by the Senate Committee on the Budget which, with regard to tax relief, reduced the revenue aggregates by $340.570 billion to provide for—

(A) extension of the child tax credit;

(B) extension of marriage penalty relief;

(C) extension of the 10 percent individual income tax bracket;

(D) reform of the estate tax to protect small businesses and family farms;

(E) extension of the adoption tax credit;

(F) extension of the dependent care tax credit;

(G) tax relief for America's troops and veterans;

(H) property tax relief for homeowners;

(I) expansion of the availability of the child tax credit for low-income families;

(J) relief for those whose homes were damaged or destroyed by Hurricanes Katrina and Rita; and

(K) other, unspecified tax relief.

It is the policy of the Senate that this resolution supports both the enactment of the policies listed above and the Senate pay-as-you-go rule in section 201 of the FY2008 budget resolution (S. Con Res. 21, 110th Congress), and that any additional revenues needed to meet the Senate's tax policy goals can be achieved by closing the tax gap, shutting down abusive tax shelters, addressing offshore tax havens, and without raising taxes.

Sec. 402. Policy on defense priorities

Sec. 402 applies in both the House and the Senate.

SENSE OF THE HOUSE, SENATE, AND CONGRESS

*House-passed Resolution*

Title VI of the House-passed resolution contains the following Sense of the House sections:

Sec. 601. Sense of the House on the Innovation Agenda and America COMPETES Act

Sec. 602. Sense of the House on servicemembers' and veterans' health care and other priorities

Sec. 603. Sense of the House on homeland security

Sec. 604. Sense of the House regarding long-term fiscal reform

Sec. 605. Sense of the House regarding waste, fraud, and abuse

Sec. 606. Sense of the House regarding extension of the statutory pay-as-you-go rule

Sec. 607. Sense of the House on long-term budgeting

Sec. 608. Sense of the House regarding the need to maintain and build upon efforts to fight hunger

Sec. 609. Sense of the House regarding affordable health coverage

Sec. 610. Sense of the House regarding pay parity

Sec. 611. Sense of the House regarding subprime lending and foreclosures

Sec. 612. Sense of the House regarding the importance of child support enforcement

*Senate-passed Resolution*

Title III of the Senate-passed resolution contains the following Sense of the Senate sections:

Sec. 307. Sense of the Senate regarding Medicaid administrative regulations

The Senate-passed resolution expresses the sense of the Senate that administrative regulations should not undermine Medicaid's role as a critical component of health care in the United States, cap Medicaid spending or otherwise shift Medicaid cost burdens to state or local governments and their taxpayers and health providers, or undermine the federal guarantee of health insurance coverage that Medicaid provides.

Sec. 328. Sense of the Senate regarding diversion of funds set aside for USPTO

The Senate-passed resolution expresses the sense of the Senate that none of the funds recommended by this resolution or appropriated or otherwise made available under any other Act to the U.S. Patent and Trademark Office shall be diverted, redirected, transferred, or used for any purpose other than that for which the funds were intended.

Sec. 334. Sense of the Senate regarding ''moving to work agreement''

The Senate-passed resolution expresses the sense of the Senate that the Philadelphia Housing Authority should be granted a one-year extension of its ''Moving to Work Agreement'' with the U.S. Department of Housing and Urban Development.

Sec. 335. Sense of the Senate regarding balanced budget amendment to the Constitution of the United States

The Senate-passed resolution expresses the sense of the Senate that a balanced budget amendment to the Constitution should be voted on at the earliest opportunity.

Sec. 336. Sense of the Senate regarding comprehensive legislation to legalize importation of prescription drugs from highly-industrialized countries with safe pharmaceutical infrastructures

The Senate-passed resolution expresses the sense of the Senate in support of Senate consideration of comprehensive legislation to legalize the importation of prescription drugs from highly-industrialized countries with safe pharmaceutical infrastructures and create a regulatory pathway to ensure such drugs are safe.

*Conference Agreement*

Title V of the conference agreement contains the following sense of the Senate and Congress provisions:

*Subtitle A: Sense of the Senate*

Sec. 501. Sense of the Senate regarding Medicaid administrative regulations

*Subtitle B: Sense of the Congress*

Sec. 511. Sense of the Congress on servicemembers' and veterans' health care and other priorities

Sec. 512. Sense of the Congress on homeland security

Sec. 513. Sense of the Congress regarding long-term fiscal reform

Sec. 514. Sense of the Congress regarding waste, fraud, and abuse

Sec. 515. Sense of the Congress regarding extension of the statutory pay-as-you-go rule

Sec. 516. Sense of the Congress on long-term budgeting

Sec. 517. Sense of the Congress regarding affordable health coverage

Sec. 518. Sense of the Congress regarding pay parity

Sec. 519. Sense of the Congress regarding subprime lending and foreclosures

Sec. 520. Sense of the Congress regarding the need to maintain and build upon efforts to fight hunger

Sec. 521. Sense of the Congress regarding the importance of child support enforcement

Sec. 522. Sense of the Congress on the Innovation Agenda and America COMPETES Act

ECONOMIC ASSUMPTIONS

Section 301(g)(2) of the Congressional Budget Act requires that the joint explanatory statement accompanying a conference report on a budget resolution set forth the common economic assumptions upon which the joint statement and conference report are based. The conference agreement is built upon the economic forecasts developed by the Congressional Budget Office, as updated in March 2008 to include the forecasted economic effects of the fiscal stimulus package.

*House-passed Resolution*

CBO's economic assumptions were used.

SENATE-PASSED RESOLUTION

CBO's economic assumptions were used.

CONFERENCE AGREEMENT

CBO's economic assumptions were used.

ECONOMIC ASSUMPTIONS OF THE BUDGET RESOLUTION

[Calendar Years]

| | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 |
|---|---|---|---|---|---|---|
| Real GDP, Percent Change, Year Over Year | 1.9 | 2.3 | 3.9 | 3.6 | 2.7 | 2.6 |
| GDP Price Index, Percent Change, Year Over Year | 1.8 | 1.7 | 1.9 | 1.9 | 1.9 | 1.9 |
| Consumer Prices, Percent Change, Year Over Year | 2.8 | 1.9 | 1.9 | 2.1 | 2.2 | 2.2 |
| Unemployment Rate, Percent, Yearly Average | 5.2 | 5.5 | 5.1 | 4.8 | 4.8 | 4.8 |
| 3-Month Treasury Bill Rate, Percent, Yearly Average | 2.1 | 2.4 | 4.4 | 4.6 | 4.7 | 4.7 |
| 10-Year Treasury Bond Rate, Percent, Yearly Average | 3.6 | 3.8 | 5.0 | 5.2 | 5.2 | 5.2 |

ALLOCATIONS

As required in section 302 of the Congressional Budget Act, the joint statement of managers includes an allocation, based on the conference agreement, of total budget authority and total budget outlays among each of the appropriate committees. The allocations are as follows:

**Allocation of Spending Authority to House Committee on Appropriations**

(In millions of dollars)

| | | 2008 1/ | 2009 |
|---|---|---|---|
| Discretionary Action | BA | 1,050,478 | 1,011,718 |
| | OT | 1,094,944 | 1,106,112 |
| Current Law Mandatory | BA | 585,962 | 576,002 |
| | OT | 569,537 | 564,401 |

1/ Revision to amounts included in S. Con. Res. 21. Includes emergencies incorporated in the Congressional Budget Office March baseline.

**ALLOCATIONS OF SPENDING AUTHORITY**
**TO HOUSE COMMITTEES OTHER THAN APPROPRIATIONS**
(In millions of dollars)

| | 2008 1/ | 2009 | Total 2009-2013 |
|---|---|---|---|
| Committee on Agriculture | | | |
| Current Law | | | |
| BA | 11,727 | 4,722 | 19,098 |
| OT | 14,389 | 4,172 | 18,040 |
| Reauthorizations | | | |
| BA | 696 | 49,116 | 258,683 |
| OT | 195 | 48,992 | 256,484 |
| Legislation Pending Signature | | | |
| BA | 2,631 | 2,915 | 10,751 |
| OT | 995 | 2,345 | 6,882 |
| Total | | | |
| BA | 15,054 | 56,753 | 288,532 |
| OT | 15,579 | 55,509 | 281,406 |
| Committee on Armed Services | | | |
| Current Law | | | |
| BA | 118,947 | 126,033 | 668,582 |
| OT | 118,740 | 125,867 | 667,924 |
| Committee on Education and Labor | | | |
| Current Law | | | |
| BA | 5,300 | 4,599 | 37,419 |
| OT | 5,776 | 3,447 | 38,266 |
| Reauthorizations | | | |
| BA | 0 | 2,975 | 17,690 |
| OT | 0 | 1,934 | 16,179 |
| Total | | | |
| BA | 5,300 | 7,574 | 55,109 |
| OT | 5,776 | 5,381 | 54,445 |
| Committee on Energy and Commerce | | | |
| Current Law | | | |
| BA | 243,778 | 260,159 | 1,466,490 |
| OT | 245,897 | 260,365 | 1,467,530 |
| Reauthorizations | | | |
| BA | 0 | 0 | 20,160 |
| OT | 0 | 1,552 | 22,030 |
| Total | | | |
| BA | 243,778 | 260,159 | 1,486,650 |
| OT | 245,897 | 261,917 | 1,489,560 |
| Committee on Financial Services | | | |
| Current Law | | | |
| BA | 7,255 | 3,992 | 23,648 |
| OT | 2,337 | -566 | -7,256 |

**ALLOCATIONS OF SPENDING AUTHORITY**
**TO HOUSE COMMITTEES OTHER THAN APPROPRIATIONS**
(In millions of dollars)

| | 2008 1/ | 2009 | Total 2009-2013 |
|---|---|---|---|
| Committee on Foreign Affairs | | | |
| Current Law | | | |
| BA | 15,852 | 15,966 | 73,053 |
| OT | 15,819 | 15,955 | 73,024 |
| Committee on Homeland Security | | | |
| Current Law | | | |
| BA | 1,751 | 1,561 | 8,455 |
| OT | 1,443 | 1,532 | 8,509 |
| Committee on House Administration | | | |
| Current Law | | | |
| BA | 70 | 69 | 341 |
| OT | 225 | 19 | 343 |
| Committee on the Judiciary | | | |
| Current Law | | | |
| BA | 6,228 | 8,673 | 34,780 |
| OT | 6,505 | 7,343 | 35,103 |
| Committee on Natural Resources | | | |
| Current Law | | | |
| BA | 5,393 | 5,730 | 28,505 |
| OT | 5,182 | 5,325 | 27,868 |
| Committee on Oversight and Government Reform | | | |
| Current Law | | | |
| BA | 85,092 | 88,841 | 480,005 |
| OT | 83,280 | 86,824 | 467,921 |
| Committee on Science and Technology | | | |
| Current Law | | | |
| BA | 126 | 126 | 630 |
| OT | 108 | 115 | 619 |
| Committee on Small Business | | | |
| Current Law | | | |
| BA | -333 | 0 | 0 |
| OT | -333 | 0 | 0 |

**ALLOCATIONS OF SPENDING AUTHORITY**
**TO HOUSE COMMITTEES OTHER THAN APPROPRIATIONS**
(In millions of dollars)

| | 2008 1/ | 2009 | Total 2009-2013 |
|---|---|---|---|
| Committee on Transportation and Infrastructure | | | |
| Current Law | | | |
| BA | 63,279 | 56,120 | 116,919 |
| OT | 13,701 | 14,286 | 75,635 |
| Reauthorizations | | | |
| BA | 920 | 3,405 | 190,697 |
| OT | 0 | 0 | 1,752 |
| Legislation Pending Signature | | | |
| BA | 52 | -56 | -53 |
| OT | -2 | 0 | 2 |
| Resolution Change | | | |
| BA | 395 | 1,496 | 4,176 |
| OT | 0 | 0 | 0 |
| Total | | | |
| BA | 64,646 | 60,965 | 311,739 |
| OT | 13,699 | 14,286 | 77,389 |
| Committee on Veterans Affairs | | | |
| Current Law | | | |
| BA | 746 | 1,166 | 5,595 |
| OT | 801 | 1,247 | 6,208 |
| Reauthorizations | | | |
| BA | 0 | 930 | 12,395 |
| OT | 0 | 857 | 12,074 |
| Total | | | |
| BA | 746 | 2,096 | 17,990 |
| OT | 801 | 2,104 | 18,282 |
| Committee on Ways and Means | | | |
| Current Law | | | |
| BA | 858,305 | 824,443 | 4,590,546 |
| OT | 858,650 | 825,158 | 4,598,093 |
| Reauthorizations | | | |
| BA | 0 | 947 | 65,298 |
| OT | 0 | 698 | 58,515 |
| Total | | | |
| BA | 858,305 | 825,390 | 4,655,844 |
| OT | 858,650 | 825,856 | 4,656,608 |

1/ Revision to amounts for 2008 included in S.Con.Res. 21.

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT
BUDGET YEAR TOTAL 2008
(in millions of dollars)

| | Direct spending legislation | | Entitlements funded in annual appropriations acts | |
|---|---|---|---|---|
| Committee | Budget Authority | Outlays | Budget Authority | Outlays |
| Appropriations | | | | |
| General Purpose Discretionary | 1,050,478 | 1,094,944 | | |
| *Memo: off-budget* | 5,260 | 5,181 | | |
| *on-budget* | 1,045,218 | 1,089,763 | | |
| Mandatory | 585,962 | 569,537 | | |
| Total | 1,636,440 | 1,664,481 | | |
| Agriculture, Nutrition, and Forestry | 14,910 | 15,413 | 74,287 | 58,027 |
| Armed Services | 119,050 | 118,842 | 105 | 101 |
| Banking, Housing, and Urban Affairs | 15,285 | 1,628 | 0 | 0 |
| Commerce, Science, and Transportation | 13,964 | 9,363 | 1,182 | 1,126 |
| Energy and Natural Resources | 4,800 | 5,214 | 62 | 61 |
| Environment and Public Works | 39,658 | 2,196 | 0 | 0 |
| Finance | 1,100,866 | 1,102,864 | 442,523 | 442,584 |
| Foreign Relations | 15,852 | 15,819 | 159 | 159 |
| Homeland Security and Governmental Affairs | 86,027 | 84,221 | 10,573 | 10,573 |
| Judiciary | 7,262 | 7,533 | 611 | 610 |
| Health, Education, Labor, and Pensions | 9,874 | 9,745 | 13,208 | 13,229 |
| Rules and Administration | 70 | 225 | 122 | 121 |
| Intelligence | 0 | 0 | 263 | 263 |
| Veterans' Affairs | 746 | 801 | 42,867 | 42,683 |
| Indian Affairs | 453 | 451 | 0 | 0 |
| Small Business | -333 | -333 | 0 | 0 |
| Unassigned to Committee | -604,458 | -596,472 | 0 | 0 |
| TOTAL | 2,460,466 | 2,441,991 | 585,962 | 569,537 |

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT
BUDGET YEAR TOTAL 2009
(in millions of dollars)

| | Direct spending legislation | | Entitlements funded in annual appropriations acts | |
|---|---|---|---|---|
| Committee | Budget Authority | Outlays | Budget Authority | Outlays |
| Appropriations | | | | |
| General Purpose Discretionary | 1,011,718 | 1,106,112 | | |
| *Memo: off-budget* | 5,491 | 5,418 | | |
| *on-budget* | 1,006,227 | 1,100,694 | | |
| Mandatory | 621,707 | 608,653 | | |
| Total | 1,633,425 | 1,714,765 | | |
| Agriculture, Nutrition, and Forestry | 15,688 | 14,530 | 76,307 | 63,526 |
| Armed Services | 126,030 | 125,863 | 105 | 100 |
| Banking, Housing, and Urban Affairs | 12,680 | -1,239 | 0 | 0 |
| Commerce, Science, and Transportation | 14,432 | 10,250 | 1,149 | 1,145 |
| Energy and Natural Resources | 5,091 | 4,839 | 62 | 63 |
| Environment and Public Works | 34,528 | 2,291 | 0 | 0 |
| Finance | 1,085,706 | 1,087,193 | 473,803 | 473,788 |
| Foreign Relations | 15,966 | 15,955 | 149 | 149 |
| Homeland Security and Governmental Affairs | 89,749 | 87,732 | 10,599 | 10,599 |
| Judiciary | 9,749 | 8,414 | 624 | 627 |
| Health, Education, Labor, and Pensions | 9,349 | 8,088 | 14,129 | 14,116 |
| Rules and Administration | 69 | 19 | 127 | 127 |
| Intelligence | 0 | 0 | 279 | 279 |
| Veterans' Affairs | 1,166 | 1,247 | 44,374 | 44,134 |
| Indian Affairs | 529 | 542 | 0 | 0 |
| Small Business | 0 | 0 | 0 | 0 |
| Unassigned to Committee | -594,692 | -586,021 | 0 | 0 |
| TOTAL | 2,459,465 | 2,494,468 | 621,707 | 608,653 |

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT
5-YEAR TOTAL: 2009-2013
(in millions of dollars)

| | Direct spending legislation | | Entitlements funded in annual appropriations acts | |
|---|---|---|---|---|
| Committee | Budget Authority | Outlays | Budget Authority | Outlays |
| Agriculture, Nutrition, and Forestry | 76,466 | 69,479 | 387,350 | 329,869 |
| Armed Services | 668,567 | 667,908 | 456 | 458 |
| Banking, Housing, and Urban Affairs | 66,961 | -10,748 | 0 | 0 |
| Commerce, Science, and Transportation | 75,918 | 49,960 | 6,322 | 6,294 |
| Energy and Natural Resources | 25,399 | 25,021 | 302 | 303 |
| Environment and Public Works | 173,099 | 11,833 | 0 | 0 |
| Finance | 6,165,537 | 6,172,346 | 2,703,905 | 2,703,728 |
| Foreign Relations | 73,053 | 73,024 | 660 | 660 |
| Homeland Security and Governmental Affairs | 484,637 | 472,579 | 51,467 | 51,467 |
| Judiciary | 40,735 | 41,031 | 3,207 | 3,241 |
| Health, Education, Labor, and Pensions | 62,263 | 60,084 | 79,175 | 78,944 |
| Rules and Administration | 341 | 343 | 685 | 685 |
| Intelligence | 0 | 0 | 1,481 | 1,481 |
| Veterans' Affairs | 5,595 | 6,208 | 236,997 | 235,550 |
| Indian Affairs | 2,158 | 2,216 | 0 | 0 |
| Small Business | 0 | 0 | 0 | 0 |

PAY-AS-YOU-GO SCORECARD FOR THE SENATE REFLECTING LEVELS FOR THE CONFERENCE AGREEMENT

Period of the current fiscal year, the budget year, and the four fiscal years following the budget year: $0.

Period of the current fiscal year, the budget year, and the nine fiscal years following the budget year: $0.

HOUSE RULE XXVIII

The adoption of this conference agreement by the two houses would result in the engrossment of a House Joint Resolution changing the statutory limit on the public debt pursuant to House Rule XXVIII, clause 3. The rule requires a joint resolution in the following form:

*Resolved*, by the Senate and the House of Representatives of the United States in Congress assembled, that subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof $10,615,000,000,000.

Legislative jurisdiction over the public debt remains with the Finance Committee in the Senate and the Committee on Ways and Means in the House.

JOHN SPRATT,
ROSA L. DELAURO,
CHET EDWARDS,
*Managers on the Part of the House.*

KENT CONRAD,
PATTY MURRAY,
RON WYDEN,
*Managers on the Part of the Senate.*

## HIGHER EDUCATION EXTENSION

Mr. BISHOP of New York. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3035) to temporarily extend the programs under the Higher Education Act of 1965.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3035

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

**SECTION 1. EXTENSION OF HIGHER EDUCATION PROGRAMS.**

(a) EXTENSION OF PROGRAMS.—Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking ''May 31, 2008'' and inserting ''June 30, 2008''.

(b) RULE OF CONSTRUCTION.—Nothing in this section, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171), by the College Cost Reduction and Access Act (Public Law 110–84), or by the Ensuring Continued Access to Student Loans Act of 2008 (Public Law 110–227) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BISHOP) and the gentleman from Florida (Mr. KELLER) will each control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. BISHOP of New York. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on S. 3035 into the RECORD.

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

There was no objection.

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

I rise in support of S. 3035, a bill to temporarily extend programs under the Higher Education Act of 1965. At the beginning of February, the House took the next step in the reauthorization of the Higher Education Act in passing H.R. 4137, the College Opportunity and Affordability Act. Now we find ourselves in the final phase in completing the reauthorization of the Higher Education Act as we work towards a compromise bill with the Senate to ensure that the doors of college are truly open to all qualified students.

It is our goal to ensure that a final bill encompasses the major issues addressed in H.R. 4137, including skyrocketing college prices, a needlessly complicated student aid application process, and predatory tactics by student lenders.

The bill under consideration today, S. 3035, will extend the programs under the Higher Education Act until June 30, 2008, to allow sufficient time for final deliberations on the two bills reported out of the respective chambers. It has been nearly 10 years since the Higher Education Act was last reauthorized, and I believe Members on both sides of the aisle and in both chambers are anxious to complete work on a compromise bill in this Congress, and we believe it can happen.

I look forward to joining my colleagues on the committee in completing this work with the respective members on behalf of our Nation's hardworking families and students. I urge my colleagues to support this extension.

I reserve the balance of my time.

Mr. KELLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of S. 3035, a 1-month extension of the Higher Education Act. I would like to begin by extending my thoughts and prayers to Senator KENNEDY and his family in this difficult time. We are all saddened to learn of the diagnosis of his malignant brain tumor and we are hoping and praying for a speedy and full recovery.

I was just with Senator KENNEDY a few days ago in the Oval Office with President Bush, as the President signed into law the Ensuring Continuing Access to Student Loans Act on May 7. Senator KENNEDY was in a jovial mood and was in good spirits. We look forward to seeing him in the same condition in the future.

Senator KENNEDY obviously has played a very integral role in the development of this higher education legislation, and I want to recognize him for his passion for education and his longstanding efforts to ensure that all young people receive a quality education and have the opportunity to obtain a college degree. As we extend the Higher Education Act and allow additional time to negotiate the renewal of this landmark law, I think all of us know that this legislation will bear the indelible imprint of Senator KENNEDY's hard work and commitment.

Just last month, we were on the floor passing what we thought and hoped would be the last extension of the Higher Education Act. Unfortunately, while we have made a tremendous amount of progress on the bill, the size of the bill and our concern about producing a thoughtful product prevented us from completing our work.

The Education and Labor Committee, I am happy to report, has worked in a bipartisan fashion to produce a bill that received strong bipartisan support here on the House floor. Chairman MILLER and Ranking Member MCKEON have been leading our efforts to negotiate a final compromise with the Senate colleagues. We have a handful of issues, however, that remain outstanding, and we believe that we will be able to reach resolution on these issues over the next few weeks. Of course, there may be some complications outside of our control, not the least of which is possibly Senator KENNEDY's situation and recovery.

As we move toward finalizing this broad overhaul of Federal higher education programs, our top priority must remain college access and affordability. Bolstering our higher education and student aid programs has long been a priority of Congress. I know, for me personally, making college more affordable is a top priority. All children, rich or poor, should have the opportunity to get a first class college education.

This extension of the Higher Education Act is particularly important because it extends the significant and popular programs such as the Pell Grant program and Perkins student loan programs. This reauthorization is a long time coming. I am pleased to be here supporting what we hope and expect to be the final extension before this law is finally renewed. I urge my colleagues to also support this extension.

I reserve the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, let me first associate myself with the heartfelt comments of Mr. KELLER regarding Senator KENNEDY. I know that everyone in this Chamber hopes and prays for his speedy recovery.

With that, I'd like to yield 4 minutes to a fellow member of the committee, the gentleman from Oregon (Mr. WU).

Mr. WU. I want to thank the gentleman from New York (Mr. BISHOP) for his leadership in education. I rise in support of this temporary extension of the Higher Education Act and also rise to associate myself with the remarks of the gentleman from Florida. Our hearts and prayers go out to Senator

KENNEDY, his family, friends, and many supporters around the country, and look forward to his return to the other body as the lion of the Senate, with teeth and claws and roar completely intact.

I also look forward to the new Higher Education Act, which we are close to completing in conference with the other body, and the many provisions that my colleague from New York referred to. I just wanted to point out three. One is a substantial expansion of financial aid, especially to the neediest students in America. Second, a late but very appropriate recognition of the role of community colleges in higher education, and in particular the encouragement of articulation agreements between community colleges and their peers and 4-year colleges.

What articulation agreements would basically permit would be students to seamlessly go between community colleges, and between community colleges and 4-year colleges, because what we have found in Oregon is that students study and learn in a different way today, so that someone may take a class at a community college in the morning, work, and then take a class at a 4-year college at night. We want that system to work for the students and want the institutions to work together so that students do not need to fill out two financial aid forms, two entrance forms, and multiple other forms. These articulation agreements are very, very important. It's a little bit technical. But it will serve the modern education need very, very well.

Finally, I want to point out one area addressed by this higher education bill, and this is a topic on which my office has received the most mail of any topic that we have worked on in my decade in Congress, this is mail from all around the country, from college students, and that is the textbook fairness pricing issue.

Sometimes you will find a book in the college book store here selling for $150. If you go on Amazon U.K., you will find the same textbook being sold, in English, the same textbook in the U.K. for $50. In this Internet era, with a highly motivated, highly educated consumer group, namely college students, this kind of pricing unfairness just can't stand the test of either fairness or propriety anymore.

We have some minimal provisions in the House version of the higher education bill to bring some fairness, some openness to college textbook pricing. Currently, students are cooperating, professors are cooperating, bookstores are cooperating, but the textbook industry is fighting this particular provision very, very hard. I just want to say that we will not give up on this issue. We will insist on the House language because college students who can make a difference, who will make a difference, will insist upon this.

We look forward to the new version of the higher education bill and support this temporary extension.

Mr. KELLER of Florida. Mr. Speaker, I have no further speakers at this time. I would urge my colleagues on both sides of the aisle to vote ''yes'' on S. 3035, to extend the Higher Education Act, and thereby extend the Pell Grant program and the Perkins student loan program. I urge my colleagues to vote ''yes.''

I yield back the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and pass the Senate bill, S. 3035.

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

A motion to reconsider was laid on the table.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON TOMORROW

Mr. BISHOP of New York. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with tomorrow.

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

There was no objection.

## PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. BISHOP of New York. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 355

*Resolved by the House of Representatives (the Senate concurring),* That when the House adjourns on the legislative day of Thursday, May 22, 2008, or Friday, May 23, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, June 3, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, May 22, 2008, through Friday, May 30, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 2, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The question is on the concurrent resolution.

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

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

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

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on House Concurrent Resolution 355 will be followed by 5-minute votes on motions to suspend the rules on H.R. 1464, H.R. 2649, and H.R. 2744.

The vote was taken by electronic device, and there were—yeas 239, nays 175, not voting 20, as follows:

[Roll No. 334]

YEAS—239

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Ellison
Emanuel
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Filner
Fortenberry
Foster
Foxx
Frank (MA)
Gerlach
Gonzalez
Granger
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
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
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, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pitts
Pomeroy
Price (NC)
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Rogers (AL)
Rohrabacher
Ros-Lehtinen
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 (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—175

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Ellsworth
Emerson
English (PA)
Fallin
Flake
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Porter
Price (GA)
Radanovich
Ramstad
Regula
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuler
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 (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—20

Andrews
Bishop (UT)
Blumenauer
Crenshaw
Davis, Tom
Diaz-Balart, L.
Diaz-Balart, M.
Ferguson
Gilchrest
Gillibrand
Hulshof
Israel
Kennedy
Kingston
Pryce (OH)
Putnam
Rush
Sessions
Stark
Wilson (NM)

□ 1709

Mrs. MUSGRAVE, Messrs. KELLER of Florida, KIRK, BARRETT of South Carolina, FLAKE, HALL of Texas, CARTER, Mrs. EMERSON, Messrs. PETRI, HELLER of Nevada, WITTMAN of Virginia, REICHERT, ENGLISH of Pennsylvania, FORBES, BRADY of Texas, CULBERSON, Mrs. MYRICK, and Mr. BOEHNER changed their vote from ''yea'' to ''nay.''

Ms. SCHAKOWSKY changed her vote from ''nay'' to ''yea.''

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GREAT CATS AND RARE CANIDS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 1464, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1464, 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. TERRY. 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 294, noes 119, not voting 21, as follows:

[Roll No. 335]

AYES—294

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Bono Mack
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
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
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—119

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Everett
Fallin
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kline (MN)
LaHood
Lamborn
Latta
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCrery
McHenry
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Paul
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Radanovich
Rehberg
Renzi
Rohrabacher
Roskam
Ryan (WI)
Sali
Scalise
Shadegg
Shimkus
Shuster
Smith (NE)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Walberg
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Wittman (VA)
Young (AK)

NOT VOTING—21

Andrews
Blumenauer
Crenshaw
Davis, Tom
Diaz-Balart, L.
Diaz-Balart, M.

Ferguson
Gilchrest
Gillibrand
Hulshof
Israel
Kennedy
Kingston
Pryce (OH)
Putnam
Rush
Sensenbrenner
Sessions
Smith (NJ)
Wasserman Schultz
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in the vote.

□ 1717

Messrs. GORDON of Tennessee, COLE of Oklahoma and WITTMAN of Virginia changed their vote from ''aye'' to ''no.''

Mr. FORBES changed his vote from ''no'' to ''aye.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ON THE PASSING OF LIONEL VAN DEERLIN

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Mr. Speaker, I rise today to honor the life of a distinguished former Member of this body.

On Sunday, May 18, the San Diego community was grieved to learn of Lionel Van Deerlin's passing. He was a Member of the House for 18 years, between 1962 and 1980, having served the San Diego region honorably, and with a tenacious spirit and the purest sense of loyalty to his constituents.

Congressman Lionel Van Deerlin, who liked to be called simply Van, was equally respected on both sides of the aisle, well known for his grace, civility and humor that he brought to any debate.

As the chairman of the House Communications Subcommittee at the time, Representative Van Deerlin was a pivotal player in positively transforming our Nation's telecommunications industry.

Before and after his days in the House, Congressman Van Deerlin had a distinguished career in journalism and education. Even at 93 years old, Van was a regular commentator to the San Diego Union Tribune, passionately observing both local and national politics with a keen wit. I remember reading his final column last Tuesday, and was awaiting his next, as I always did.

He was unfailingly optimistic, always present with a sparkle in his eye and a smile on his face. This consummate gentleman will be deeply missed by his family, his friends, his colleagues, and certainly the entire San Diego community.

I yield to my colleague from San Diego, Mr. HUNTER.

Mr. HUNTER. I thank the gentlelady for yielding, and I want to join with her and all of our colleagues who knew Lionel Van Deerlin. You know, Van's trademark was his intellect and his wit. In fact, in our first debate in 1980, I noticed, I looked over and I saw my dad roaring with laughter at every one of Van's one-liners. And I had to ask him after the debate was over whose side he was on.

Some good things do come out of political contests, and one thing that came out of ours was a 28-year friendship.

A lot of people here, in fact, I just talked to JOHN CONYERS here who remembered Van, and a lot of us remember his political skills. He will be known in this city for political skills.

But for those who really knew him in San Diego and around this country, they'll remember him as just a wonderful, wonderful human being.

Mrs. DAVIS of California. Mr. Speaker, I ask we observe a moment of silence in memory of Lionel Van Deerlin.

The SPEAKER pro tempore. All Members will rise and observe a moment of silence.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

## LAKE HODGES SURFACE WATER IMPROVEMENT AND RECLAMATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 2649, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 2649, 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. TERRY. Mr. 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 374, noes 39, not voting 21, as follows:

[Roll No. 336]

AYES—374

Abercrombie
Ackerman
Aderholt
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
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (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
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor

Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—39

Akin
Blunt
Broun (GA)
Burton (IN)
Campbell (CA)
Cannon
Coble
Conaway
Culberson
Davis, David
Deal (GA)
Duncan
Flake
Foxx
Franks (AZ)
Gingrey
Gohmert
Goode
Hensarling
Jones (NC)
Jordan
Lamborn
Linder
Miller (FL)
Myrick
Neugebauer
Paul
Pence
Pitts
Poe
Price (GA)
Royce
Scalise
Shadegg
Stearns
Tancredo
Walberg
Wamp
Westmoreland

NOT VOTING—21

Andrews
Blumenauer
Crenshaw
Davis, Tom
Diaz-Balart, L.
Diaz-Balart, M.
Emerson
Ferguson
Gilchrest
Gillibrand
Hulshof
Israel
Kennedy
Kingston
Pryce (OH)
Putnam
Rangel
Rush
Sensenbrenner
Sessions
Wilson (NM)

□ 1729

Messrs. AKIN, DAVID DAVIS of Tennessee and CANNON changed their vote from ''aye'' to ''no.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## AIRLINE FLIGHT CREW TECHNICAL CORRECTIONS ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2744, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and pass the bill, H.R. 2744, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 9, not voting 23, as follows:

[Roll No. 337]

YEAS—402

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
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
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
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kagen
Kanjorski
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
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)
Radanovich
Rahall
Ramstad
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
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—9

Broun (GA)
Campbell (CA)
Duncan
Flake
Garrett (NJ)
Hensarling
Jordan
Latta
Paul

NOT VOTING—23

Andrews
Blumenauer
Crenshaw
Davis, Tom
Diaz-Balart, L.
Diaz-Balart, M.
Ferguson
Gilchrest
Gillibrand
Hulshof
Israel
Jones (OH)
Kaptur
Kennedy
Kingston
Linder
Pryce (OH)
Putnam
Rangel
Rush
Sensenbrenner
Sessions
Wilson (NM)

□ 1737

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE STABILIZATION OF IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–114)

The SPEAKER pro tempore (Mr. COURTNEY) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication. This notice states that the national emergency declared in Executive Order 13303 of May 22, 2003, as modified in scope and relied upon for additional steps taken in Executive Order 13315 of August 28, 2003, Executive Order 13350 of July 29, 2004, Executive Order 13364 of November 29, 2004, and Executive Order 13438 of July 17, 2007, is to continue in effect beyond May 22, 2008.

Obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the

country, and the development of political, administrative, and economic institutions in Iraq continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Accordingly, I have determined that it is necessary to continue the national emergency with respect to this threat and maintain in force the measures taken in response to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 20, 2008*.

## PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE SUPPLEMENTAL REPORT ON H.R. 5658, DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be authorized to file a supplemental report on the bill, H.R. 5658.

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

There was no objection.

## CELEBRATING THE 60TH ANNIVERSARY OF ISRAEL

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute.)

Mrs. BIGGERT. Mr. Speaker, I rise today to celebrate the anniversary of America's staunchest ally in the Middle East, Israel. After 60 years, Israel has proved that a nation that embraces liberty and democracy can flourish in the face of even the strongest adversity. Despite decades of violence and terrorist attacks, the Israeli people have achieved an outstanding level of economic, intellectual, and cultural success.

Among its most notable achievements has been its well-earned reputation as a free sanctuary for millions of refugees from around the world. No other nation in the Middle East has embraced a diverse array of oppressed people like Israel. Over the last 60 years, individuals from more than 100 countries have traveled there and found a welcome home. And, as in America, this great diversity has created a vibrant culture, one that I have enjoyed on several occasions.

In Israel, I have seen firsthand the impressive contributions Israelis have made to the world in areas from scholarship and engineering to cooking and music.

Mr. Speaker, I would like to congratulate the people of Israel on this historic achievement. Their efforts have created for America a powerful ally and a dynamic trading partner, and I'm confident that our close relationship will remain strong for many years to come.

## CELEBRATING THE WOMEN IN THE U.S. MILITARY AND EXPRESSING OUR SYMPATHY TO THE PEOPLE OF CHINA

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, it's an honor to be able to rise today to celebrate two important statements that were made on the floor of the House today. I might alter that and say ''celebrate'' but also to acknowledge and commemorate.

I do want to associate myself with the legislation of Congresswoman SUSAN DAVIS of California in acknowledging the women in the United States military. Women have shown themselves in Iraq and Afghanistan and all around the world to be true leaders. Many have been injured, many of them have seen serious injuries. They have been mothers, they have been sisters and daughters. They have led their families, but yet they have been warriors and battlers for the freedom of America. I salute them and celebrate them as we commemorate Memorial Day.

Let me also join Mr. WU in offering my deepest sympathy to the people of China for this tragic earthquake and the loss of now some thousands upon thousands of individuals. We extend our hand not only of friendship but of support and charity, and I look forward to working with the Counsulate General in Houston to be able to provide support for those families here in the United States as well as those who are suffering in China.

Our deepest prayers and deepest sympathy for those who mourn the loss of their loved ones.

□ 1745

## CONGRATULATIONS TO REALTORS ON 100TH ANNIVERSARY

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

Mr. WILSON of South Carolina. Mr. Speaker, on May 14, the National Association of Realtors celebrated 100 years of support to Realtors and the communities in which they serve.

The NAR consists of 1.3 million members from around the country who are working together to promote positive and ethical service to Americans looking to sell or purchase a home. They are an advocate for homeownership, sound housing policies, and property rights. As a former real estate attorney, I have worked with the Realtors for over 25 years, and I know firsthand of their professionalism.

Homeownership is part of the foundation of the American dream. It is a sign of success and prosperity for millions of Americans and, most often, the largest investment a family will make. Today, a record of almost 70 percent of Americans own their own homes. This is a testament to the excellence efforts of Realtors.

I commend the Realtors for their hard work and congratulate them on their anniversary, ably led in South Carolina by Andy Walker as State president and Nick Kremydas as executive director. I'd like to pay a special tribute to Jerry Fowler who was one of our finest Realtors who sadly passed away over the weekend but what a great citizen, and he will always be remembered.

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

## HONORING THE SERVICE AND ACHIEVEMENTS OF WOMEN IN THE ARMED FORCES AND FEMALE VETERANS

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

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in support of House Resolution 1054, to honor the service and achievements of women in the Armed Forces and female veterans. I want to thank my colleague and good friend, Chairwoman SUSAN DAVIS, for sponsoring this resolution.

Next Monday, we will observe Memorial Day, which honors the brave men and women who have courageously served and died in uniform. Women have voluntarily served in support of U.S. military efforts since the Revolutionary War as nurses, cooks and laundresses. Now, women have risen through the ranks and occupy the roles of generals, commanders, pilots, and drill sergeants.

American women have served this country selflessly and with great courage. Today, I recognize the nearly 800,000 women who have served and the hundreds who have been killed or taken prisoner of war. Their service demonstrates that women are fully capable and willing to make the ultimate sacrifice for their country. They are an example to all women and men who will follow in their footsteps.

## ISRAEL'S 60TH ANNIVERSARY

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

Mr. CAMPBELL of California. Mr. Speaker, in 1948, the United Nations established the Nation of Israel so that a dispossessed and tyrannized people might have the opportunity to return to their historic homeland.

Now, 60 years later, what does Israel stand for in our world community of nations? It stands proudly as the first democracy in the Middle East and the first multiethnic society in the region to proclaim the rights of fundamental liberty for all of its inhabitants.

Israel's commitment to freedom is evidenced by the fact that over 20 percent of its citizens are Arab, but freedom of worship and freedom of speech is granted to all.

Congratulations to Israel and all Israelis on the first 60 years of the modern era. May Israelis enjoy at least another 600.

## MAKE THE R&D TAX CREDIT PERMANENT

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

Mr. SALI. Mr. Speaker, I rise to address the subject of the R&D tax credit which lapsed on December 31 of last year.

One of this country's greatest strengths has been its ability to innovate, to create and develop new ideas. The lack of a competitive R&D tax credit here at home is driving American businesses to invest in R&D abroad.

In the last 5 years alone, over 100 global companies have established R&D centers in India due to the long-term benefits provided by that government. With benefits such as a 15-year phased income tax holiday, deductions for in-house R&D equal to 1½ times the expenses incurred, coupled with accelerated tax deductions on prior period expenses, it is easy to see why companies are choosing to invest in India over the U.S., especially now that we have allowed our R&D tax credit to expire.

The R&D tax credit should be renewed and made permanent as soon as possible, to create jobs in America and ensure we will always be on the cutting edge of innovation.

## GAS PRICES

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

Mr. DUNCAN. Mr. Speaker, gas prices are now over $4 a gallon and may be headed higher. Almost all environmental radicals come from very wealthy or very upper income families. Environmentalists apparently want gas to go even higher so people will drive less.

Well, maybe these wealthy environmentalists can afford $5 a gallon gas, but many poor and lower income and working people are already hurting. Week before last we heard that 935 trucking companies have gone out of business in the first quarter of this year.

We can produce oil now in environmentally safe ways, and we don't have to produce all of our oil. But if we don't start producing a little more, and soon, we're going to become even more vulnerable to foreign oil producers, and we're going to hurt many working people in the process.

## SPECIAL ORDERS

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

## JIMMY STEWART—ACTOR—U.S. GENERAL

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

Mr. POE. Mr. Speaker, he was born in Indiana, Pennsylvania, on May 20, 1908.

Jimmy became a Boy Scout and remained active in the organization throughout his adulthood.

Of course, I'm talking about Jimmy Stewart. He made more than 80 films, including comedies, Westerns and dramas.

Jimmy Stewart won an Academy Award for best performance by an actor in 1940 for his performance in ''The Philadelphia Story.'' He also received four other Oscar nominations for his performances in ''Mr. Smith Goes to Washington,'' a movie which by the way all Members of Congress should be required to watch, and my personal favorite, ''It's a Wonderful Life.'' He also appeared in ''Anatomy of a Murder.''

Jimmy Stewart was voted the third greatest movie star of all time by Entertainment Weekly. Jimmy Stewart appeared in a number of television shows and Broadway plays and received a Tony award.

Although Jimmy Stewart would have preferred to attend the Naval Academy, Stewart entered his father's alma mater, Princeton University, in the fall of 1928. He initially considered engineering, but he finally settled on architecture as his course of study, at which he excelled. He graduated from Princeton in 1932.

While he was building his reputation as an actor, the rest of the world was about to go to war. Germany occupied numerous countries in the early part of 1940, and it led Congress to be concerned. And on September 16, 1940, this Congress passed the Selective Service Bill, which we now refer to as ''The Draft.''

Stewart's draft number was 310, and when his number was called, he appeared at Draft Board No. 245 in Los Angeles in February of 1941.

A 6-foot-3 Stewart weighed only 138 pounds. He was 5 pounds under the acceptable weight limit. He was turned down, but Stewart wanted to fly and serve his country, but by May of 1941 he would have been too old to get into flight school. He went home after that day of being rejected by the draft, and he ate everything he could that fattened him up. He went back and he enlisted in the Army Air Corps, and he passed the physical with 2 ounces to spare.

While others tried to avoid the draft, Jimmy Stewart actually wanted to serve in the military. Later, he would actually campaign to see combat. He was already a licensed pilot. He was interested in aviation as a child. He had taken his first flight while still in Indiana from one of those barnstorming pilots that used to travel throughout the Midwest.

He was a successful actor in 1935, and so he was able to afford flying lessons. He often flew cross-country to visit his parents in Pennsylvania, and he navigated by watching the railroad tracks.

In the military, he was to make extensive use of his pilot training. In March 1941, at the age of 32, he reported for duty as Private James Stewart at Fort MacArthur and was assigned to the Army Air Corps. To comply with the regulations of the Army Air Corps Proficiency Board, he was required to take 100 additional flying hours, and he did so and bought them at a nearby field at his own expense.

Then, in January 1942, Stewart was commissioned a second lieutenant. He was then sent to California at Mather Field as a twin engine instructor which included both B–17s and B–24s. Much to his dismay, Stewart stayed stateside for almost 2 years, until his commanding officers finally yielded to his constant request to be sent overseas and to see combat.

So, in November of 1943, Captain Stewart, now a captain and operations officer for the 703rd Squadron, 445th Bombardment Group, of the Eight Air Force, he arrived in England. Later, he was transferred to the 453rd Bombardment Group.

While stateside, Stewart flew B–17s, commonly called the Flying Fortress, and in England and over Europe he flew B–24s, referred to by historians as The Liberator, and he did so for the remaining years of the war.

Stewart's war record included 20 dangerous combat missions as command pilot, wing commander or even squadron commander. He was awarded the Distinguished Flying Cross with two Oak Leaf Clusters; the Air Medal with three Oak Leaf Clusters; the French Croix de Guerre with Palm; and at the end of the war, he had risen to the rank of colonel.

After the war, he remained in the United States Air Force Reserves and was promoted to brigadier general in 1959. Mr. Speaker, he remains the highest ranking officer in U.S. military history that was also a Hollywood actor.

In 1985, President Ronald Reagan awarded Jimmy Stewart the Nation's highest civilian honor, the Presidential Medal of Freedom.

Jimmy Stewart believed in hard work, love of country, love of family, love of community, and love of God. Jimmy Stewart passed away on July 2, 1997, at the age of 89. Jimmy Stewart would be 100 years old today, and America still needs heroes, and Jimmy Stewart still continues to fit that bill.

And that's just the way it is.

## SUPPORTING THE MENTAL HEALTH NEEDS OF OUR TROOPS

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

Ms. WOOLSEY. Mr. Speaker, last week, Members of this House were given a chance to put some real action behind the slogan, ''Support the Troops,'' because one of the spending votes that we had before us included a provision to support the 21st Century Veterans Bill of Rights.

This Bill of Rights will restore full, 4-year college scholarships to veterans of the Iraq and Afghanistan Wars to help make these troops, these soldiers part of an economic recovery like the veterans of World War II.

The first 2 years of the new GI Bill would cost what we spend in 2 days in Iraq. Imagine that. We could provide our veterans with 2 years of the GI Bill for 2 days of what we spend in Iraq. And yet some folks here in the House could not bring themselves to support the provision. All I can say is, what does that say to our brave men and women in uniform?

Veterans who have sacrificed for our country deserve to receive our Nation's support. The administration sent them to Iraq, and because they are vigilant and dedicated, very few of us standing here today serving in the U.S. House of Representatives or Senate have sent our sons and daughters over there.

□ 1800

We haven't had to watch our kids be killed or wounded.

And we must not let our troops down. A prime example of letting them down comes from one of our Nation's top research arms, the National Institute of Mental Health. In a recently released report, the Institute found that the number of suicides among veterans of the wars of Iraq and Afghanistan may exceed the combat death toll because of inadequate mental health care. According to the Director of Community Mental Health Centers, hobbled by financial limits, haven't provided enough scientifically sound care, especially in rural areas.

We've lost more than 4,000 of our Nation's bravest to deadly attacks in Iraq alone. How can a nation stand by while we lose that many men and women to suicide? It is unbelievable that we would be allowing this to happen.

According to a report by the Rand Corporation, soldiers who have been exposed to combat trauma were the most likely to suffer from depression or post-traumatic stress disorder. About 53 percent of soldiers sought treatment during the past year; half of those who received care were judged by Rand researchers to have gotten inadequate treatment. That means about three-quarters of those in need of mental health assistance are going without or are receiving inadequate treatment. Is that how a grateful nation shows its appreciation?

Meeting the needs of our returning troops should be how we show our appreciation, and it should be paramount in our fiscal deliberations. But we can go one step further. We can bring our troops home. We can reject the administration's call to send more troops into the theater. Once we fully fund the safe and orderly redeployment of our troops and military contractors, we can focus our efforts on the men and women walking with hidden wounds, the wounds of PTSD.

I urge my colleagues to reject a blank check for the administration's endless occupation of Iraq. When the House receives the Senate-passed supplemental, we must oppose any bill that does not truly support our troops. We must oppose any spending that is not dedicated to redeploying our soldiers home to their families.

We must bring our troops home. We must end the occupation of Iraq. And we must provide the troops with the care and services they need. We must show them just how much we appreciate their service.

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

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

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## TANKERS

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

Mr. MORAN of Kansas. Mr. Speaker, I come to the House floor late this afternoon to express my concern with the United States Air Force's decision to award the $35 billion contract to build the next generation of aerial refueling tankers to a foreign-led consortium of companies over a proposal put forth by American-based Boeing.

As I stand here today, Americans across the country are hopefully receiving in the mail our effort to stimulate the U.S. economy, that $600 check. Why, during this time when we're trying to address the issue of our economy and create jobs, is our government outsourcing a multi-billion dollar tanker contract to a foreign company instead of creating those jobs here in America?

The Air Force's selection of European Aeronautic Defence and Space will lead to about 19,000 aerospace jobs in Europe. This decision has a significant impact, of course, in my home State of Kansas. Boeing's finishing and test center for tankers would take place in Wichita. Throughout the State, local suppliers would provide support services and parts for Boeing. In Kansas alone, Boeing's proposal would create or sustain 3,800 jobs and $145 million annually, important investments that Europe now stands to gain.

Not only is the Air Force's decision a blow to American jobs, it's bad for our servicemembers and bad for the American taxpayer. Now that we've had a chance to look at the Air Force's analysis, we see how badly flawed the tanker selection competition was. The result is that the Air Force chose a tanker that is higher cost, higher risk, less capable, less survivable, and less efficient.

Boeing has filed a protest with the Government Accountability Office. I have listened to the explanation of the Air Force and the Department of Defense officials and I remain unconvinced that this was a fair competition. And so we now eagerly await GAO's results later this summer.

In the meantime, the Air Force's decision has raised questions that Congress should address. How does this decision impact America's economic security? How does it impact our military security? What are the national security effects of outsourcing critical military work to France and other foreign countries that often oppose our country's foreign policy? Should the Department of Defense's procurement process take into account billions of WTO-disputed foreign subsidies that give foreign manufacturers heavily weighted advantage in these competitions?

Air Force refueling tankers allow our military to operate around the world. In this day and age, the importance of modernizing our aging tanker fleet with the best available option cannot be overstated. In the coming weeks and months, I urge my colleagues in Congress to work to ensure that the right choice is made for Americans and America's military men and women.

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## BRING OUR TROOPS HOME

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

Mr. ALLEN. Mr. Speaker, I rise to express my disappointment with the votes we took last week on Iraq. There were some provisions in the amendment that I voted against that I strongly support, including the ban on torture and the requirement for sufficient rest time for our troops between deployments.

I helped lead the effort in this House to prohibit the administration from establishing permanent military bases in Iraq. I have been outspoken on the failure of previous Congresses to hold private contractors accountable and to punish waste, fraud and profiteering. But last week I could not vote for these provisions because the amendment did not include a firm, responsible deadline to bring our troops safely home.

Let me be clear: Any funding bill that does not contain a binding deadline to end this war is an open-ended commitment to continue it. That's

why I have and will continue to vote against such legislation.

It is now 62 months since the invasion of Iraq and 60 months since President Bush's ''Mission Accomplished'' pronouncement. It has been 16 months since the beginning of the troop surge that President Bush and his congressional allies believed would give the Iraqis breathing space to resolve their internal conflicts and assume responsibility for their own security.

The vast majority of Americans concluded a long time ago that this war was a mistake. It has strengthened al Qaeda and Iran. It is time to end the war responsibly and bring our Armed Forces safely home.

The death toll of brave Americans now stands at 4,072, with nearly 30,000 wounded, many with life-shattering physical and mental and emotional scars. More than one in three soldiers and marines returning from Iraq later sought help for post-traumatic stress disorder or other mental health problems. The toll on our military families is tremendous. More than 1.7 million Americans have served at least one tour in Iraq or Afghanistan. Four in 10 of these troops have served more than one war zone mission.

Our open-ended commitment in Iraq undermines our ability to meet challenges to our national security elsewhere.

We clearly have much work to do in Afghanistan, where the 9/11 attacks originated. We must also be concerned about the readiness of our Armed Forces in the event that a new threat arises elsewhere in the world. And then there is the toll the war continues to take on our ability to address our needs here at home.

More than 5 years into this war, we know that it will cost more than $600 billion, but we still don't know what its final price tag will be or how much longer we will continue to pay it. We do know that our national debt is soaring, that our economy is either teetering on the edge or already in recession, and that the price of crude oil is approaching $130 per barrel. In my hometown of Portland, unleaded gasoline has jumped to nearly $4 a gallon, with heating oil now surpassing $4 per gallon.

And we know that these fuel costs are draining family budgets throughout Maine and across America. Is there any question that our open-ended presence in Iraq contributes to these soaring costs? Is there any doubt that the money we are borrowing to pay for this war, largely from the Chinese and the Saudis, will leave our children an enormous debt to pay?

We are spending more than $3,800 on this war every second. In the time since I began to speak, we've spent another million dollars. These are funds that we could use to fix our ailing health care system, to repair our crumbling infrastructure, to invest in education for our kids, to implement an energy policy to reduce our dependence on foreign oil, fight climate change, create new jobs, and stimulate new technologies.

Mr. Speaker, more than 140,000 courageous and capable American forces remain in Iraq. They continue to serve with great ability and tremendous courage in the crossfire of a bloody, intractable religious civil war waged, in one form or another, for more than a thousand years.

We need much more than a change in mission for fighting the war in Iraq. Congress must change policy through a firm, responsible deadline to end it. As George Mitchell demonstrated in northern Ireland, only a firm deadline will compel the leaders of the warring factions to assume responsibility for their own security and their own future. And we need a plan to win the peace by engaging Iraq's neighbors to join us to create a stable, successful Iraq because that outcome is as vital to their long-term interests as it is to ours.

Enough is enough. Let's close the open-ended commitment President Bush and his allies in Congress have given to this war. Let's set a firm, responsible deadline and bring our troops safely home.

## SUNSET MEMORIAL

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

Mr. FRANKS of Arizona. Mr. Speaker, I stand once again before this House with yet another Sunset Memorial.

It is May 20, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Mr. Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,902 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them Mr. Speaker, died and screamed as they did so, but because it was amniotic fluid passing over the vocal cords instead of air, no one could hear them.

And all of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Mr. Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, ''The care of human life and its happiness and not its destruction is the chief and only object of good government.'' The phrase in the 14th amendment capsulizes our entire Constitution, it says, ''No State shall deprive any person of life, liberty or property without due process of law.'' Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Mr. Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them. And it seems too sad to me, Mr. Speaker, that this Sunset Memorial may be the only acknowledgement or remembrance these children who died today will ever have in this, chamber.

So as a small gesture, I would ask those in the Chamber who are inclined to join me for a moment of silent memorial to these lost little Americans.

Mr. Speaker, let me conclude in the hope that perhaps someone new who heard this Sunset Memorial tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,902 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

So tonight, Mr. Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is May 20, 2008—12,902 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.

## TO SECURE OUR BORDER

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

Mr. TANCREDO. Mr. Speaker, the U.S. Department of State recently issued a travel warning alerting American citizens about the deteriorating

security situation in Mexico. Violence has become so widespread and rampant that even the State Department is having difficulty papering over the problems with diplomatic language.

According to the travel warning, which was issued last month, a war between criminal organizations struggling for control of the lucrative narcotics trade continues along the U.S.-Mexico border. That's right, a war, and it's in our back yard. And the blood bath isn't only claiming Mexican casualties. According to the State Department, Americans have been among the victims of homicides and kidnappings in the border region. Dozens of U.S. citizens were kidnapped and/or murdered in Tijuana in 2007. There have been public shootouts during daylight hours near shopping areas.

And this conflict between drug cartels is not just a neighborhood turf war fought between dime store thugs with switchblades. According to the travel warning, the conflict between the Mexican Government and ''heavily armed narcotics cartels has escalated to levels equivalent to military small-unit combat and have included use of machine guns and fragmentation grenades. Criminals are armed with a wide array of sophisticated weapons. In some cases, assailants have worn military uniforms and have used vehicles that resemble police vehicles.''

And endemic corruption in Mexico's government is tipping the scales in favor of the cartels. Police and soldiers desert their posts to give traffickers inside knowledge about tactics and surveillance. And because of their history of corruption and abuse, the police and army are often less popular than the drug cartels who hand out cell phones and employ taxi drivers and youth as lookouts.

Several high-ranking police officials have been gunned down in Mexico this month. This includes Mexico's Acting Federal Police Chief, Edgar Millan Gomez, who was killed by the Sinaloa cartel. In another case, a Mexico City district police chief was the target of a bomb that exploded near the police headquarters. Saul Pena, who was to be named one of the five police chiefs in Ciudad Juarez on the border with Texas, was shot dead earlier this month, making him the 20th police official to be killed in Juarez this year.

Just yesterday, a new Juarez police chief quit his post after receiving death threats. And more than 100 of the city's 1,700-member police force have quit their jobs since January. Several Mexican police commanders have crossed into the United States and are seeking asylum, saying they are unprotected and fear for their lives. And who can blame them?

According to the Associated Press, ''Police who take on the cartels feel isolated and vulnerable when they become targets, as did 22 commanders in Ciudad Juarez when drug traffickers named them on a handwritten death list. It was addressed to those who still don't believe in the power of the cartels. Of the 22, seven have been killed, three wounded in assassination attempts. Of the others, all but one have quit, and city officials said they didn't want to be interviewed.''

The Zetas, an infamous group of soldiers turned drug hit men are perhaps the most notorious of the drug enforcers. In Mexico, they hang banners above bridges offering jobs, good-paying family benefits to soldiers and police who desert their posts and join the narcotraffickers. The message the drug cartels are sending, Mr. Speaker, is clear: ''Join us or die.''

Many Americans might be shocked to learn that many of the Zetas receive their advance training courtesy of the American taxpayer. And the Bush administration is poised to make the problem worse by providing an additional $1.4 billion in assistance for this purpose. With just $1.4 billion in taxpayer aid, the argument goes, we can train Mexican police and military to better fight the armed elements of the drug cartels.

But we've been there before. Our border patrol agents in Texas and California have already seen U.S.-provided Humvees and other equipment being used by drug cartels and by rogue units of the Mexican military assisting the smugglers.

Mr. Speaker, handing out another $1 billion in taxpayer money to a Mexican government so rife with corruption so we can watch the scenario repeat itself makes about as much sense as dropping cash out of helicopters. A better use of the $1.4 billion, Mr. Speaker, would be to secure our own border before any more of this violence spills over to our country and across that dangerous frontier which is separating us from Mexico.

□ 1815

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

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

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 4008. An act 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.

## RECOGNIZING REVEREND KENNETH E. MARCUS

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

Mr. SCOTT of Georgia. Madam Speaker, let me first begin by paying just a few words to our beloved Senator EDWARD KENNEDY, who is at this very moment, as we know, fighting for his life.

Senator KENNEDY is beloved by all of us. He is truly the lion in the Senate. Our prayers are with him and his family at this great hour of need.

Madam Speaker, let me just say one word very quickly. This is Memorial Day, and all of us will be visiting our troops. I know I along with other Members of Congress and our entourage will be going over to Europe and into the Middle East to see firsthand about our troops, and I can't think of a better way to celebrate and commemorate Memorial Day than to be over with our troops as they are in harm's way.

Now, Madam Speaker, let me rise to give recognition to an extraordinary American and Georgian and a constituent in my district, in the 13th District of Georgia, and that is Pastor Kenneth E. Marcus, who is now celebrating his 20th anniversary as pastor of the Turner Chapel AME Church in Marietta, Georgia, in Cobb County, in the heart of my district. Let me just say a few words about this outstanding individual.

Reverend Marcus was born in Trinidad in the West Indies. He came to this country in 1975. Then he went to Morris Brown College and got his bachelor's degree from Atlanta University. And, Madam Speaker, it was there as a college student that Reverend Marcus received the word and the call from God to preach. He then immediately went to Emory University in Atlanta, Georgia, where he received his master's degree in divinity. And he started off his career in Athens as his first assignment at the St. Luke/Nimno Circuit in Athens, Georgia. Then he moved on to the Greater Smith Chapel AME in Atlanta, Georgia. And then in 1988 this extraordinary Georgian Reverend Kenneth E. Marcus was appointed pastor of the Turner Chapel AME Church in Marietta, Georgia.

And let me just say, Madam Speaker, to show you the significance of this individual, when he was appointed there at Turner Chapel in 1988, there were just 150 members of that church, and now today, just 20 years later, that church has a membership of over 6,000 people. That in and of itself is testimony to the great leadership and the contribution of this outstanding pastor. And this church that he started, he started in a high school gymnasium in Cobb County, and now today Turner Chapel is in an extraordinary cathedral, a modern edifice of extraordinary magnitude which now seats 3,000 members. This is just the testimony of this great, great pastor.

They have over 100 ministries that are serving us throughout Georgia and in some parts of this Nation. And we are so proud of Reverend Kenneth E.

Marcus on his 20th anniversary as the pastor of Turner Chapel AME Church in Marietta.

But he did not do that alone. With God's help, God provided him with an extraordinary partner in Ms. Cassandra Young Marcus, who not only is his partner and his wife but is also the assistant pastor at Turner Chapel. What a great story, what a great American story of achievement and attainment, and we are so proud to, in this Congress, celebrate and recognize his 20 years of service.

You know, Madam Speaker, God calls people for various purposes, and God each Sunday calls this individual, Reverend Kenneth E. Marcus, and gives him utterance to speak boldly as he ought to speak about the mysteries of the Gospel. And he does it with boldness and vision and inspiration each Sunday.

And in conclusion, when you talk about greatness, Madam Speaker, and in this measure we are talking about a great man in Reverend Marcus, that greatness is measured by three people that I would like to mention. When the word ''greatness'' or what it means to be a great person was put to the great philosopher Aristotle, he said in order to be great, you have to, first of all, ''know thyself.'' Well, Reverend Marcus not only knows himself but he knows whose he is as well.

And Marcus Aurelius, the great Roman general, said in order to be great, you need to have discipline. But just a measure of moving a church from 150 parishioners to 6,000 is that.

And then, finally, when the question was put to the great Messiah, Jesus Christ, Jesus said in order to be great and certainly a great minister, you must, first of all, sacrifice yourself. And this is a story of a great man who has sacrificed himself so that the world can be a better place.

It is with great pride that this Congress of the United States commemorates and recognizes Pastor Marcus on his 20th anniversary as the pastor of Turner Chapel AME Church in Marietta, Georgia.

Mr. CANNON. Madam Speaker, will the gentleman yield?

Mr. SCOTT of Georgia. Yes, I will.

Mr. CANNON. I thank the gentleman for yielding.

Madam Speaker, I simply want to associate myself with the gentleman's remarks about our friend TED KENNEDY. I'm going to do a Special Order in a little while about energy. I think he would disagree with most of what I say, but he would do it in an agreeable fashion. He has been a good friend and great legislator. And I want the gentleman to know that, with him, my prayers and the prayers of many others on our side of the aisle go out to the Senator in this time of great difficulty.

Mr. SCOTT of Georgia. Absolutely. And as this indicates, Madam Speaker, Senator KENNEDY is beloved by all of us, both Democrats and Republicans.

## RECOGNIZING PIZZA HUT ON ITS 50TH ANNIVERSARY

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

Mr. TIAHRT. ''Gather 'round the good stuff.'' That's what Pizza Hut says in their ads today. But they have been gathering around the good stuff for 50 years.

Madam Speaker, I rise today to recognize the 50th anniversary of an American success story, Pizza Hut. It has grown from a single brick building in Wichita, Kansas, to more than 11,000 stores worldwide with sales of more than $1.8 billion in the last fiscal quarter alone.

Founded on May 31, 1958, by Dan and Frank Carney, Wichita, Kansas, natives, Pizza Hut represents the very essence of the American Dream. The Carney brothers borrowed $600 from their mother, purchased used kitchen equipment, and rented a 550 square foot brick building and began selling pizzas.

The business grew quickly, and in 1959 they opened their first franchise restaurant in Topeka, Kansas. By 1966, just 8 years after opening, Pizza Hut established its first home office in Wichita to oversee the booming business of 145 restaurants.

In the late 1960s, a pizza company from California was beginning to expand eastward, and the Carney brothers were faced with new business challenges. They decided that Pizza Huts would be the neighborhood pizza restaurants, with standard layouts and looks. In 1969 the red roof was instituted as the national standard for Pizza Hut locations. The move paid off, as Pizza Hut became the number one pizza chain in the world, both in term of sales and in the number of restaurants.

Frank Carney attributes the early success of Pizza Hut to the good values and solid work ethic he and his brother learned from helping their father at his neighborhood grocery store. They believed that growth would come through a commitment to quality and an attitude of service from dedicated employees.

The 1970s were a significant time of growth for Pizza Hut. They became a publicly traded corporation in 1970, opened their 1,000th store in Wichita, Kansas, in 1972, and their first international restaurant in Costa Rica that same year. Four years later the 100th international store opened in Australia and the 2,000th Pizza Hut store worldwide. In 1977 they merged with PepsiCo.

Since then Pizza Hut has grown in terms of restaurants and menu options. In 1986 they began offering delivery services. In 2000 Pizza Hut joined with several other restaurant holdings, including KFC and Taco Bell, to become YUM! Brands.

A number of events are planned to celebrate the 50th anniversary of Pizza Huts' founding, culminating in a gala at the Gaylord Hotel in the DC area here on the evening of May 31. I want to especially commend Bev Jeskie for all her hard work in organizing these events and for making sure that I remained informed of their activities.

Madam Speaker, the idea began 50 years ago in a little hut in Wichita, Kansas. It has been immensely successful. Dan Carney cites the relationships he developed, strengthened with friends, family members, co-workers, and franchisees, as being the most important aspect of Pizza Hut. Madam Speaker, I encourage my colleagues to take a cue from a couple of good Kansans: ''Gather 'round the good stuff.''

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

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

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

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## SECURITY OVERREACTION

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

Mr. DUNCAN. Madam Speaker, Ian Lustick, a professor of the University of Pennsylvania and research fellow at the Independent Institute in California, wrote an article in The Hill newspaper a few days ago which made a great deal of sense. He wrote this:

''Nearly 7 years after September 11, 2001, what accounts for the vast discrepancy between the terrorist threat facing America and the scale of our response? Why, absent any evidence of a serious domestic terror threat, is the war on terror so enormous, so all-encompassing, and still expanding? The fundamental answer is that al Qaeda's most important accomplishment was not to hijack our planes but to hijack our political system. For a multitude of politicians, interest groups, professional associations, corporations, media organizations, universities, local and State governments, and Federal agency officials, the war on terror is now a major profit center, a funding bonanza, and a set of slogans and sound bites to be inserted into budget, project, grant, and contract proposals.

''For the country as a whole, however, it has become a maelstrom of waste and worry that distracts us from more serious problems.''

Michael Chertoff, Secretary of Homeland Security, testified before the Senate a few months ago in a way no other Cabinet member probably ever has. He

essentially said we are spending too much on security and should not let an over-exaggerated threat of terrorism ''drive us crazy,'' into bankruptcy, trying to defend against every conceivable threat. He went on to say: ''We do have limits and we do have choices to make. We don't want to break the very systems we're trying to protect. We don't want to destroy our way of life trying to save it. We don't want to undercut our economy trying to protect our economy, and we don't want to destroy our civil liberties and our freedoms in order to make ourselves safer.''

Secretary Chertoff was exactly right. I believe that most Members of Congress will vote for almost anything if the word ''security'' is attached to it so that they will not be blamed if something bad happens later. We should do some things to protect against terrorism, but we should not go overboard if we still believe in things like freedom and liberty.

Actually, most security spending is more about money for government contractors and increased funding for government agencies than it is about any serious threat. Just 3 weeks after 9/11, when security requests for money were already pouring in, the Wall Street Journal hit the nail on the head in an editorial:

''We'd like to suggest a new post-September 11 rule for Congress: Any bill with the word 'security' in it should get double the public scrutiny and maybe four times the normal wait lest all kinds of bad legislation become law under the phony guise of fighting terrorism.''

□ 1830

The Wall Street Journal was exactly right. Unfortunately, Congress has not followed this good advice. But it is just as relevant today as it was when it first written.

Bruce Fein was a high ranking Justice Department official during the Reagan administration. He says the Federal Government has, ''inflated the international terrorism danger in order to aggrandize executive power.'' This is true, in part. Most agencies and departments do exaggerate the threats or problems they are confronting to get more power. But they primarily do so to keep getting increased appropriations.

Certainly, we need to take realistic steps to fight terrorism. But if we gave the Department of Homeland Security the entire Federal budget, we still could not make everyone totally safe. In a cost benefit analysis, you fairly quickly reach a point in the terrorism threat where more spending is almost totally wasted. People are hundreds of times more likely to be killed in a wreck or die from a heart attack or cancer. We need to spend more on the greatest threats. Also, we need to make sure we do not lose our liberty in a search for an illusive security.

Bruce Fein wrote that if the, ''war against international terrorism is not confronted with corresponding skepticism, the Nation will have crossed the Rubicon into an endless war, a condition that Madison lamented would be the end of freedom.''

Madam Speaker, to sum up, a few people are getting rich at the expense of many by claiming that they are trying to increase our security. We don't need to make our already bloated Big Brother government even bigger just because some company or some bureaucrat callously uses the word ''security'' just to get more money and power.

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The SPEAKER pro tempore (Ms. CLARKE). Under a previous order of the House, the gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

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

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

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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## THE ACRE PROGRAM

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

Mr. FLAKE. Madam Speaker, Congress recently approved the farm bill and it's now on its way to a Presidential veto. Any farm bill that increases the size and scope of government, lacks real reform, continues to provide for wasteful agricultural subsidies, and even allows millionaires to continue to receive these subsidies, deserves the veto that it's going to get. It also uses a lot of budget gimmicks to get under the level that would allow it to pass in the first place. So I am glad that the President has decided to veto the bill. We should sustain it.

There's another big reason to sustain a Presidential veto of the farm bill. It's recently come to light, and we only know this because we got the final draft of the bill I believe on the day or just the day before that we voted on it so very few of us were able to actually look through it and to see what was in it. One of the programs in it is called the Average Crop Revenue Election, or ACRE program. This will allow farmers starting in 2009 the option of taking a 20 percent reduction in direct payments and other farm supports in return for a Federal guarantee on their revenue.

Now as we talked about during the debate on the farm bill, farmers can receive direct payments that don't relate to the price of commodities at all. They simply receive payments based on acreage that they had way back when. These payments total about $5 billion a year. They should be done away with completely. But they are now seen as an entitlement. We tried and failed to remove those direct payments from the bill. Those are received, as I mentioned, by millionaires. In fact, a couple, a farm couple, husband and wife in farm and nonfarm income, can make as much as $2.5 million and still receive direct payments in this legislation.

If that wasn't enough, this new ACRE program will allow farmers to actually claim subsidies at a level far higher than they used to under the old bill. Under the farm bill, 2002, which was bloated in itself, once crops dropped below a certain price, then some subsidies would kick in. But apparently those prices were too low for this new bill. And so under this new program, at a far higher threshold, new subsidies will kick in.

The Department of Agriculture estimates that if the price of corn drops, for example, to $3.25 per bushel, the program, this new ACRE program that is new to this bill would dole out nearly $10 billion just to corn farmers. If the price of wheat drops to $4.50 a bushel, wheat farmers would be eligible for $2.5 million in assistance. Again, this is assistance above and beyond what we have done in the past, or what the bill calls for, anyway.

This is new money that taxpayers are exposed to. This is a lot of exposure. It's indecent exposure for the taxpayers. If soybeans, for example, drop to about $7 per bushel, that is another $7 billion in assistance that will be going out to farmers. Now CBO's estimate of this program showed a net savings, but that was largely due to being forced to use outdated projections associated with the 2007 baseline.

The bottom line is we have skyrocketing corn, wheat, soybean prices. When we base a new subsidy program off these high level prices, then we are going to kick in a lot more readily than we would have otherwise, and we are going to be paying out a lot more. The taxpayers will be on the hook for a lot more.

These estimates, I think had they been available, had more people been aware of this new subsidy program, I think we would have had a lot more votes against the farm bill. It provides Members with a good reason, even if they voted for the farm bill last week, to sustain the President's veto and say let's go back to the drawing board. We simply cannot, cannot expose the taxpayers to this much subsidy.

Way back when, part of what is driving corn prices so high, for example, are the ethanol subsidies that we are providing. We have been told for decades these were just to prime the pump. Once we get it started, get this program started, we won't need to subsidize ethanol any more. Yet, here again the bill we passed last week subsidizes ethanol heavily. It also imposes tariffs on imported ethanol.

Now I believe that some people are worried that those ethanol subsidies,

because we are learning how much they're increasing the cost of food and how much degradation of the environment is actually being caused by ethanol, that those ethanol subsidies might be going away. This is a way to guarantee money still being paid, regardless of ethanol subsidies, because the cry will be, Well, if we get rid of ethanol subsidies, the price of corn will drop and the taxpayers will be paying anyway if the price drops under this new subsidy program. So this is a way to simply ensure that we are paying subsidies, regardless. We shouldn't be doing so.

We know that the farm bill, the old farm bill that we just replaced, the new farm bill, it pays out unnecessary subsidies, it distorts the free market, it forces farmers to plant where they shouldn't plant and not plant where they should, and it also distorts our international trade obligations and makes it less likely that we can open new markets.

I would urge us, Madam Speaker, to sustain the President's veto of this farm bill.

## ENERGY PRODUCTION IN OUR COUNTRY

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

Mr. BROUN of Georgia. Energy is the lifeblood of the American economy. Our economic prosperity is closely tied to the availability of reliable and affordable supplies of energy. Unfortunately, U.S. energy production has grown only 13 percent, while energy consumption has grown by 30 percent since 1973.

Instead of traveling to spend time with loved ones, record gas prices will keep many Americans home this Memorial Day. Gas prices are now over $1.46 higher nationally than when Speaker PELOSI took over, and will shortly be over $4 a gallon. These high prices are forcing many to choose between taking a vacation or paying bills.

It should come as no shock to anyone that AAA predicts that the percentage of Americans traveling more than 50 miles from home over this holiday weekend will fall by nearly 1 percent from last year. That one percent represents hundreds of thousands of families.

Skyrocketing gas prices and a risky dependence on fuel supplied by volatile foreign nations highlight our need for an American energy policy that emphasizes production and decreases our reliance upon Middle Eastern oil.

Many here in Congress bemoan America's addiction to foreign oil, yet they refuse to allow access to American oil and gas supplies that are necessary to cure this addiction. America has been blessed with abundant natural resources and we should not be hesitant to tap into them, especially at a time when energy prices are soaring so high and are climbing higher.

The Outer Continental Shelf is estimated to contain 19 billion barrels of oil and 84 trillion cubic feet of natural gas. Alaska's ANWR is estimated to contain between 5.7 and 16 billion barrels of oil. What do these two areas share in common? They are both off limits to any development. At the same time, China is fixing to tap into our natural gas resources off the coast of Florida by 45 to 50 miles, and we can't do it ourselves. Not even 100 or 200 miles off shore.

Developing American oil and gas on these lands will help bring the price down and help break the stranglehold on energy that hostile countries in the Middle East enjoy. This can be done in an environmentally sound manner and should be implemented immediately.

What is the opposition's solution to this national emergency? How about raising the Federal tax on gasoline by 50 cents a gallon, on top of an already existing Federal tax of 18.4 cents per gallon and increasing the tax on diesel fuel by 24.4 cents per gallon. Gasoline is not taxed too little. It is taxed too much. With economic disruptions caused by the current high price of gasoline, Congress should vigorously oppose any efforts to increase fuel taxes and instead reduce or eliminate the already existing Federal fuel taxes.

Environmental groups haven't allowed a new oil refinery to be built in the United States in decades. It does little good to increase our use of domestic supplies of oil if we do not have the refinery capacity to quickly convert our crude oil into a usable form. Members on both sides of the aisle need to stand up to these fringe groups and implement policies that encourage construction of new refineries in the United States.

Many Americans are feeling the financial hardship this Memorial weekend of record high gasoline prices and will choose not to travel. Our energy problems were not created overnight, and will not be solved overnight. Congress just act swiftly to address this growing energy crisis. America's energy policy must make us stronger and less reliant on countries hostile to freedom.

Passing any so-called ''energy'' bill that fails to produce even one single kilowatt of new energy, or produce a gallon of gas, is not the solution. We must pass legislation that will allow for responsible use of our known American supplies of energy that reduce excessive and burdensome environmental policies and encourage the development of alternative forms of energy, such as nuclear power, that has proven to be incredibly safe and a successful source of energy.

I stand ready to do so, and encourage my colleagues to do the same.

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

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

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

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

## ENERGY POLICY IN AMERICA

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

Mr. CANNON. I would like to speak this evening about energy policy in America, and the sources of energy, and I expect to be joined here in this discussion with several other Members of Congress. ADRIAN SMITH from Nebraska is going to be speaking to us, and I will yield to him very shortly about the Alaskan National Wildlife Reserve; JOHN PETERSON will be with us about natural gas and the need to develop that resource; ROB BISHOP will join us I think shortly to talk about what it means in the human costs to not have the resources that we need. We expect to be joined by PHIL GINGREY of Georgia and perhaps JOHN SHIMKUS of Illinois as well.

□ 1845

Let me begin by just saying that the U.S. policy to use corn for ethanol and drive up the prices of grain worldwide and to not develop the resources that we have so richly in America are not morally neutral. They are profoundly wrong. So I hope that after some discussion about these issues tonight, our colleagues in Congress will begin to understand what the resources are and how we can use them.

Now I would like to yield to the gentleman from Nebraska (Mr. SMITH), and when he is finished talking about the ANWR issue, I would like to put that in perspective by talking about what other resources we have and how that fits. But drilling in ANWR is profoundly important. If we had done that some years ago, we would absolutely not have prices over $100 a barrel for oil.

I yield to Mr. SMITH.

Mr. SMITH of Nebraska. Thank you to the gentleman from Utah for yielding me time so that we can have a bit of a conversation on energy. I truly believe that our country is lacking a balanced policy. I think that our country is lacking a commonsense policy, which certainly leaves consumers out of the mix for what they need with food, with fuel for their vehicles, energy to heat their homes, energy to run a small business. The list goes on and on.

But as we do address and look to the future, I think that utilizing today's technology and even tomorrow's technology so that we can certainly use the resources afforded our country, we can do that in a very responsible manner, and that we would not have certain issues become symbols of I think an extreme agenda that are endorsed by I think a relatively small group of Americans.

In 1980, the Congress, and President Carter, I will add, created the nearly 20 million acre Arctic National Wildlife Refuge, but they set aside 1.5 million acres of ANWR's northern coastal plain for the purpose of future energy exploration and development. Let me repeat that. They set aside, this is Congress and President Carter in 1980, 1.5 million acres of ANWR's northern coastal plain for the purpose of future energy exploration and development. This parcel is known as the 1002 area, named after the section of the act that set it aside for its energy resources.

Energy exploration will be limited to just 2,000 acres of ANWR's 1002 area, an acreage limitation made possible by 21st century technology. This 2,000 acres, I will add, is equivalent to one-tenth of 1 percent of ANWR's total acreage.

According to the U.S. Energy Administration, the mean estimate of recoverable oil in ANWR is 10.4 billion barrels, all of which is now economically recoverable. That is more than the twice the proven oil reserves in all of Texas. That is almost half of the total U.S. proven reserves of 21 billion barrels. That represents a possible 50 percent increase in total U.S. proven reserves.

EIA also estimates daily ANWR would provide 1 million barrels per day for 30 years. Will that affect oil prices? Absolutely. Is that a government subsidy? No. I hope that we can get beyond the policies of just saying ''no'' to domestic sources of energy. This is equivalent to what the entire State of Texas produces daily. ANWR's 30 year, 1 million barrel per day supply, also equals 30 years of imports from Hugo Chavez of Venezuela.

Let's talk about the revenue. According to a recent CRS report, at today's prices of $125 per barrel, ANWR development would deliver $191.1 billion in corporate income tax and royalty revenue to the Federal Government. Let's talk about fiscal responsibility. Bonus bids alone would deliver close to $4 billion to the Federal Treasury.

Economically speaking, relating to jobs, ANWR energy production would create between 250,000 and 750,000 good jobs in America across the country. These are good, broad-based jobs in the energy sector that, in the end, help consumers. A study from the National Defense Council Foundation says that the figure could be as high as 1 million new jobs for Americans in all 50 States and the District of Columbia.

In terms of environmental protection, ANWR's leasing plan will be certainly environmentally sound. The Interior Department must administer the leasing program to result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources or the environment. The leasing program will be subject to stringent regulations that at a minimum will require some of these details. Let me share them.

Meeting or exceeding environmental mitigation measures established in the prior environmental impact statement.

Limiting exploration generally to the period between November and May.

Imposing seasonal limits to protect breeding, spawning and wildlife migration patterns.

Using ice roads, airstrips and other low impact transportation methods while limiting air traffic to reduce disturbance to fish and wildlife.

Requiring pipelines and roads to be designed to minimize adverse effects on migratory caribou, other wildlife and surface water flow.

Protecting streams, springs, rivers, wetlands and riparian habitats from the effects of water used in drilling.

Treating and disposing of all waste products by use of a hazardous material tracking system and filing an annual report on waste management.

Educating crew members on environmental protection methods.

Complying with all applicable air and water quality standards and utilizing the best commercially available technology for the exploration and development, not only today, but in the future as well.

I could go on and on with many of these details that assure the responsible development, exploration and henceforth the development, but let me give some perspective to this briefly.

The size of the small wildlife refuges that currently exist barely measure as a fraction of ANWR's 19.6 million acres, yet the ecosystem and energy production in the refuges coexist without harm. Consider the size of these following National Wildlife Refuges supporting active oil and gas production, according to information provided by the U.S. Fish and Wildlife Service:

Hewitt Lake National Wildlife Refuge in Montana, total size, 1,680 acres; Hagerman National Wildlife Refuge, Oklahoma/Texas, 11,000 acres; Kirtland's Warbler National Wildlife Refuge in Michigan, 6,543 acres; Delta National Wildlife Refuge in Louisiana, 48,000 acres. We are talking about a good chunk there. San Bernard National Wildlife Refuge in Texas, 37,000 acres; Crosby Wetland Management District in North Dakota, 86,000 acres. But, my friends, ANWR in Alaska, the total size of the refuge is 19.6 million acres, and proposed development is 2,000 acres.

I would argue that what is best for consumers is a good, balanced energy policy that isn't just about petroleum. It is about many other sources. And the frustration from consumers in the Third District of Nebraska is getting higher and higher and higher, because they understand the economics of various sources of energy, whether it is biofuels that many people are speaking out against, or even nuclear power, nuclear energy that we know is friendly to the environment in terms of carbon emissions.

Hydropower, it was interesting to learn that New Zealand is one of the world's, I would say, most green countries in terms of energy. They are about 80 percent dependent on hydropower. And there is so much pushback here in America on the development of hydropower, consumers are getting frustrated. It is not just policymakers, but it is consumers as well, because they can do the math.

Clean coal technology, we have come so far with clean coal, and there is even greater promise in the future. Why would we want to sell ourselves short on that? Oil shale, that I know will be discussed here momentarily, certainly is a domestic source of energy. We heard earlier about some comments about becoming energy independent, oil independent, but yet there is so much pushback from developing our own resources in a very responsible manner.

Mr. CANNON. Would the gentleman be willing to answer a couple of questions?

Mr. SMITH of Nebraska. I will do my best.

Mr. CANNON. Thank you. They won't be hard. I might point out in Utah we had 76 billion tons of coal locked up by one monument that President Clinton made, the Grand Staircase-Escalante National Monument. That is the equivalent, the gentleman mentioned coal-to-liquid, that is the equivalent of 150 billion barrels of oil locked up in a monument.

But let me make sure I have these numbers right, because they are actually startling. The whole Alaska National Wildlife Reserve is 19.6 million, almost 20 million acres. That is bigger than most northeastern States.

Mr. SMITH of Nebraska. Even bigger than the Third District of Nebraska, which is huge. Well, not acres-wise, but it is a large area.

Mr. CANNON. The Third District of Utah is large as well that I represent, and that is about the size of that. And so we have about 1.5 million acres that were set aside by President Carter and the Congress when the refuge was established for oil development. Now we are talking about 2,000 acres of land to develop oil on. That is the proposal. That yields 10 billion barrels of oil.

Mr. SMITH of Nebraska. That is correct.

Mr. CANNON. That would mean, I think you said, about 1 million barrels of oil a day.

Mr. SMITH of Nebraska. Correct.

Mr. CANNON. What would happen to the $120, now pushing on or moving toward $130, per barrel of oil if we had 1 million additional barrels of oil production a day?

Mr. SMITH of Nebraska. Well, I can't make any promises, but certainly as it

does speak to economics, there is concern that so much of the price of oil per barrel today is based on speculation, that the mere announcement that we would be opening up some domestic sources of petroleum resources, we would be perhaps warning those folks in the speculative world that things may change a bit.

Mr. CANNON. Those speculators have virtually no downside. The upside is limited only by what they are willing to guess on in the future. So to bring that oil price down, I think we need to bring some new sources on or make it clear we are going to bring some new sources on. I think, like the gentleman, that would cause these prices to plummet.

Mr. SMITH of Nebraska. Absolutely. I think the numbers certainly speak for themselves.

Folks, in our economy, on the front lines of our economy, they can do the math. They are very frustrated with what is taking place right now. And while the Third District of Nebraska is a large place, I am not saying it is smaller than this subject area, but we even have opportunities with so many different sources of energy. Why would we want to take something off the table, when there are domestic supplies that with technology today and tomorrow we can do so much more?

But more than that, it strikes me as absolutely amazing that the local folks of these subject areas, specifically ANWR, are supportive of this development. I think you spoke earlier of some places in Utah that you pointed out that the locals support. If it were truly going to plunder the environment, as many would speculate and suggest, the local folks would be fighting against that.

Mr. CANNON. I think that is absolutely right. Reclaiming my time, I thank the gentleman. I would like to point out to him, I paid $3.59 for gas the last time I bought gas. That is obscene. It is obscene. If we had been thoughtful about ANWR, if we had acknowledged the desires of the people who live in ANWR, who care about the land in ANWR, we would be drilling there, having minimal effects, and producing a much, much lower price for gas. That is an obscenity that we ought to be rid of.

Mr. SMITH of Nebraska. I drive a diesel vehicle, and even though diesel is more efficient on a gallon-for-gallon basis, it is painful. I close with that.

Mr. CANNON. As you leave, I appreciate that. I drove to a new gas station the other day. I went to the pump and put my card in and got ready to pay for the gas, and as I did that, I reached over to get the gas hose and it said $4.39 a gallon. I was stunned. Then I looked. It was green and I realized that that pump had a diesel handle on it as well. The 15 or 20 percent better mileage you get doesn't cover the extra dollar that you pay, the 25 percent higher prices. So I sympathize with the gentleman.

But I would point out that oil shale is essentially diesel fuel and then can be used for that, and if we develop that, it should bring your prices down, Mr. SMITH, significantly, and all the rest of the world's as well, which I think is the right thing to do.

Thank you very much for your time. We appreciate that.

We are now joined by Congressman BISHOP from Utah, who agreed to join us despite the fact he is hosting a group of German members of the Bundestag. So I would like to turn some time over to him to talk about whatever he wishes, but probably the human costs of these horrible energy prices and policies that we have in America.

I yield to the gentleman.

□ 1900

Mr. BISHOP of Utah. I appreciate my good friend and colleague from Utah that clearly understands this particular issue.

I want to start by introducing you to a character in American history by the name of Elbridge Gerry. Elbridge Gerry is a former Vice President, Governor of Massachusetts, signed the Declaration of Independence. He is also one of three people who spent the entire time at the Constitutional convention and then refused to sign the document.

Now, we have had others; the gentleman up to my left who appear on the ceiling, one of the two Americans that we had in this icon of lawgivers in the history of the world. George Mason was one who stayed there and refused to sign the document. He had a specific reason, and that was it didn't have a bill of rights.

Elbridge Gerry did not have a specific reason. He had a litany of little ticky issues that he thought were wrong with the document. They are so small and so insignificant that I have yet to find a history book that actually lists the reasons for his refusal to sign this particular document. In fact, I had a teacher that one time told me that he had a personality that was the kind so prickly that if the Savior said that the millennium will start on Tuesday, he would say, I can't do that, I have a haircut; we have to wait until at least Thursday to do it. Now, that is what he did.

Despite the fact that he had a litany of problems with the document, the document itself turned out to be a pretty good document. As P.J. O'Rourke would say, the Constitution of the United States is 21 pages that is the operating manual for 300 million people, compared to the operating manual of the Toyota Camry which is four times as long and only seats five. The document worked.

Well, one of the problems and the reason I am introducing you to Elbridge Gerry is we have an Elbridge Gerry attitude towards energy policy. We all agree that we need to be energy secure and energy independent, and we agree we have to do that. But we can't have windmills off the coast of Massachusetts. We need to be energy secure, but we can't have a liquid natural gas port on the East Coast. We need to be energy secure, but we can't do any kind of offshore drilling even if it is 100 miles away and no one can see it because it might bother the tourists who can't see the drilling going on. We need to be energy secure, but we won't go up to the arctic in Alaska to an area set aside by the Carter administration for the simple purpose of producing energy, and we won't drill there, as the gentleman from Nebraska just recently explained.

We have this idea that we have all these ticky little reasons and details that we won't do this and we won't do that, and the end result is we miss the bigger focus and the bigger issue, and that is we need to be energy secure for our Nation and for the individuals of the Nation.

Our policy towards energy has always caused problems. It has caused problems for businesses, has for several years, and it is causing problems in the way people live their life. Because the issue is not our country's energy policy in the abstract; the issue is, how do people cook their food? How do people heat their homes? How do people create and hold on to a job? Because every time the price of energy increases, jobs are lost, incomes vanish, social programs suffer. Every individual in this Nation suffers with higher and increasing energy prices.

Rising utility bills are indeed one of the major causes of homelessness in this country. And that means, when energy increases in price and cost, the poor and those on fixed income, and there is about 43 million of them in the United States, are the first ones who are hurt and suffering. And how do our people react to this?

There is a couple in Maryland who have decided to take their kids out of weekend activities. So their daughter that was in dance and gymnastics, they no longer drive them to these activities. A Vermont church found itself recently in a $10,000 arrears simply because it didn't budget enough for its energy. In Maine, in Wisconsin, schools simply have lowered the temperatures in their classes. So, in a district in western Wisconsin the kids in the winter are now wearing fleeces and zip sweaters, to the fact that they even had a fashion show to show kids how to dress warmly as they are now coming to schools. Unfortunately, they held it on a day when it was snowed out, but that is still the fashion show they tried to do. In Louisiana, they no longer run their sprinklers on the ball field. In North Dakota, they are talking about a four-day school week. In Iowa, they have cancelled trips for choirs, athletics, and field trips for the junior high kids.

And schools simply don't have a way of handling this. You can't just put more money into the heating salary. Schools are on a very tight budget,

with the majority of schools' budgeting coming from the cost of salaries, which simply means if energy prices increase, teacher salaries will decrease. They simply can't afford to do it in any other particular way.

We have a Chicago nurse who has cut out her cable television. She can't afford it anymore. Elderly people on fixed incomes especially feel trapped in their apartments because they do not have the flexibility to go anywhere. They can't afford to. We have an example of an elderly gentleman in St. Paul, Minnesota who now travels most of the time on his electric wheelchair because electricity comes with his rent and that is for free, and he can plug it in in the apartment and he doesn't have to buy gas to get around. Now, that is what is happening to real people.

It is happening to the country as well. In the military defense of this country, our costs in the last 3 years for energy for our military has risen from $3 billion a year to $7 billion a year.

Our increase in prices are putting our Nation at risk, are putting individuals in jeopardy, and we simply cannot afford to talk about it any longer. We cannot afford to have secret plans that we refuse to identify any longer. We simply have to do something. Because for every dollar spent on higher energy costs, it is a dollar you can't spent on luxuries like tuna casseroles; for our energy is the great social equalizer of this country and it is the one that creates economic opportunity in this country. Our energy should not be those who are rich in government or rich in society or rich economically, the elite that can afford this.

One of our Presidential candidates went in one day on three different jets, each of which spewed out 25,000 pounds of $CO_2$ per hour. Now, the average American spews out 15,000 pounds of $CO_2$ per year. And the solution to that was simple: Recognizing that they are now adding to the emissions in the atmosphere, they paid $11,000, and urged you to all buy mercury light bulbs made in China by coal-powered plants.

Another one of our good friends who makes a great deal of emphasis on the fact of global climate change and global warming lives in a house that consumes 20 times the amount of electricity that an average house does in this country. And his solution to that? Paying offsets that he uses his own company to pay the offsets.

We have a concept right here now of the elite who are not cutting back on their energy consumptions; they are simply paying for it with offsets in a similar way as medieval dukes used to pay for indulgences with the church. And yet, while they are still living in comfort in the elite, what we have is a situation that is harming individuals, and especially individuals who are poor, on fixed incomes, and the elderly.

That is one of the reasons the Western Caucus will be introducing shortly a comprehensive energy bill, one that realizes that if we are going to solve this problem, not just talk about it but solve it, there are three principles that have to be introduced:

We must increase the production of energy in this country. And we are going to have multiple speakers who will be talking on that aspect. That won't work alone. We also have to increase our efforts of conservation. We cannot solve the problem of our energy future without conservation efforts. But, we cannot solve the problem of our energy independence and our energy security needs by conservation alone. It has to work with other principles. Because it is true, every gallon that we save, every watt of electricity that we do not use is a gallon that does not have to be imported, does not become emitted.

Yet, even by the strictest standards of conservation alone, we can account for only about one-half of the amount of oil that we import into this country every year. It would be hypocritical to rely on this. In fact, it would be, as the Ron Arnold book title says, our goal would be ''Freezing in the Dark.'' It has to be more than that.

In addition to that, though, there is a third element that has to be there that will be an essential part of this bill, which is innovation. If you go back to the turn of the century, Jules Verne could not have imagined what would have happened in the next 100 years. He could not have imagined going from radios to I-pods, and rockets, computers, going from antibiotics to organ transplants. Couldn't even have imagined bottled water. But that has been the reality of the past 100 years.

We have technological abilities that sometimes come slow and sometimes come as fast as new cell phone plans that will provide the ability to use these two concepts to reach the needs so that we can become energy secure. We have certain specific problems that need to be addressed in this process of innovation. We have not had a new refinery built since 1976. In 1980, we had 324 in this country; today, there are 148 that are operating. We can produce 17 million barrels of oil per day from our refinery capacity. Unfortunately, this country needs 21 million barrels of oil per day from our refinery capacity.

We have outdated processes and regulations that need to be put in place along with tax reform to encourage both conservation and production.

We use about 5 million miles of electricity distribution and 1 million miles of natural gas distribution lines. That is not enough. We need to be developing new corridors so that we can more easily transport energy from section to section.

One of the other areas we are looking at is also the workforce. There has been a 90 percent drop in the number of petroleum engineers and geoscience graduates since 1982. At that rate, by the year 2010 we will find a 38 percent shortage in this critical profession that we need to try and find our way to use the knowledge that we have to build and move us into the future. We need to come up with smart meters, point of sales generations. We need to use the technological abilities that we have to find solutions.

We need to use a system that has financial rewards and prizes to reach our technological goals, because we have found that voluntary innovation and experimentation are always preferable to bureaucratic or international intervention and regulation. Former efforts that failed were not driven by market forces, but they were driven into failure by self-serving governments. We need to combine all these three areas into one. But we cannot overlook the first and most important effort, which is simply production.

We in the West perhaps have a different attitude. To be honest, the West produces the energy the East consumes. So I think by all rights we have the ability to be a little bit holier than thou, both realistically as well as spiritually. But the issue is, we have the ability in this country to be energy secure. The stuff is here. There is more energy imprisoned in this country than most nations actually have, and all we have to do is simply be wise enough to realize we need to go at it, we need to develop it, we need to conserve it, and we need to be creative in the way we distribute it.

We can talk all day as some people do about profits that the companies are receiving, what we should do with those profits. At the end of that discussion, you have to realize it is a useless discussion, because you can talk all day about what we do with profits. Not one new barrel of oil is provided to anybody by that discussion. The only thing we need to do is start talking about going to where the energy is and developing it, conserving it, and being smarter in the way we do it. That means an attitude change. So our goal is to produce, to conserve, and be smarter in the way we do it. And by that method, that method, we will solve the problem.

This Nation needs more than anything else to not talk about the issues any longer, not have secret plans about the issues any longer, but simply to do it. We have the resources, we have the capability, we have the ability to provide for ourselves into the future. And it is almost criminal if we do not do that in a comprehensive and intellectual way.

I still have faith that this country can proceed into that future, and I hope America will join us in this effort to meet these criteria. And I applaud my good friend from Utah, who understands this issue instinctively, and his effort to bring this to the attention of the American people with a lot of different people who understand elements of this, and hopefully we can bring together a comprehensive plan for the future of this country so that we can have energy security and energy independence for our future.

Mr. CANNON. Would the gentleman be willing to enter into a colloquy?

We talked a little bit about innovation. I think that in the bill that we are proposing as the Western Caucus, we have some prizes in there for energy efficiency including what is under consideration, a prize for a motor or an engine or gasoline engine that would go say 100 miles per gallon. And the gentleman probably knows this, but the typical engine in America gets about 17 percent efficiency. In other words, you get about 17 percent of the energy out. The highest efficiency are diesel engines on long-haul trucks, which get about 35 percent; meaning 70, 65, or 83 percent is wasted in the process.

If innovation would support us in doubling the efficiency of engines, what would happen to the price of gasoline in America and diesel?

□ 1915

Mr. BISHOP of Utah. The gentleman is perfect, right on with this one. The problem we have is a simple concept of supply and demand. If the demand is great and the supply is not, the price goes up. And how do you simply get the price to come down? You increase the supply, whether by production increases or conservation increases or new technology increases. But, once again, spot on accurate.

If we don't do that, it's kids who are freezing in classrooms; it's elderly who are stuck in their homes by the fear of going anywhere because they can't afford to get back; it's poor people who will lose their jobs because we don't have enough energy to expand the market.

That's why we do this. We do this for people who are counting on us to have a wise, comprehensive policy.

And we've found also, if you ask, prizes are a wonderful way because people are so creative. People are innovative. And if we allow that spark of creativity and innovation to come forth, we can solve every problem that we face. And it doesn't have to be done by experts sitting in a room in Washington. People have the ability to do that, and they have the ability to do it better than probably we can.

Mr. CANNON. Heaven help us, from experts sitting in Washington who get paid to continue the problem instead of solve the problem.

Thank you, Mr. BISHOP. Appreciate your time.

Let me just point out that production and conservation are both matters of innovation. We're going to talk tonight about new ways to innovate in production, and also in other areas of conservation.

A new motor would conserve a great deal, a new, more efficient motor would conserve a great deal of energy. And I think that if you doubled the efficiency of engines on the highway today, or if you had an engine that doubled the efficiency, the threat of that doubling of efficiency would almost immediately result in a plummeting of the price of oil overnight, without any additional production.

We're joined now by Congressman PETERSON from Pennsylvania. And Mr. PETERSON has been a great advocate of developing our natural gas resources with reasons why this is a critical part of what we're doing in the country. And I would yield to Mr. PETERSON as much time as he may consume. And hopefully, at the end of your presentation, we can chat a little bit about what this means for America.

Mr. PETERSON of Pennsylvania. I want to thank the gentleman from Utah and thank him for his leadership in the Western Caucus. Even though I'm from Western Pennsylvania and Central Pennsylvania, I've been a proud member of the Western Caucus my tenure in Congress, and have enjoyed working on the many issues that the West is interested in.

$129 oil today. I remember a short time ago when it hit 80 and then it hit 90. I came down on the floor, thinking this Congress would start to react as if it was a crisis. Here we are today with $129. We've been over 120 for a week or so.

Do we have a bipartisan Senate/House task force formed to deal with energy? No. Not an issue.

Do we have a special committee in the Congress here in the House to deal with energy, maybe bipartisan or partisan? No.

Is anybody calling for a special session that we deal with energy?

No matter where I go, where I fly, what coffee shop I sit in, everybody's talking about energy prices. Why? Because a young lady said to me recently, Mr. PETERSON, I make $320 a week. I'm raising two children as a single mom. I'm now paying $130 a month, no, $130 a week to drive to work.

In rural America people drive distances to work. They drive distances to school. They drive distances to shop. They drive distances to go to the doctor. There's no transits, there's no cheap way to travel.

She said, I'm spending $130 a week. I said, what are you spending to heat your home? She said, I'm spending $175 a month, year round, to heat my home with natural gas.

What this young lady doesn't know that, since she told me that, energy prices have risen considerably. That was a few weeks ago. And what she doesn't know, and most Americans don't know that natural gas prices to heat our homes are going up measurably this fall.

Last year, at this time, in the summertime, we put our natural gas in reserve, underground caverns because we can't produce enough during the winter heating season. Last year, at this time we were putting gas in the ground at $6.50 to 7, and that was a little bit higher than usual. Not a lot but a little bit.

Today we're putting $11 gas in the ground. And I talked to one of the experts at the Energy Department today, and he expects that figure to rise. If we would have a major storm in the gulf, which we have not had for 2 years, and we always lose some production in the gulf when that happens, we could have 14, $15 gas go in the ground. If that's true, home heating costs next winter, with natural gas, and that's 62 percent of Americans, will double.

Those who are heating with propane and home heating oil this year paid huge prices, and are going to pay much higher prices next year. Natural gas only went up about 10 percent. But that's going to change.

Folks, America has chosen, the leadership in America has chosen to not produce our own energy, to lock ours up. Now, we did pass a bill today called, interesting name, the Gas Price Relief Act for Consumers of 2008. Now, wouldn't you think that's going to do something with prices?

Well, here's what it does. It's trying to figure out a legal way for us to sue OPEC and other countries who we don't think's producing enough oil. If, you know, I think Saudi Arabia, I looked today, is 12 million barrel a day. And the President was just there, and the Speaker asked him to ask for more oil, and I think he asked for more oil.

A month or so ago, Vice President CHENEY was over there, and the Speaker and others asked him to ask for more oil, and he asked for more oil.

But now we're going to pass a bill saying that if they don't produce enough oil, and if we think they're kind of conspiring and not producing as much as they could, we want some court to sue them in.

Well, it seems to me, we're a little bit vulnerable, because I want you to look at my chart here. Congress, for 27 years, has locked up the Outer Continental Shelf. That's offshore production of energy. Every country in the world produces out there, a major part of their energy, both oil and natural gas.

We've also locked up major parts of the Midwest. Up here in Alaska, we locked up the portion of ANWR that was set aside for energy production. That's why it was set aside. I think we heard in earlier testimony here that 2,000 acres out of millions would have been actually the footprint. And yet, this Congress said no.

Now, we've said no to Alaska. We've said no to the Midwest. The oil shale rock was recently locked up, not signed into law yet, but we passed a bill here with six plus votes, I think, to lock up the shale oil in three States in the West.

We heard earlier about the huge coal lock up with one Presidential order. Congress, and three Presidents, have locked up offshore production.

Now, we have the nerve to say that we're going to sue other countries because they're only producing 12 million barrels a day for us?

I think maybe we ought to pass the bill that Americans could sue Congress and the administration for not producing adequate energy. We have been negligent.

This Congress has the mind set that we're going to run this country with renewables. Now, I wish that was true. But let's look at the chart. The left of this chart is history. The right of this chart is the Energy Department's prediction. There's not much change.

Hydro, non-hydro renewables. This is wind, solar and geothermal and woody biomass. And the one that's increased the most is woody biomass because a million Americans are now heating their home with pellet stoves. That's sawdust made into pellets.

All the wood companies are drying their wood. If they dry their wood they're using wood waste now instead of fuel oil or diesel or natural gas because they can't afford that.

And many power plants are topping off their loads. To keep under air emission standards they may use 80 percent coal and 20 percent wood waste. And we now have some plants coming on-line generating with wood waste. So woody biomass, and now we're talking about cellulosic ethanol, which will also be another use for woody biomass. So that's been the only one that's growing.

Nuclear, we need, we have 45 to 50 plants that are now applying for new permits, and we need all of them to be completed by 2030 to stay equal.

Coal, it shows coal growing. I don't believe that's going to happen. We've had about 60 coal plants in the country that have been turned down by States because of the threat of climate change legislation, which will put a tax on energy.

When you hear people talking about carbon taxes and carbon trading, you need to realize that in every country that's went down that road, that will increase energy prices another 20 to 30 percent. Now, let's say it's 25. Well, at $4 gasoline, that means, with a carbon tax, gasoline would be $5 pretty quickly, without oil prices going up.

Now, they show natural gas flat here. I disagree with the Energy Department, because every one of those 60 coal plants that have been turned down will be a natural gas fired generation plant. Just 10, 12 years ago we produced 7 percent of our electricity with natural gas. We're now at 23 percent and growing. And whenever you deal with carbon in any country, the only field you can shift to is natural gas. It's cleaner. No knocks, no socks, and a third of the $CO_2$. So it's the clean green gas.

Now, we should be using more of it. But if we're going to use more of it, we need to produce more of it and we need to be out on the Outer Continental Shelf. As we showed before, we need to get into the Midwest, we need to do the coal to liquids, coal to gas, as we heard others talking about earlier. We need to do all of those things, and those are all doable.

Folks, we need all the wind and solar we can get. And I'm for it. But if we double it in the next 5 years, we will be less than 1 percent of our energy use in this country. So it's not big numbers. We can't run the country on renewables.

We're not increasing hydro. Folks, we're really not increasing anything. We're sitting on our hands. We're a policy-less country, as far as energy is concerned.

The 2005 Energy Bill did a lot of good things. The reason we have 45 to 50 permits on nuclear is because it streamlined the process and we now have all those in the pipeline.

The unfortunate part, when we build these nuclear plants, the basins are going to come from Japan, that's the base because we don't have the ability to make them here anymore. And many of the components are going to come from Germany, which has a lot of capacity. And we've kind of lost our capacity.

Mr. CANNON. Would the gentleman yield?

Mr. PETERSON of Pennsylvania. Surely.

Mr. CANNON. You know, looking at that chart is actually a little disturbing, because unless we produce a great deal more natural gas, our current reserves being diminished, or diminishing, we have to import a lot of natural gas. So if we're not going to do coal power plants, if that chart, instead of widening for coal, shrinks for coal, then you have to widen natural gas, which means you're going to have to import a great deal of natural gas.

Mr. PETERSON of Pennsylvania. And that comes from Third World countries, dictatorships, the same type of countries that we're purchasing oil from.

But let me tell you, it's not that simple. LNG, and I'm not opposed to it, but when a tanker is loaded with LNG it becomes a commodity, and countries like Japan and Spain and other countries that have no natural gas, live by it. They will currently, are paying 14 to $15 per thousand for a tanker load, and we can't afford to pay that. We're paying 11 to put in the ground. We can't put 14 and $15 dollar gas in the ground, or we are automatically doubling natural gas heating prices for next year.

Now, natural gas is not just a heating fuel. We run our country with it. You know, we use—70 to 90 percent of the cost of fertilizer to grow corn to make ethanol is natural gas cost. That's what we use.

Petrochemical business, 55 percent of their cost is natural gas because they use it as an ingredient and as a fuel.

Polymers and plastics, 45 percent of the cost of that industry is natural gas because they use it as an ingredient, as a fuel. Almost everything we manufacture in America has natural gas in it as an ingredient, as a fuel.

Really, I've had people tell me it's such a wonderful substance, we never should burn it, we should use it as the chemical that it is to make products. But we know that's not going be the case.

We have lots of natural gas in America. Unfortunately, all the rich fields are locked up. Offshore is loaded. The Roan Plateau in the West is loaded. They've just found the new Marcella Shale in the Pennsylvania, New York, West Virginia area. It's going to take a while to develop it. But we have lots, but we are not producing enough of it to keep it affordable. And we are looking at a huge spike that's coming at us right now.

But LNG, we can only buy it in the off season. In the heating season, when we need it, we never can afford to pay for it because the other countries bid it up. And they have to pay the price because they don't have any other oil.

Mr. CANNON. So here we are, the Middle East of coal. We have more coal than we know what to do with. We've stopped using coal. We don't use coal to liquid. We don't use those things because we can't sequester the $CO_2$. That means, instead of expanding, coal declines. Coal declines. Natural gas goes up.

So now all of sudden you just listed all the things that we use natural gas in. And I add those things all to be an inflationary environment where, in particular, food prices go up, or continue to go up, having doubled, in some cases tripled over the last couple of years.

Mr. PETERSON of Pennsylvania. I was in a hardware store last month, and they had their coats on. And I said, what's going on? He said, in the spring and the fall season now we don't heat our store because people, working people are coming in to buy hardware and lumber, it's a lumber yard. And they said because it costs us 800 in the month in the spring and the fall season, now it's going to cost us a lot more than that in the winter, but we have to keep it warm in the winter. But in the spring months, when nothing will freeze, we shut our heat off. That saves us 800 a month. Those are two fall months and two spring months. That saves me $3,200 profits. So he said, we work with our coats on. Our customers come in with their coats on, they just leave them on and they don't complain. He said, that's how we do it now. We can't afford to heat our store.

□ 1930

These costs of natural gas, costs to heat schools this year are going to double. Costs to heat our hospitals are going to double. Almost everything that we use gas for will probably come close to doubling this year. It's going to be terribly inflationary, and it's going to make some businesses just noncompetitive.

Mr. CANNON. You and I have been talking about this issue for years now, and we've seen no increase, a modest increase in some drilling in the intermountain west, but very little new sources.

And what's happened to costs of gas, that is, natural gas, over the last 3 years?

Mr. PETERSON of Pennsylvania. Someone was talking the other day

here on the floor that we're drilling twice as many wells and we don't need to drill more. Well, we're drilling in old, tired fields. We're drilling the cracks and crevices that we haven't drilled before. You get out into some fertile territories, there's huge gas fields. Just huge. In fact, off the coast of Florida, there was a huge gas field that I think the lady from MS said it was called very sweet gas and it was tremendous volumes, and we actually bought the leases back so we wouldn't produce it. Yet 50 miles offshore, we have Cuba cutting deals with China, Norway, and Canada. They're going to produce gas 50 miles off the Florida coast, and we can't produce 100 miles off the coast. Does that make sense? I don't think so.

Mr. CANNON. I don't think so either, and I don't think the American people think so. And I think the American people are really fed up. You can't double or triple people's natural gas costs, their heating costs in their homes. You know, personally sometimes I drive in the wintertime even without a coat on. If I jumped out of my truck and went into that store, I'm not sure I would be comfortable, but that's one of the costs that we're imposing on people.

We cannot—the American people are not going to allow us to maintain these idiotic policies that lock up resources while people are actually going hungry in other parts of the world because we're using corn for ethanol and we are taking natural gas, and instead of turning it into fertilizer, we're bidding it off to the Japanese, the Chinese, and the Indians.

Mr. PETERSON of Pennsylvania. Well, the good news is within the next 3 to 4 weeks, we will be offering an amendment to the Interior bill that will open up on the offshore—let me put my sign back up, my chart back up here—in part of the gulf, east Atlantic, Pacific. Both oceans will all be open from 50 miles out for gas and oil.

Now the site distance is level. So if you're at your condo at the beach, when it gets past 11 miles, you won't know it's there. We're going to be 50 miles out. Now, I'd like to come in to 25 or 30 because there's a lot of energy in that section. But we're going to go 50 in hopes that a majority of Congress, House and Senate, will feel the heat from back home and we will open up production.

Canada, Great Britain, Ireland, Sweden, Norway, Australia, New Zealand, all of these very sensitive environmental countries, they all produce. Canada laughs at us. They actually produce in the Great Lakes. They produce in Lake Erie where I live and they sell us the gas. And I asked them the last time they were in, Do you slant drill to our part of the lake? And he smiled and he said, You bet.

Now, we don't allow drilling there either.

We could actually drill the Great Lakes from offshore. We wouldn't even have to get in the lakes. But since 1913, Canada has produced in the Great Lakes, and now they're selling us, because we get 15 percent of our natural gas from Canada. Our largest producer of oil outside of our own is Canada, and it's also the only major source we have of natural gas other than our own, and I think 2 percent LNG. I think 15 percent of our natural gas. Thank God Canada produces. They also produce right off of the Washington coast, right off the main coast. Right off within sight of us, they're producing energy with no negative results.

I hope in the next 3 or 4 weeks that Congress will feel the heat, understand this issue a little better. A lot of people in the country, a lot of people in Congress don't realize that natural gas is not a world price, and when we're putting $11 gas in the ground, that's the highest price for natural gas coming out of the ground anywhere in the world. In South America, it's a buck-something. In Russia, it's a buck something.

So our fertilizer, 50 percent of our fertilizer industry has went offshore now. Polymers and plastics are going offshore. Petrochemicals are going offshore. Those are the best blue-collar jobs left in America, and they need natural gas to produce.

Mr. CANNON. Those are the best blue-collar jobs in America and Democratic policies are driving them offshore.

Mr. PETERSON of Pennsylvania. And if carbon capture and $CO_2$, if you have those who believe that's such an evil force, that the $CO_2$ we breathe out is a poisonous gas, if we put carbon capture and $CO_2$ payments ahead of affordable available energy, America will be a Section 8 Nation. We won't compete with anybody in the industrialized world because our energy costs will prohibit it.

Mr. CANNON. You and I are on the Resources Committee together. We are going to have a vote on this issue, and every American is going to know because every talk show host and every newspaper is going to talk about this vote because this vote is about the cost of energy.

And included in that mark-up we are going to have a vote on ANWR, and we will have other votes that I think will be profoundly important.

It was in the mark-up a year ago that the Democrats, over our objections and over our votes, insisted that BLM not be allowed to go forward with its regulatory scheme for oil shale. We're now a year behind on that. It was in the appropriations bill last year. The Democrats put a provision that prohibited the use of any money that BLM had for processing permits on BLM property. Thank heaven that we have school trust lands that can be developed for oil shale. But without that, we would be in real trouble.

Mr. PETERSON of Pennsylvania. Well, maybe 30 years ago when oil was $10 a barrel and natural was $2 a thousand, it was smart to use theirs. But when it's $129 a barrel and $11 for natural gas, I think it's time to produce our own. Americans do not need to be sending all of our resources to these other countries.

Mr. CANNON. And you and I talked about the increase in price that went from $2 to $9 briefly and then it came back down a little bit, but we talked about how if we don't do this Outer Continental Shelf Development, if we don't do the inter-mountain west and other and gas resources, we'd be in the predicament that, lo and behold, we're in today.

We're talking about families doubling the price of heating their homes, businesses, doubling or tripling the price of heating their business because of failed policy.

We have energy. We need to develop it.

Mr. PETERSON of Pennsylvania. If your foreign competitor is melting steel or making a product with $1.25 natural gas, you have a huge disadvantage, and that's what's actually happening.

Mr. CANNON. That's right. You cannot compete.

Mr. PETERSON of Pennsylvania. Thanks for the time. In a couple, 3 weeks we will have the opportunity to fight to open up offshore production of oil and gas, and that alone I think will take some, if we could pass that, House and Senate, have the President sign it, I think that would take some of the excitement out of the oil market and oil and gas would settle down because everybody feels there's a lot of hype in there because the traders see it keep going up and they keep bidding it up to make money.

And so we have Wall Street, you know, 15 to 20 percent of our energy prices might be Wall Street making money. But if you take the risk out, you make sure that we have adequate supply opened up, that takes that away; and I think we could see a settling down of the markets, and we might see some measurable price decreases because if we don't, it's going to be a hot summer and it's going to be a long, cold winter for America.

Mr. CANNON. These traders are betting that Saudi Arabia and other OPEC countries won't act contrary to their own interests and allow the price to keep going on up, and that's why you get the speculative bill that we had today.

Mr. PETERSON of Pennsylvania. In fairness to those countries, they're producing more and more energy, and we have chosen not to produce very much of our own only in the whole entire fields. And yet we pass a bill so we think we can sue them because they're not producing enough? I find that interesting. The bill ought to be that the American public can sue us because we've locked up our resources and forced them to buy foreign expensive energy.

Mr. CANNON. I actually used to be a lawyer, and I can't imagine a legal theory upon which you sue a sovereign

country. I can imagine a legal theory upon which you react to Congress, And you know what that is? Vote for someone else.

Mr. PETERSON of Pennsylvania. Well, that is something they all have. And I think, in my view, we need to be watching very closely as we elect a President, do they have a bona fide energy policy for America.

Mr. CANNON. Thank you, Mr. PETERSON. We agree on that point. I think that for the first time in maybe our tenure in Congress, we're going to see a huge increase in the Natural Resources Committee markup of an energy bill to see if we're going to actually drill in ANWR, if we're going to drill in the Intercontinental Shelf and loosen up our drilling elsewhere around the country.

But that sort of begs the question, right now we're talking about various kinds of oil and gas. Let me put some context here.

In our conventional oil resources we have about 50 billion barrels that we know about. That includes 10 billion in ANWR. These are in the United States of America. We have some oil sands. Those are very difficult to develop in America. They're very different from the oil sands in Canada where each grain has a little molecule of water so the oil comes off the sand with just a little bit of heat.

We have about 100 million barrels of oil on the Outer Continental Shelf, and all of that adds up to about 200, 225 million barrels of oil that we have available to us today in the United States.

Think about that. 225 barrels of oil. We now have, and I'm going to pull up a chart here. We have in oil shale about 1.4, 1.3, let's see, that's ''trillion'' barrels of oil. I'm sorry. That's not ''billion'' barrels of oil, that's ''trillion'' barrels of oil in Colorado. In Utah, we have about 800 million barrels of oil and Wyoming about 500 million barrels of oil. Those are millions. We're not talking about a lousy 225 million barrels in all of our other resources. We're talking about 2.6 trillion barrels of oil that are available to America today in oil shale.

Now, let's pull up the map, if we can here. This is a map of Utah. Idaho is over in the corner, southeast Wyoming and northeast Colorado, and you can see the dark green are areas with more intense reserves of oil shale and that the lighter green are areas where you have not quite as dense oil shale. And these are the areas that have the oil that we were just talking about, 1.2 trillion barrels in Wyoming, 800 million barrels in Utah. These reserves are different, and the way to get them out, the way to get the oil out is going to differ between those.

Let's talk for just a moment about why we can be actually talking about producing oil out of shale today whereas it did not work in the past.

In the old days, and over here you see on the side it says ''past oil shale efforts,'' we used heat to convert kerogen. We broke the shale up and put it into a rotary kiln, and then heated it up. The problem is you needed enough heat in that rotary kiln to get the kerogen out, but at the same time, that was hot enough so that the rock melted into itself; and so you would have to shut the operation down occasionally and go in with sledge hammers, literally, and knock the rock out that had melted into itself.

Today you use chemistry and minimal heat to convert the kerogen to oil.

That's a profound difference, and there are about six different companies, four large companies and two small companies, that are using different kinds of technology to get with a smaller amount of heat to convert that kerogen to take it out of the shale. Kerogen, by the way, is a lot like diesel fuel and comes out of the system, very close to that. Needs to be cleaned up a little bit. It's like JP–8 diesel fuel.

In the old days, we mined this. We had a strip mine or room and pillar mining, and then we brought the shale to the surface to be processed. Today, the focus is on in situ recovery and conversion.

Back in the day, low-quality energy, intensive product, or low-quality energy, intensive product to refine; that is you had to put a lot of energy in it and it was hard to refine. And today you have high-quality value product with minimal cost to refine, and then we were focused on the resource back then, and now we're focused on balanced environmental, technical, and economically sustainable methods.

The fact is we've transformed the way we work technologically in the world today, and we can get these resources out of the ground much more cheaply.

Let's talk just for a moment about the reserves that we have—or what we use imported to the United States and the world's reserves.

The Saudi Arabians have about 264 billion barrels of reserves that we know about. Canada has about 179 million or billion barrels of oil, Iran has 138, Iraq, 115, and Kuwait 102. And the people that supply this oil are Mexico, and these are average barrels per day that we import.

So from Canada we import about 2.43 million barrels of oil, from Mexico 1.53, from Saudi Arabia 1.49, from Venezuela 1.36, and from Nigeria 1.13, and then we import a great deal more from other countries who export lesser amounts to us as we go.

These are not exactly the kind of people that we want to be relying on except with the exception of Canada perhaps and also to some degree Mexico, and that's improving.

And in the last couple minutes we have before we finish this, let me just say that this is complicated. The natural resources is complicated and the technology is complicated, but we've advanced dramatically in our knowledge and understanding of how to do that. We have now, today, for the first time in 30 years a commercial test going on here in eastern Utah of how to get oil shale out of—oil out of shale, and we think that test will be done about September 15, and the projection is we will be able to get oil out of shale for $30 a barrel.

Now consider this: Trillions of barrels of oil at about $30 a barrel. That's profound. I think that cost is going to actually go lower than $30 a barrel, and I'm about to introduce a bill that will allow the President to cut through the permitting processes and allow us to develop our oil shale at a reasonable time using reasonable understanding of the technology and the environmental impacts so that we can actually bring that shale to market, bring down the cost of oil, stop funding our enemies in Iran and Saudi Arabia and Venezuela, and start producing oil in America.

□ 1945

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6049, RENEWABLE ENERGY AND JOB CREATION ACT OF 2008

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 110–660) on the resolution (H. Res. 1212) providing for consideration of the bill (H.R. 6049) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5658, DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 110–661) on the resolution (H. Res. 1213) providing for consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON S. CON. RES. 70, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 110–662) on the resolution (H. Res. 1214) providing for consideration of the conference report to accompany the Senate concurrent resolution (S. Con. Res. 70) setting forth the congressional budget for the United States

Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013, which was referred to the House Calendar and ordered to be printed.

## INVEST IN ENERGY INDEPENDENCE ACT OF 2008

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

Mr. LAMPSON. Mr. Speaker, I rise tonight in strong support of a piece of legislation that I recently introduced, H.R. 6067. It's called the Invest in Energy Independence Act.

Our Nation is at a crossroads, as we have been hearing tonight and on other of these Special Orders over the last several days and weeks. We know that we have a serious problem when it comes to our energy security. We rely too heavily, obviously, on foreign sources of energy, and we haven't done enough to promote the clean domestic energy sources that we have available right here in our backyards.

It's going to take every effort for us to find a whole multitude of sources of energy in order to address this energy crisis that we're facing as a Nation. I am hoping that we will not be shortsighted and think that only one particular area is the only solution to our problem; it's not.

The Invest in Energy Independence Act of 2008 takes a giant step forward in remedying this problem through responsible investment of over $1 billion in our energy future. This legislation before us today is vital in helping us become more secure in the world because it helps us develop our own energy resources in an environmentally responsible manner.

The Invest in Energy Independence Act invests heavily in domestic renewable energy resources such as wind, solar and geothermal, and it also helps us use the energy that we have more efficiently through key energy efficiency and weatherization measures.

Additionally, the Energy Security Fund established in the legislation will also fund carbon capture and storage technologies, which will help us significantly reduce future greenhouse gas emissions.

This legislation funds these vital projects through two main sources. First, it directs into the Energy Security Fund revenue from the prior sale of oil from the Strategic Petroleum Reserve that is currently unused in a Department of Energy account. And secondly, it modernizes the strategic oil reserve by exchanging 70 million barrels, 10 percent, of more expensive light crude oil from the SPR, Strategic Petroleum Reserve, for 70 million barrels of cheaper, heavy crude oil in a step that will allow our stockpile of crude to more accurately reflect the capabilities of our domestic crude refineries.

Because the crude oil exchange will raise funds that will be set aside, about $84 million or so, for acquiring additional oil in the future, this legislation will actually increase the total inventory level of the Strategic Petroleum Reserve without the need for additional appropriations, further strengthening our energy supply against potential disruptions.

Now, this is a responsible and thoughtful manner in which to fund the most important energy projects throughout our country. By using funds from the past sale and future exchange of oil from the Strategic Petroleum Reserve to invest in clean, domestic energy projects, oil from the Strategic Petroleum Reserve will do exactly what it is intended: increase domestic energy supplies for the United States and secure the country from potential supply disruptions.

And so I hope I have many Members who will join me. There are already more than 30 who have agreed to cosponsor this legislation with me. I believe that it will strengthen our Nation's energy security by increasing domestic supplies and by modernizing our Strategic Petroleum Reserve.

One of the things that I know that has happened over the last several years is that there has been a dramatic decline in the amount of resources specifically budgeted for research for the Department of Energy. Their budget has declined by 85 percent in the last 30 years. Well, here is the time when we are in greatest need to be looking for every opportunity we can to learn of new ways that we can expand our sources of energy; yet we seem to be pulling in those opportunities to create those resources.

Those are the kinds of things that I think that it's critically important for our Science Committee, for all of us in Congress, to be looking at. It's what I have worked on as the chairman of the Subcommittee on Energy and Environment and I look forward to continuing to work on this legislation.

Well, we have an honorable gentleman, JOHN HALL, who is also one of the cosponsors of this legislation, and I welcome him in joining us tonight to come and talk about this legislation, and I would yield to Mr. HALL.

Mr. HALL of New York. I thank the gentleman, Mr. LAMPSON, and Mr. Speaker, it's an honor again to be here on the floor of the House of Representatives, but it's kind of another sad moment to think that the price of oil went to an unthinkable level again today, cresting over $129 per barrel.

Gas prices have more than doubled since 2001, and today, the average gas price in my State of New York is over $4. Oil dependence has become an untenable burden on our economy and a threat to our national security.

Skyrocketing gas prices we see climbing each day threaten to break family budgets that are already being devoured by the price of food, health care, higher education and consumer goods.

Breaking the grip of OPEC and Big Oil is something that our country must do to thrive and to survive in the 21st century. It's a big job that will take some time, and I'm proud to be here tonight to discuss one of the innovative solutions that the majority and this Congress is working on, the Invest in Energy Independence Act, which I'm proud to be a cosponsor of, and I thank my friend for cosponsoring and offering that bill.

I was talking to another Member at the back of the body when we were taking votes I think a few days ago and talking about this very thing. And you came up and said I happen to have a bill that addresses this problem of the Strategic Reserve absorbing 70,000 barrels a day over and over, day after day, taking them off the market, and creating that much more demand which is helping to drive up the price of oil.

This bill creates a win-win scenario for the American taxpayer. By redirecting through the release of oil from the SPR and restructuring its stockpile, the bill would help to put oil supply on the market to quell prices at the pump in the short-term, and this would also result in revenue to the Federal Government that does not come from increased taxes, which could be used to capitalize a fiscally responsible result and make sure that we take a more permanent action to end our oil addiction. We can't, as many of us have said, drill our way out of our problems.

The bill would invest that revenue in innovative research to develop clean, domestic sources of energy to power our economy. Ending our dependence on foreign oil has to be a top national priority, and to do so, we have to use every tool at our disposal.

Until recently, this administration has been violating the fundamental principle of buy low and sell high by taking oil off the market to fill the SPR at a time when prices were breaking new records and supplies were tight. Smart management of the SPR along the lines called for in Mr. LAMPSON's bill can make the reserve a powerful weapon in our battle against foreign oil dependence, and I strongly support you in this measure.

Mr. LAMPSON. Before you leave, let me just ask a question.

Surely, you heard some of the presentations made by our colleagues earlier talking about the need to increase drilling. What are your feelings about what these needs for our Nation are? Clearly, we must produce everything that we can produce, but isn't there more to the picture than just drilling as a solution?

Mr. HALL of New York. If the gentleman would yield?

Mr. LAMPSON. I would yield.

Mr. HALL of New York. Thank you for asking that question.

If you read the comments by T. Boone Pickens on the front page of the

New York Times and other newspapers and magazines recently, he, one of the original oil tycoons and more successful ones, has said that he's more excited now about wind power than he is about any oil field he ever discovered.

Now, all people might not share his excitement. I talked to Ted Turner, who's been a media mogul and then head of record companies, broadcasting companies, Time Warner/AOL, I believe. I remember him back when he was sailing America's Cup yachts. He's certainly been around the world for a while. But today he said the thing he's most excited about as an investor and as a businessman is solar power.

And I see these men and women who have experience and have been observing commodities and observing economies and observing the way the world works and the direction it's going looking not just at drilling. I mean, obviously we're not going to get out of our dependence or our use of oil or liquid fuels anytime soon, especially for aviation.

As a member of the Aviation Subcommittee, I'm keenly aware of the fact that we might be able to move to electric vehicles, to hybrid, gas-electric or ethanol-electric or biodiesel hybrid, plug-in hybrid vehicles, et cetera, and combine these other technologies on the ground. But when we're talking about aircraft, especially I would say our Air Force, our military aircraft, we need to be able to develop and conserve liquid fuels and liquid petroleum fuels for those purposes and not burn them unnecessarily on the ground that we could use other technologies for.

So I would say that I agree to a point and I disagree to another point. The other problem with petroleum-based, carbon-based, fossil fuel technologies is that they're also emitting carbon dioxide in the atmosphere and accentuating the kind of climate change that we've seen.

I would say climate change resonates more with people than global warming, especially on a day like today in Washington where it's cool for late May. But we've seen the cyclone in Myanmar. We've seen the almost biblical flooding in Arkansas and Missouri and parts of our Midwest. My district in upstate New York has seen three 50-year floods in the last 5 years. We've seen Hurricane Katrina. We have seen droughts in the South and wildfires in Florida right now. We've seen the last couple of summers devastating fire seasons in the Western States and the Rocky States.

So, it's not just that the climate will be getting warmer and the glaciers or sea ice in the Arctic are disappearing but that the extremes of all kinds of weather, be they rain events or drought events, be they hot spells or cold spells, be they low pressure systems that turn into bigger tornados or bigger hurricanes or cyclones, that's what the computer models project. And the more we burn oil, the more we push ourselves down that road.

So, it helps us in a number of ways to look at these alternatives. First of all, for domestic, they are not sending our money overseas by the billions, especially borrowed money that we are getting from countries like China or Japan or other countries we're already hugely in debt to. They don't cause asthma and emphysema and acid rain and oil spills. They don't cause us to possibly be drawn into wars in unstable countries in unstable parts of the world that just happen to have oil.

So it's a win-win-win-win situation. Whether or not you believe that the climate is changing, the fact of the matter is if you can create jobs and create new technologies and new industries here in the United States, get us out of our balance of trade deficit and make the atmosphere cleaner at the same time, I'm happy.

□ 2000

And I think a lot of Americans would be happy, too. I think it solves so many problems that it's clearly the direction our policy should be moving in. And I yield back.

Mr. LAMPSON. Reclaiming my time, so your point is very well made. You can't ignore the fact that we need to continue to rely on fossil fuels as we transition. And we must actually do what the United States Army told us to do in 1945, in a book they published on May 1, 1945, when they told us that it was necessary for this Nation to diversify away from our use of fossil fuels. And they told us how. And much of what they said then and much of what I believe our committees have said and what I believe this country is doing, and even the businesses, certainly like the smart people like T. Boone Pickens, who are looking at these diverse activities that we should be involved with that will give us new sources of energy.

We include in the legislation that we're talking about tonight significant funding for ARPA–E, which is advance research projects. And we talk about wind, solar, weatherization efficiencies, marine/hydrokinetic energy research, industrial energy efficiency. We have already passed many of these pieces of legislation as authorizing, and now we're looking for funding for it. Building energy efficiency, energy storage, batteries. We must find new ways to hold much of the energy that we are creating regardless of the manner in which we are creating the electricity to do it. Geothermal, carbon capture and storage, clearly it's a must if we're going to use some of the coal resources in this country. Natural gas, clean burning fuel, all of these are included in this legislation to be funded with the kinds of projects that will give us a much greater, diverse energy background. More energy storage, Smart Grid, and advanced vehicles research.

So I'm proud of the fact that we have so many people come together to bring us these kinds of projects that have already gone through, passed by this Congress. And I would like to know about the things that you have been specifically involved with, perhaps things that have been done in the State of New York, where you represent, very ably, the people in your congressional district.

I know that, for example, Texas has spent a great deal of time on wind energy. Arizona has spent a great deal of time on solar energy. Are there things that the State of New York is contributing to this mix of how we diversify our energy sources?

Mr. HALL of New York. I thank the gentleman for yielding.

In New York, in my district, as you suggest, there are a number of very exciting developments going on. We have a private business in Orange County, New York, which is currently taking all the solid waste on a pilot program, municipal solid waste—garbage, trash—not burning it, as the old incineration model would have us do, but separating it, pulling out the recyclables, pulling out the batteries and the cans of insecticide and the toxic substances that might be considered to be household hazardous waste, which, if you were to burn them, they would cause dioxin and heavy metals to go up the stack, and basically pollutants that can harm us and our children. Those things get pulled out and recycled. And what's left after the magnetic field pulls up the ferrous metals and magnetic metals and the shaker grate drops out the dirt and the stones, and so on, you're left with a combination of paper waste, wood waste, food waste, agriculture waste, all of which is gasified with hot sand as a catalyst under a patented process. And then that gas is used to spin a turbine and send, I believe, a couple of megawatts it is that they're generating out into the grid.

But the interesting thing about it is that the global warming gas emissions, the greenhouse gas emissions from this process are 75 percent less than if they put the same material in a landfill, which is what the town of Montgomery was doing before and what cities like New York City are doing. They're trucking municipal solid wastes, since the Fresh Kills landfill closed on Staten Island, to other States and buying space in landfills that are willing to accept it. And it's not cheap, especially with diesel and the price that it costs now, it's not cheap to send a roll-off truck with trash in it—or thousands of them a day—from a city like New York out to Ohio or Pennsylvania or wherever the latest landfill is, and then coming back empty, burning diesel fuel the whole way and sending those emissions into the air, too.

And when that material in the landfill decomposes, when the plant and vegetable matter decomposes, it creates methane, which is released through those J-shaped vents. If you drive past a landfill in your travels and you see those vents like upside-down

Js, what they're releasing into the atmosphere is methane. Methane is 20 times worse than carbon dioxide in terms of its greenhouse gas global warming impact.

So here's one idea, one project that can produce electricity, that can produce ethanol by the thousands of gallons, that can strip hydrogen, which is 48 percent of the gas that they produce out to charge hydrogen fuel cells, and it gets rid of municipal solid waste at 75 percent reduction in the greenhouse gas emission. So, very inventive project.

And I would say, at the other end of the spectrum, in terms of not just the size of the operation, but the funding that came to play, Newburgh High School in Newburgh, New York, Orange County, on the west bank of the Hudson, has a solar racing team which built a solar-powered car. They came to one of our workshops we did in the district on solar energy, it was packed—as all of our alternative energy forums are packed by people wanting to know what they can do. But the kids on the solar racing team included kids from the BOCES program, who are on the vocational track. And they knew how to weld and how to put together a car that would not fall apart on the road. And they included the advanced placement math students, who knew how to calculate how many square inches of photovoltaic cells they needed in order to generate the watts necessary so that they could power this vehicle, and the battery capacity.

And it looked about the size of this table here. It's actually an oval shape, maybe a little bit bigger than this, like a soapbox derby racer. And the student who drove it crouched down inside and had a little windshield in front of him to keep the bugs out of his face. And they won, or actually tied for first place, in a race from Houston, Texas to Newburgh, New York. Two thousand miles of this country they traveled with a top speed of 55 miles per hour. And when they showed up at our forum wearing ''Solar Racing Team'' hats and ''Solar Racing Team'' t-shirts and showing a video and the slide show of their car rolling across the highways from Texas to New York, the adults in the audience were so excited I think it woke up the little kid in them. They could hear about all the well-funded, high-science, high-technology things, but to see that these kids, with virtually no resources—the teacher adviser from the school was not allowed to touch the vehicle, it was entirely built by the kids. And the fact that they were high school students and were able to do this, even on a test, a display pilot project kind of scale, to build a vehicle that would do 2,000 miles, that would reach speeds of 55 miles per hour powered entirely on solar power and storing that power in batteries, the adults, as they were leaving, were asking me, why can't Detroit do this? And I answered, well, I think they can, but they're not.

And what we're trying to do through this bill, among other things, is to provide the incentives—and tomorrow, by the way, the House will pass sweeping tax incentives to provide not just corporations, but consumers, as well as businesses, with extended incentives for hybrid plug-ins for wind, solar, biofuels and marine energy.

And I know that there has been great concern around the country, and I've heard it from people in my district, about these renewable energy tax credits being extended. And what we're trying to do by doing that is to make it possible, not just for students in a high school, but for those who run our automobile manufacturing companies to be able to build cars that use these new technologies.

And with that, I yield back to the gentleman.

Mr. LAMPSON. Well, you're so very right. And the ideas are not necessarily Democratic and they're not necessarily Republican ideas, they are American ideas.

We've got the knowledge. We've got the wherewithal. It's a matter of making sure that they have the opportunity to put that together. Too often, of late, we seem to have been pushing too many of our solutions to the political extremes, and we've got to find our way back toward the middle. And we think that this is a piece of legislation that does that. It recognizes that fossil fuels, much of what our colleagues earlier this evening were talking about as far as drilling activities, is not something that needs to be taken off the table. But at the same time, they can't tell us that the ideas that we're coming forward with are ideas that need to be taken off the table. We must look for diversity. We must look for balance.

We must look to encourage those kids who built that solar car and had the great success no differently than the college student that I spent some time with today, and I drove his hybrid vehicle. It was a group of universities who competed against each other to see if they could take regular vehicles and convert them into significantly greater, increased energy-efficient vehicles. The one that I saw today happened to have been a hybrid diesel engine that was placed into a General Motors SUV. I drove the car. It gets in the mid-30 range of miles per gallon of fuel. It meets all of the standards for emissions in our country.

So clearly, again, if college students can do it, if high school students can do it, the minds that have made the United States of America great are clearly here; they need the assistance to make sure that their ideas come to fruition and that we get to put them into the market.

There is a company that I'm working with in my congressional district in Texas who had the idea that they could make an external combustion engine. They're capturing it by creating a fire box that they attach to the outside of this engine. They are capturing the energy that is released in the combustion process and piping it into an engine, causing the compression activity to continue to the point where it causes the engine to move. There is great interest in this because it is twice as efficient as an internal combustion engine. Again, a good idea, one that was not a partisan idea, it was one that was developed by some guys that I have no idea what their political affiliations or interests are, but they're concerned about the United States of America and concerned about what we're going to be able to do to solve the energy crisis that we face.

This bill is intended to try to give them the encouragement, to give them the resources to make sure that we are doing everything that we possibly can to expand our opportunities to give greater sources of energy to all of us for our coming decades because we're clearly going to need them.

If we choose to spend all of our time—and I am certainly not the least bit concerned about drilling, I think that we must be continuing to produce fossil fuels and to use them as we have been, hopefully much cleaner than what we have been doing, but clearly that is only one part of this big picture that we have to address.

I want to talk for a minute about the renewable energy funding and just to make a point or two about the important strides in funding clean, renewable and, most importantly, domestic energy sources without impacting the Federal budget.

The Invest in Energy Independence Act, which is what we are talking about here tonight, provides $110 million for renewable energy research and development projects that include wind, solar, wave, geothermal, and hydrogen projects. The legislation pays for these projects. Clearly, this is something we're concerned about. We have PAYGO rules, pay-as-you-go. If we're going to put something new into our budget, then we must come up with the money to do it. This is a good way to do it.

So this legislation pays for these projects—and many other domestic research and development projects as well—through the modernization of the Strategic Petroleum Reserve and use of available funds from prior sales of oil from the Strategic Petroleum Reserve. The legislation modernizes the Strategic Petroleum Reserve by exchanging about 70 million barrels of more expensive light crude oil from the Strategic Petroleum Reserve for an equivalent amount of less expensive heavy crude oil, a cost differential that ranges from about $12 a barrel up to about $18; most recently it's been about $15 per barrel. This exchange of light crude for heavy crude is necessary to have our petroleum reserve more accurately reflect the capabilities of our domestic refineries.

The Invest in Energy Independence Act is crucial to help move us away from our dependence on petroleum and

shift our use to affordable and reliable renewable energy sources that are available right here in the United States.

For instance, the legislation will invest an additional $15 million in wind energy, helping us to develop the next generation of wind turbines that can generate clean energy in virtually every corner of the country, even in those areas where there is relatively low wind speeds.

The bill also provides an additional $30 million through the Department of Energy for solar energy programs to conduct research, development, demonstration, and deployment of solar energy technologies. Funding these will also be available for our public education campaign on the virtues of clean domestic solar energy.

Well, for those of us who are fortunate enough to live in coastal areas, the bill invests $30 million in marine and hydrokinetic energy. The majority of Americans live in close proximity to oceans, and this legislation will help fund the next generation of clean wave energy to power our homes and our businesses.

□ 2015

The Invest in Energy Independence Act also provides funding for geothermal energy projects. The legislation funds $30 million in geothermal research and development activities at the National Renewable Energy Laboratory.

And, finally, the bill advances hydrogen research and development by funding the Department of Energy's H-Prize program to reward researchers who are working to make our hydrogen economy a reality. The H-Prize program was authorized in the Energy Policy Act of 2005, but Congress hasn't funded it yet. Through this bill the program will receive $5 million that can be used to administer the program and reward successful researchers.

So, again, we're looking for our colleagues to come join us in the Invest in Energy Independence Act. It's these kinds of things that I believe will provide us with the funds necessary for clean, domestic, and renewable energy sources. That's what's going to give us the balance, the diversity, clearly broadening our whole range of sources of energy that we have available to us. And that's what's going to be the real solution to the energy crisis in the United States, making sure that we do the kinds of things that have always made this Nation great, developing the technology, encouraging our people to dream big dreams, and then make those dreams become reality.

But we're not going to do it if we continue to cut the research budgets of the Department of Energy or to discourage companies from putting money into research on their own. We need to find ways that we can extend the incentives that we are giving to many of these companies and have for a long time to try to jump-start new industries. I hope that we can find the wherewithal to make sure that we can look for all of these aspects. At the same time, we're going to give consumers a short-term benefit because we believe it will change the price of oil and consequently the price of gasoline at the pump who are feeling that pain. And, secondly, it gives us the longer-term benefit of increasing our access to alternative sources of energy.

Mr. HALL of New York. Will the gentleman yield?

Mr. LAMPSON. I yield.

Mr. HALL of New York. I thank you for your comments. And I would add to what you say, as I look at $100 million for ARPA-E, including $50 million for university research, $15 million for wind—and congratulations to you and the State of Texas on passing California in becoming the number one wind energy State in the country with more installed wind capacity than any of the other 49 States. By the way, I have to thank our President, George W. Bush, who signed a renewable energy standard when he was Governor of Texas, and that's partly why the wind is being exploited in Texas to the extent it is. I only wish that he would change his mind and sign the same renewable energy standard for the entire country now that he is President of the entire country.

But I look at this and the $30 million for solar and the $100 million for weatherization, et cetera, et cetera, and you know what I think of? Jobs. I think of jobs because when you put $100 million into weatherization of low-income housing, and I'm speaking as one who used to live in New York City, although I now live in Dutchess County in the Hudson Valley, there are so many old buildings in every city in this country that are poorly insulated, that have no storm windows or storm doors, that are leaky, that are leaking cool air in the summer when they're being air conditioned and leaking heat during the winter when there's actually a heating unit running, and what are you hiring? You're hiring trade people. You're hiring sheet metal workers. You're hiring carpenters. You're hiring installers. And in the process, you're saving barrels of oil or kilowatts, and a barrel of oil saved or a kilowatt saved has less environmental impact than any way you can generate a new barrel or a new kilowatt. So it's the cheapest way of getting a barrel or a kilowatt, and it also has the least environmental impact. So I'm very happy about the weatherization component of this.

Marine/hydrokinetic, we in New York are aware of the work that's been done recently by Verdant, Inc., a company that has been doing a test on six hydroturbines that are running below water in the East River, east of Roosevelt Island. As Long Island Sound, the western half, drains out through East River, under the Throgs Neck and the Whitestone and the Triborough Bridge, alongside the UN down the East River past Manhattan Island and through New York and out under the Verrazano-Narrows, half of Long Island Sound, millions of tons of water every day twice going out into the ocean and then back in through the harbor again. And that's what's being done by the action of the moon's gravitational effect on the ocean. And the fact that we are not harnessing that is just absurd. And their biggest problem, Verdant, Inc., in terms of putting in a hydrokinetic-generating station that use these turbines, there's so much force at work in the East River that it kept breaking the blades off the turbines, and they had to use titanium instead of steel and lessen the pitch so that there wasn't quite so much force on them to keep the turbines intact. Now, they're going back in, I believe, this year with a second round of more highly refined generators to test it again, but it's obvious that the power is there, whether it be wave action or whether it be tidal action or any of the other renewables that we are talking about. And if we can transition ourselves to these with whatever liquid fuels like, for instance, ethanol, I know that there are some problems with ethanol, but there's a surplus right now of ethanol in this country. I checked on the Internet last week. I just did a little Internet search and found that it's selling, as of the middle of last week, for $1.97 a gallon. That's half the cost of gasoline.

We had somebody call our office in Upstate New York, in Carmel, Putnam County, a woman constituent, who said, ''I'm so excited. I just bought a flex-fuel vehicle. Where can I get some flex-fuel?'' And my staff had to tell her there are two pumps in all of New York where you can buy flex-fuel. Well, West Point which is in my district, the United States Military Academy at West Point, where, I'm proud to say, my nephew is a cadet, just announced at our Board of Visitors meeting last week that they are planning to put in a 5,000 gallon underground tank for ethanol so that they can carry flex-fuel E-85 in the motor pool and at the commissary and start with a big quantity that's going to be used by that community of faculty and graduates and West Pointers who still live around the academy.

Mr. LAMPSON. Reclaiming my time, on that point, I know there is other research that is presently going on specifically to facilitate our military activities that would involve a number of alternative fuels. I know of a specific project that is being tested right now with the use of Air Force turbine generators to use biofuels, specifically animal fats as well as some of the oils that come from some of the nonedible plants that are growing. These are the kinds of things that are going to make our country continue to be great. We need to encourage those activities as much as we possibly can.

I yield to the gentleman.

Mr. HALL of New York. I don't know how much time we have left, my friend, but I just wanted to say once again

that I support the Invest in Energy Independence Act and am doing my best to convince more Members of this body on both sides of the aisle to support it. I believe that it will help to ease market tensions. It will help to keep the price of gasoline from rising too much higher and hopefully eventually to bring it back to more affordable levels by providing competition with other kinds of fuels and other kinds of energy.

And when that day arrives, Mr. LAMPSON, when that day arrives that we can tell the Saudis or the Russians or whichever country it is that's shipping imported oil into this country ''No thank you, you can turn your tanker around and send it somewhere else,'' that day a big weight will lift off the shoulders of America, off the American public. And I believe it will be a moment similar to the day when we first landed on moon.

Because I was a kid when Sputnik was launched, and I remember the feeling of this thing. It was beeping overhead, that the Russians had gotten to it first. And it didn't really do anything other than beep. But the fact it was there above us was symbolic of, we thought and we probably were right, a technological breakthrough that another country had made that put them for the time being ahead of us in that field. And I believe that we can't afford to let Japan or China or any other country get more of a lead in energy than the one that exists now. And the day that we are once again able to throw our shoulders back, hold our heads high, and say that we can fuel our own economy and our own industry and our own recreation and our own family's trips to and from work and from school and so on without depending on some other country that might have policies and human rights or other things that we don't like but we have to sort of bow to them and ignore that aspect of foreign policy because we need something that they have, that will be not just energy independence, it will be independence.

We're talking about sovereignty here, and I think that will be a day that Americans together, regardless of party or no party at all, if they're paying attention, all Americans on that day will be proud to be Americans. Not that we aren't proud now, but we will be proud of an accomplishment that will be uniquely American and something that I believe we will accomplish and that we have to look forward to.

Mr. LAMPSON. Beautifully stated and I totally agree.

You made the comment that you would hope that the President would sign into law the work that we would do whether it's wind or some of the other alternative energies, and I truly believe that he will when he sees that this Congress is choosing to work together. When we start putting aside the blame from one to the other and that we know that we are all in one boat in this country right now and our boat has a hole in it, if we don't all start bailing water together, we are going to sink and we will sink together. But we clearly have the knowledge. We have the intellect. We have the future with our children who are doing excellent things in their educational programs. We have to present them with the dreams and the wherewithal to make those dreams come true. It's exactly what we did following Sputnik in 1957. We responded with a resounding response to the challenge of President John Kennedy at the time.

And I have to agree with you. Our technological leadership will be there. If we will but make these things available to our young people, they'll solve our problems for us, and this bill certainly does that.

China and India are examples as well as Japan and a number of other places are, in my opinion, the beeps of Sputnik of today. Japan put a satellite not too long ago in orbit around the moon. China has set its goals to have a colony on the moon before the United States even returns to the moon. And we are going into a period soon where we won't even have the ability to launch a human into space because we're going to have a gap of 5 years from the time that we end the use of space shuttle in 2010 to the time that we have the constellation project up and running in 2015. That is a question of national security, in my estimation, no different than the question of energy security for our country. So we have got to maintain our technological advantage. That's what's going to help us maintain the standard of living. It's what's going to help us continue to encourage young people to stay in school to learn the math and the science and the engineering kinds of courses that will maintain the path that America traveled to its greatness and will make sure that we have that same greatness well into our future.

And I see that the gentlewoman from Houston, Texas, has joined us, SHEILA JACKSON-LEE, and I yield to her.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from Houston, the distinguished chairman. And I am delighted to be here with the distinguished congressman from New York (Mr. HALL).

I really appreciated listening to the diversity of the debate on energy, from the far northern parts of New York to the gulf States of Texas and, I might add, Louisiana because we have a number of Louisiana residents, of course, now making their home in Texas, and many of them happen to have worked in the energy industry, of course, and came to Houston because of the difficulty and the tragedy of Hurricane Katrina and then ultimately Hurricane Rita.

We know, interestingly enough, Mr. HALL, and I am sort of sidestepping here for a moment, that a number of rigs in the gulf suffered the consequences of Hurricane Katrina. And I think we should go on record to note, because I happen to believe in a diverse energy policy, that I am going to say all of them, and I have not heard a counter to this, managed to withstand Hurricane Katrina without an oil leak. And I only say that to say that those of us in the gulf have experienced off of our shores, and again we speak specifically to offshore work off of the gulf, environmentally safe drilling. And I say that because as we listen to those of us who come from different parts of the country, I think we can get an energy policy that fits us all.

I have listened to your discussion. I don't think that we necessarily need to intrude on the Outer Continental Shelf. Off the East Coast there is opposition. Maybe in time. I know there is opposition off the coast of Florida. There is opposition off the coast of California. I heard you talk about hydropower that works or would work very well. I guess I'm reminded of Niagara Falls. I got a chance to see that to see the power of water and energy that could be utilized and as well the energy that maybe I'm more familiar with.

□ 2030

That is why I think the thoughtful legislation of my good friend from Texas, the Invest in Energy Independence Act, H.R. 6067, which I am going to encourage all of my colleagues to join, and let me tell you why, Mr. LAMPSON. I think you really hit the nail on the head. I think we did this together when I was on the Science Committee and you were on the Science Committee when we tried to advocate for NASA. We tried to sell it not so much as it's a program to send people into space, but how it helps our daily lives.

Many people don't know what the Strategic Petroleum Reserve is all about. What is that foreign entity, SPR? Is it some kind of unfortunate disease? But it is an existing entity that sits amongst us. Really, I don't think this administration has taken advantage of it because I don't think it would offend our environmentalists, our colleagues from California, our colleagues from Arizona, our colleagues from New York, because it is existing petroleum.

Of course, our Speaker has been more eloquent or most eloquent about releasing the resources from the Strategic Petroleum Reserve to help us, and that is barrels of oil that are sitting there in case of danger, in case of terrorist acts, in case of an attack against the United States, we would have it.

But what Mr. LAMPSON has determined is that this is filled up with light and medium crude, and our refineries, I think some 36 of our refineries out of 74, deal with heavy crude. And so part of your bill suggests that we put heavy crude in.

Let me tell you why this is important. That is really the bottom line of why our immediate problems of dealing

with gasoline prices. It's all about supply and demand, it's all about refineries being old and antiquated and can't get their product out. That is one of the pieces of it. I don't want to suggest that I don't believe in conservation or diversity, because I'm going to get to that point. But having been an oil and gas lawyer for a period of time, I realize that we have got to look through a broad lens. And part of the problem is the opposition that we have given to building refineries.

But it's not only the problem of the United States Congress. Frankly, Mr. LAMPSON, it is the problem of tunnel vision energy industry that gives the industry a bad name, the oil and gas industry, that really has not sat down with this Congress or opened up options. Whenever we talk about the price per barrel of oil or talk about high gasoline prices, our good friends in the energy industry, particularly oil and gas, do tunnel vision. They say, I've got mine; you get yours. I've got my high profits, I've got my shareholders happy with me, and I am not going to look at any idea.

I think the Energy Independence Act causes them to look at other ideas but also may draw them out because I don't know how long Americans are going to continue to accept these accelerating prices. I saw a scenario on CNN that really said that we might be paying $8 or $9 or $10.

This, I hope, is a legislative initiative that really calls our energy barons to sit down and say, Let me listen to Mr. HALL from New York about hydro. Maybe my company is named energy for the very fact that it should be diverse. That the energy industry should be investing in hydro. You are giving the opportunity through utilizing the $574 million or $584 million that is now in the Department of Energy's account. I don't know how many people know we have got $584 million sitting around and moms and pops who are trying to go back and forth to schools or trying to get to work or trying to get on vacation for the free days that they can, drive to grandma's house, because that's about all the vacation people will be getting this summer, probably, are sitting around in an account.

And so this bill, I believe, is important because it throws the onus back on thinking people about how we can be creative in energy. What it does, of course, is ARPA, which deals with R&D, but Texas is the near capital of wind energy. We don't even get touted for that. No one celebrates the fact that we have got wind energy. I sat down with an energy company, a wind energy company, and let me not speak too quickly, but I was saying how can I get in the middle of this. It was fascinating that these guys are building windmills and creating energy right in the United States, in Texas. We don't know that. Oil and gas State.

Solar energy. What kind of jobs can be created by solar. First of all, you can get everybody to get a panel in their house. That is putting people to work. I mean the solar panels. Get your roof redone and that is putting people to work. Weatherization for my seniors. If we can ever get people to understand the importance of weatherizing houses, older houses, East Coast houses. My daughter worked in Albany so, my friend, it can get pretty cold in the upper parts of New York. Weatherization of your oldest stock of houses because it's a State that was one of the 13 colonies. It has older products. So the weatherization part of it is so important.

And then, of course, working with hydrokinetic and marine, you add that $30 million. But what I think this should do most of all, Congressmen, is wake up this industry. If I might, let me cite some numbers here so that I can speak to what we are afraid to speak to, and I just think we have to get to.

The U.S. Minerals Management Service indicates that America's deep seas on the Outer Continental Shelf, the OCS, contain 420 trillion cubic feet of natural gas. The U.S. consumes only 23 TCF per year. So this is 420 trillion already sitting there, already on the U.S. side of the world, already ours, in essence, and 86 billion barrels of oil. The U.S. imports 4.5 billion a year. So, in essence, it would keep us going for a couple of years. Even with all these energy resources, the United States sends more than $300 billion and countless American jobs overseas. That's $300 billion and countless American jobs overseas.

We do that, unfortunately, because we don't know how to frame our domestic energy policy. This frames it. But I want to speak vocally for the fact that I am not in opposition and the Members of Congress and the constituents of the region are not in opposition to the exploration of the Gulf. We have done it quietly. We haven't bothered anybody about it. We are not interested in disrupting the Outer Continental Shelf off of New York, off of Florida, or California.

But we have not promoted domestic production in that area by giving incentives, by doing more R&D so that we can be more environmentally safe so I can give comfort to my colleagues who, rightly so, speak to the environment. We keep focused on ANWR. We know how divisive that is rather than getting our attention as Republicans and Democrats and Independents about where it is welcomed. At the same time, to take the R&D and use it for hydro and to be able to use it for wind and solar, which I have gotten enormously excited about because I think it is a place for small businesses, minority-owned businesses, women-owned businesses. What a way to put people to work, by getting this vast amount of diversity into the energy business so it's not just the conglomerates to refuse to sit down with us.

I want to take just a moment to pay tribute to John Hofmeister of Shell because if there has ever been a face for energy, it has been John Hofmeister. He has been unafraid; he has gone to places where he has been booed and applauded. But he has taken his ship on the road, or his bus on the road, his whole tour on the road, talking about the idea of how we can sit down and develop an energy plan.

Let me conclude by suggesting that, first of all, the United States imports nearly 60 percent of the oil it consumes. The world's greatest petroleum reserves reside in the regions of high geopolitical risk, including 57 percent in the Persian Gulf. So we import from a high-risk area. And yet, we have 86 billion barrels of oil here in the United States, or in reserves in the United States, or in places that have not yet been explored. And we have 420 trillion cubic feet of natural gas. Why then can we not construct an energy policy that embraces the concept of energy independence.

With all due respect, why can't we get cellulosic ethanol off of the bean, if you will, with your research dollars to kick it into a full press to make it work. We recognize and respect our friends who are using ethanol. But just think if we can get cellulosic from just being a ''pie in the sky,'' we could also do the right kind of thing.

So, Mr. LAMPSON, and to Mr. HALL, let me thank you for inviting me and allowing me to join you. I couldn't help but hear such thoughtful discussion about why we can't move forward on legislation like this that would embrace all of our constituencies and regions under one umbrella. We would make everyone happy, from solar, to wind, to the environmentalists, and to people like me, who, frankly, are in the environmentalist skin, who support the concepts of what we are doing as Democrats, what our leadership is trying to do, letting us become independent. Yet, this brings the balance. Because I believe that we should not throw away the value of natural gas that exists here or the oil that exists here in the United States in safe waters in areas where the constituency believe that it is acceptable to do. It creates jobs, it creates safety, and I think the Energy Independence Act, H.R. 6067, let's all of us get a piece of the pie.

It is an important step forward. I look forward to supporting it, but I also hope that my energy leaders of the various companies, who someone may be looking at this, realize that I think that they are having tunnel vision, I think they are wrong for not engaging us, I think they are wrong for not engaging the Members of Congress who happen to be Democrats, who happen to be in their areas, and they know who I'm speaking of, and they know they have not done it, they know they are wrong, and they know they are wrong on behalf of the American people because they know the American people are going every day to their gas stations, their brand and buying it and being upset and not getting relief.

I think the energy companies who have been blessed by the safety and security of this Nation owe to the United States and to its people a consensus discussion and a friendly discussion on how we can move this country forward.

With that, I yield to the distinguished gentleman.

Mr. LAMPSON. I thank the gentlelady for joining us and for her thoughtful comments. A couple of the things that you said, one particularly comes to mind, on weatherization. Mayor Bill White in Houston Texas tried a pilot project that was an overwhelming success by helping those people who could make small change, couldn't afford to make them but the city chose to make them on their own, and got back several times the value that was invested in those homes to bring them up to currency. Those are the kinds of things that we need and want to do with this legislation.

The wind energy about which you spoke, we need also not just to have the better technology with the stronger, lighter materials to have the blades of the windmills, but we also need the materials that will give us the batteries to store the energy that is created when those turbines are turned.

Dow Chemical. Unfortunately, we could have seen a significant increase in the facility of Dow Chemical right there in our backyard in southeast Texas. Yet, they chose to go to another country because it was access to alternative sources of materials that they could use. In that case, they were trying to continue to make plastics, and they are making plastics from biomass.

Those are the kind of things that are addressed in this legislation. It's a matter of using, strategically using, the strategic petroleum reserve effectively, and strategically, if I can repeat that word yet again, to include our overall energy supply. We truly are. We are reaching an emergency situation. Leaving the strategic petroleum reserve alone exactly the way it is now, if we had to turn to it if we lost our sources of oil coming into the country and going into those refineries, we would see an 11 percent decline of gasoline production immediately and we would see a 35 decline in diesel fuel immediately just because of a lack of modernization.

So if we act and allow some part of this reserve to contain heavy crude, as opposed to light, we would see a lesser change in conversion of being able to rely on those strategically placed oil reserves. This is a good piece of legislation. It's one that has been thoughtful to draw in Members from different places in the country, to pull in Members from both parties, Democrat and Republican.

We think that there are significant opportunities for us to do a couple of things. One, as I said earlier, we would have a short-term benefit because we would very likely see a decline in the price of oil, the price of gasoline because of dumping significant quantities of oil into the market in a strategic way. Once we have the resources generated from the differential in light crude and heavy crude, we will be able to invest those very sources very effectively in already authorized research projects that have passed this Congress already.

□ 2045

So Members, Democrat and Republican, want these projects to be funded and to be put into place. This is the way to make that happen.

I am proud of this legislation. I am proud of Mr. HALL from New York for joining us and Ms. JACKSON-LEE from Houston, Texas, for joining us tonight to talk about it. I look forward to working with our colleagues to make it yet stronger and achieve the real balance that we want to achieve for energy for the security of the United States of America. I thank you for joining me.

## ENERGY POLICY

The SPEAKER pro tempore (Mrs. BOYDA of Kansas). Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Madam Speaker, I thank you for recognizing me to address you here on the floor of the House of Representatives.

As a means of transition, and in fact it is not normal practice, but I would ask the gentleman from Texas if he might still be available to perhaps enter into a colloquy. If the gentleman from Texas would be interested in entering into a colloquy, I would be happy to ask him if he would yield for a question. I have been interested in listening to the presentations by the folks here, and I would ask if the gentleman from Texas would be willing to enter into a short colloquy just as a matter of clarification on our energy position?

Mr. LAMPSON. I absolutely would.

Mr. KING of Iowa. Thank you. And I know you have been here on the floor talking about energy for the last hour. Just as a matter of transition, I would just ask a few clarifying questions.

The first one is, as I heard discussion about the Outer Continental Shelf, is there a nuance there? Are you for or against drilling on the Outer Continental Shelf for more energy?

Mr. LAMPSON. I personally am not opposed to drilling. I think that drilling is only one of many solutions to our problem. What I am trying to concentrate on is a whole host of research projects that have already been passed by the Congress.

Mr. KING of Iowa. Reclaiming my time then, drilling the Outer Continental Shelf is part of the solution. We would agree on that?

Mr. LAMPSON. I would say that everything we can think of is a part of the solution. We shouldn't take anything off of the table. We are in an energy crisis and we must be considering every opportunity that we possibly have facing us.

Mr. KING of Iowa. I appreciate that response from the gentleman from Texas. So as we go down through this list of things that we might do, drilling the Outer Continental Shelf would be on the table. Drilling ANWR is on the table?

Mr. LAMPSON. I say everything needs to be on the table for discussion, yes.

Mr. KING of Iowa. Let me just if I could then thank the gentleman and go through a list of things that I think that we should engage expand the supply of energy. Drill the Outer Continental Shelf, gas and oil. Drill ANWR. Open up nuclear. Drill non-national park public lands. Expand ethanol, biodiesel, solar, wind, clean burning coal. And then out of this whole piece of the energy pie, then add another slice to that, which I presume you have talked about tonight, and that would be the slice called conservation.

Would that be the picture you are looking at that I think I heard as I listened to your presentation tonight?

Mr. LAMPSON. Most of what you just mentioned is in this legislation.

Mr. KING of Iowa. So for those reasons I asked for those clarifications, that helps me in my transition as I go into the presentation that I hope to make tonight on energy. I just want to make those clarifications, because it does provide for a transition for us, and it also identifies some common ground that we have.

I would state to the gentleman from Texas that my view is that the free market does prevail and that more Btus of energy on the market will help to hold down the increase in prices, and, if all goes well, to actually reduce those prices of energy. That is the approach that we should be able to arrive at in a bipartisan fashion. If the gentleman would agree?

Mr. LAMPSON. Absolutely. If the gentleman would yield, that is precisely what I have been working on since November to get Members to join us with on this. We have taken any number of suggestions to change this legislation to accommodate different Members and different Members' thoughts about how we go about making this bipartisan, and the successful way to greatly expand the diversity of what we are using for energy this country.

Ms. JACKSON-LEE of Texas. Would the gentleman yield for just a moment?

Mr. KING of Iowa. I would yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. As I indicated on the floor, I am an oil and gas lawyer and obviously have a broadened perspective. But I would like to just say that I hope that even as you are presenting your presentation, that you heard what I said, which is I think that the energy leaders of the respective multinational companies that are in the United States need to sit down

with all of us and refine an energy policy.

I will just limit my remarks, since I was on the floor, and just say that my support of the Outer Continental Shelf is in this way: Limited to the areas that the constituencies have been used to it, have seen it work environmentally, and that would be, in my perspective, and I have done work on that and legislation on that, the Gulf of Texas and Louisiana.

I think if you have a model and show how it works, you may be able to bring your other colleagues on. Because I want you to note, and I think you would note, that the opposition to the Outer Continental Shelf is bipartisan on the coast, bipartisan a lot on the coast of California, both Democrats and Republican opposition; in Florida it is Democrats and Republicans; and I assume up the coast of New York.

So I think maybe we can be used as a model. Those of us from Texas, and you are not, you are from way up Midwest, but from those of us from Texas and Louisiana, we have seen it. The point I made is even after Hurricane Katrina, we saw the survival of an environmentally safe water system where those rigs did not fall because we have understood the construction and we also understand the environment.

I would yield back, but I just wanted to say I think we have to educate, and I am ready to show how it works in the Gulf. And that is where I limit my support of the Outer Continental Shelf, where it has been done, where it can be proven it can be done right.

Mr. KING of Iowa. Reclaiming my time, I thank the gentleman from Texas and the gentlewoman from Texas. I know it is a little bit irregular to engage the people that have just completed a special order, but I think it is important for us to engage across the aisle.

I will transition to the things I came here to say, but I will be looking at the proposals that you have made here tonight and the language that you have. And I have been relatively aggressive on this energy issue, and I think we need to be very aggressive on this energy.

In fact, as we look across the spectrum of all of the components of energy, I wouldn't make anything off limits. I want to drill the entire Outer Continental Shelf, and I know of no natural gas spill that has affected the environment in a negative way. In fact, I don't know an Outer Continental Shelf oil drill that has affected the environment in any lasting negative way.

We did see a lot of stability in the Katrina hurricane and the subsequent hurricane that came after that. There was one oil platform that was broken loose in the Gulf, and it was pushed 60 miles and came upshore down by Mobile, Alabama. However, there wasn't a significant spill. We can do this.

Mr. LAMPSON. If the gentleman would yield for just a very short quick 30 second story or point to make, off of the coast of Florida we are saying that we should not be drilling. But let's look at the other way around. We won't get permission to drill within 200 miles of the Florida coast or any of the coast in the United States. However, Cuba is drilling within 45 miles of Florida's coast. So there is another country that is drilling within our boundaries that we are prohibiting our own people from being able to drill in. It does not make sense.

Clearly we have plenty of work to do, and I think it is wonderful if we have the opportunity to work across this magic aisles of ours and get it done for the American people.

Mr. KING of Iowa. Reclaiming my time, I appreciate the gentleman's remarks from Texas. I believe also that, at the very minimum, we ought to go out there and tack some wells in right up against those Chinese Cuban wells that are going in within 45 miles of Key West. I am all for that. And let's at least build a little barrier and get our share of that well and start pipelining it back in here if we can. I would be significantly aggressive on all of this.

I would say on the upside too, Madam Speaker, and to the American people, there are a couple of good things going on in America. One is that we have the structure put together where we can produce the first refinery since 1975. There will be a vote that comes up, it will be primary night, June 3rd, and if the people in Union County, South Dakota, decide they want to have a refinery in their Hyperion refinery, then very likely that will be the biggest roadblock for a large refinery to come in that would deal with the pipeline coming down from I call it the tar sands in Northern Alberta, a tremendously large oil supply up there. A pipeline would come down, and the crude oil would be refined there and then distributed across the area in a network of pipelines. That is something that we will find out here in a few weeks, if that is going to happen.

Another thing that America doesn't seem to know is that there is a nuclear plant that is being constructed—thanks again to the gentleman from Texas, Mr. LAMPSON—there is a nuclear plant that is being constructed in South Carolina. I am not certain when that goes on line, Madam Speaker. But those are two large milestones that are being driven by the market and by the need.

It is not being driven by this Congress. It is not being driven by this Congress, because this Congress has not taken any action to open up opportunities for refineries or open up opportunities for nuclear power plants or any other kind of power plant to be built.

This is happening because market forces are driving them, and the regulatory resistance is being overcome by very high energy prices. It is not because Congress reduced the regulations. It is not because Congress provided incentives. It is because the costs of energy are so overpowering that it is now starting to roll over the top of the prohibitory regulations that have been put in by this Congress and signed by more than one President.

So, the overall picture, Madam Speaker, is this: This is what I call the energy pie. It is a pie chart, and this is energy consumption 2007: 101.6 quadrillion Btus. Now, I could explain what all that is. That is a lot of Btus. It is important to look at it proportionately. Let's just say that is 100 percent of the energy consumption by British Thermal Unit in the United States.

This pie chart represents the percentages of their consumption that comes from each of these sources of energy. Natural gas, 23.3 percent of our energy consumption in the United States is natural gas. We use that for heating energy and for production energy and a lot of other ways. Natural gas is clean burning and it is environmentally fairly friendly. Also the coal is 22.4 percent. So coal and natural gas comprise about equal amounts, very equivalent amounts of energy consumption in the United States.

Then we go to nuclear. It is larger than most people will think. Even though we haven't built a nuclear plant since 1975, 8.29 percent of our energy consumption in the United States is produced by nuclear. That is a piece that in France, for example, their electrical generation is produced by nuclear. 78 percent of their megawatts of electricity are produced by nuclear. If the French can do that and do that without incident, do that without fear, do that without concern, we can produce a lot more energy by nuclear here in the United States. Now, that is environmentally friendly. It is clean burning. It is the safest form of electrical energy that we have, and we have been remiss in not continuing to develop our engineering capability to produce nuclear.

That slice of the energy pie could get a lot larger. It could take up some of this going to coal, it could take up some of this going to natural gas, because there is electrical production generation in each of these, natural gas and coal, and actually a lot of it, and the nuclear could be a bigger piece of this pie.

As we go around the chart, the hydroelectric is 2.4 percent. That is probably not going to get any bigger. That requires we build more dams. There are a lot of regulators in the way that don't want to see that happen.

As we go around the chart, you can see small pieces, geothermal, wind, solar, all less than 1 percent of the energy consumption. Fueled by ethanol is almost 1 percent is all. We would think that would be a lot more, Madam Speaker. 1 percent, but a growing number. Biodiesel is a tiny .06 percent of the energy there. Biodiesel is a fledgling part right now, and it may well become significant. Today it is a small piece. Wooden waste is bigger than we would think.

Then we get to gas, 16.9 percent, and diesel and heating oil, et cetera, is 8.84, and jet fuel, 3.31, and other petroleum projects, asphalt and heavy oils and those, 10 percent. That is the energy consumption. 101 quadrillion Btus of energy consumed in the United States.

Now, if we are going to look at how we address this energy situation, Madam Speaker, we need to look at it from the whole pie chart perspective. So often we are here debating on whether we should be drilling in ANWR or whether we should drill the Outer Continental Shelf or whether we ought to grow ethanol from corn or maybe grow ethanol from cellulosic, which is a big part of what is in the farm bill that maybe we will see again tomorrow.

What do we do with solar? There is plenty of solar power that cooks the United States, especially in the summertime and especially in the Southwest. Can we collect that and turn that into energy? Perhaps.

But as we have this debate, we can debate the relative merits of these sources of energy. But what I am not hearing the Members do or the leadership do or the American people or the business world in America, no one is out there pitching the big picture, pitching this picture that we had the conversation with Mr. LAMPSON, and that is the entire picture of energy, the holistic picture of energy, this energy pie. What is our solution? No one thing.

□ 2100

No one thing is the solution. And there are some parts that need to be bigger on this pie chart and there are others that need to be a little smaller on this pie chart. But maybe, maybe our solution instead is let's make all of these pieces of pie a little bit bigger and let's produce more BTUs of energy out of every source that we can.

As that happens and as market forces dictate, we will see, I believe, fuel from ethanol get up above 1 percent. I think actually from a gasoline standpoint we can take it to 13, 14, or maybe even 15 percent of the energy that today is being consumed by vehicles that burn gasoline or that burn generally a 10 percent blend of ethanol. So maybe this 1 percent here of the overall can become as much as 15 percent of the gasoline component, say 15 percent of this, 16 or 17 percent of the BTUs which is in gasoline today. That is one of the ways that it might change in proportion.

And so then another way that we can look at this is if we can produce a little more biodiesel, we can take a bigger piece out of the diesel fuel on this side. If we can increase nuclear, as I mentioned, then we can take a bigger bite out of the electrical production. And if we can produce more electricity with nuclear, then the pressure comes on natural gas and comes on coal to give up a little bit of that market share to nuclear. When that happens, it puts the coal and the gas in different areas and different markets, and perhaps keeps the price from going up or maybe even can get us a little bit lower price on our energy.

I think this: If we are consuming 101.6 quadrillion BTUs of energy and we are producing—this is the chart behind here, this is the energy that we are actually producing here in the United States—71.7 quadrillion BTUs of energy.

And so, Madam Speaker, just roughly speaking, we are producing about 72 percent of the energy in the United States that we are consuming here in this country, 72 percent of the energy. The balance of it presumably is imported.

Now, we can import it from Canada, we can import it from Venezuela, we can import it from Saudi Arabia and the Middle East; in fact, we do that from all of those places. But when we do that, it does a number of things to us. It makes us vulnerable and dependent upon Middle Eastern oil, for example, and makes us also dependent on Venezuelan oil and energy, and it makes us dependent upon the Canadians. Which is the least of my concerns. I am very happy to be doing business with the Canadians. If we are going to be importing energy from the western hemisphere or anyplace on the planet, I think from the Canadians is as good a place as there is. And we do import some oil from Mexico as well.

But if we are only producing 72 percent of the energy that we are consuming, that means then that we, just by simple math, are importing 28 percent of the energy that we are consuming. And I believe that we are importing 61 percent of the oil and gas or the crude oil, the products that we are using here in the United States, 61 percent of that imported. And as you see, we are producing I think all or very close to all of our own coal, we are producing a percentage of our natural gas. Not all of it, because a fair amount of that is imported into the United States. If you look at the hydroelectric, we are producing all of that, the geothermal, all of that. There are a number that we are doing, wind, solar, ethanol, as it goes around the corner. We are producing most of that.

But these other energies, the ones that we are most dependent on, Middle Eastern oil, 61 percent of our crude oil products imported, much of that from the Middle East. We are very dependent upon it, and that needs to change, Madam Speaker.

So my policy is this. And I don't know, I haven't identified the distinctions between my approach and the gentleman from Texas who spoke in the previous hour. But my policy is this. Take this pie chart that we have, let's produce a lot more natural gas. Let's go offshore, drill the Outer Continental Shelf. Let's drill everywhere offshore in the United States. Let's first rush down there and set up our drill rigs right up against those Chinese drill rigs 45 miles from Key West and tack those wells in there and start pulling that oil out and work our way back. We will build a fence between us and them of oil wells right there on that line between Key West and Havana.

There is a lot of natural gas on the Outer Continental Shelf. And in that region from the gulf coast around Florida and back again, there are known reserves of at least 406 trillion—that is trillion with a T—cubic feet of natural gas that can be tapped offshore down that way. And there is a lot of gas in the gulf coast altogether.

We can produce a lot more natural gas. We can punch holes around the Outer Continental Shelf. We can do that offshore almost anywhere in the United States. There is natural gas almost everywhere offshore in the United States. But we need to expand that where we can develop the fields and be able to transport that gas effectively and efficiently. And the most promising region is offshore in the Outer Continental Shelf of Florida.

Now, I have a growing list of Florida Members of Congress who are willing to support drilling offshore in the Outer Continental Shelf, because they understand that this Nation is vulnerable to other countries for energy supply. And they are understanding more and more that if they are going to build generating plants in Florida, and they increasingly want to build them as natural gas fire generating plants, that they are going to have to go along with the idea of tapping into the resources that they have offshore in Florida itself.

So, they are concerned that people sitting on the beach might see an oil rig out there and not come back to the beach and sit down in the sunshine. Beautiful State, beautiful beaches. I don't think they are matched anywhere. But if you cannot see an oil well 200 miles offshore, you can't see a gas well 200 miles offshore.

To give an example, somebody in the Midwest that might think like me, if I am sitting down between Iowa and Missouri on the Missouri line, on the State line at say Lineville, for example, a little town right there on the Missouri line and Iowa, and I am sitting in my lawn chair gazing off to the north up to the Minnesota border, roughly 200 miles, maybe a little less, that is about what we are talking about. If we are worried about drilling offshore in Florida, 200 miles offshore in Florida, roughly the equivalent of sitting on the Iowa-Missouri border and wondering about whether you are going to have something mess up the scenery that is going to be a drill rig that would be up on the Minnesota border that far away and perhaps even a little further away, as I say, a growing number of the members of the Florida delegation willing to tap into this.

But truthfully, I say this to the good members of Florida, both Republicans and Democrats, those resources that

are offshore are American resources, not Florida resources, not Alabama or Mississippi or Louisiana or Texas resources. These are American resources, the resources that were claimed by President Reagan on the Outer Continental Shelf out to that 200 mile limit, I think the year was 1983. It seems as though Jimmy Carter made a move in that direction, too, and I can't remember exactly what he did, but I believe President Reagan declared our influence and declared the mineral rights out to the 200 mile limit. It wasn't a declaration of the Governor of Florida or the Governor of any other State that is a coastal State. It was a declaration by the President of the United States that claimed those resources for all the people in the United States.

And so as much as I like to see coalitions and like to see us get along and cooperate with each other, Madam Speaker, I will submit that the good people in Florida and the rest of the way around the coast, really, let's bring them into the dialogue. But this is an American situation, not a Florida or a Louisiana or a Texas situation, and we need to make a decision for America. I am increasingly hearing the Florida delegation make such decisions and take such stands.

If push comes to shove, I am going to say that it is America that will decide; it needs to be this Congress that decides. We need a President that will help us decide to do that, drill the Outer Continental Shelf. If we do that, natural gas gets more plentiful, and the law of supply and demand keeps these gas prices from going up and in fact pushes them down. If we can put a lot more natural gas into the marketplace, that means Florida can have the electricity that it needs to run its air conditioners, and it means that they can have the natural gas that they need to generate their electricity, and that natural gas can be delivered to the rest of the country, heat our homes, run our generating plants that we need, too.

But, Madam Speaker, I would submit this. Let's put more natural gas into this marketplace. Let's put a lot more natural gas into the marketplace. But let's not turn a lot of it into electrical generation. Let's use this for the things we need it for. Let's use it for industrial production, plastics, for example. Mr. PETERSON from Pennsylvania has given speech after speech on those necessities.

But let's also use the natural gas for fertilizer production, because that fertilizer is what is necessary in order to provide food for the American people and the people of the world. You simply can't produce food without nitrogen, the nitrogen that either is drawn from the air naturally through a crop or nitrogen that is put into the ground through the fertilizer. And 90 percent of the cost and of the feedstock that goes into the production of nitrogen fertilizer is natural gas itself. And so more natural gas available on the marketplace means that we will come back and rebuild the fertilizer production industry in the United States, and it frees up a lot more gas for the production of the things that we need as far as industrial production is concerned. Home heating is another way we can use natural gas.

And if we increase the production of the natural gas and we start taking away from the generation of electricity by natural gas and replace that with nuclear, you can start to see how the pieces of this pie will shift. American production can increase for natural gas, but actually the share of the overall consumption of energy could actually diminish even though we increased it because we will have more energy on the marketplace and more energy in the form of nuclear, which is here; the 11.73 percent of our production of energy is nuclear. But if we are down to the other chart, then it is 8.29 percent of our consumption is nuclear. That gives a sense of what we can do with this energy, grow the size of the energy pie.

Madam Speaker, this chart, this is energy consumption, 101.6 quadrillion BTUs of energy consumed in the United States, which tells us that about 28 quadrillion BTUs of energy is imported into the United States. So this energy pie that I just sat down here on the floor needs to be at least matched by the production energy pie chart here. And another thing that we can do is add another slice to this pie called energy conservation, so that on this consumption side we can replace some of that consumption of energy with the conservation of energy, efficient homes, efficient vehicles, and efficient generating plants, efficient plants of all kinds.

That is the view of the energy situation here in the United States, Madam Speaker.

And then I have another bar graph right here that helps lay out the proportionality of the different kinds of production that we have. I started on the bottom. For petroleum, it is 39.14 percent of our production. So we are dependent upon petroleum products significantly. It is almost 40 percent.

We go to natural gas. That is another well product, another petroleum hydrocarbon product, 23.25 percent of natural gas. These two things of course come out of the ground, deep wells, not quite of deep of wells as a rule. And coal. Coal has traditionally been a big part of our energy consumption here in the United States. And you see how, as we go to nuclear with 8.27 percent energy consumption, now it goes down 2.5 percent, hydroelectric about the same, ethanol less than 1 percent. And it gets down to where these other pieces, biodiesel, solar wind, geothermal and that are all tiny in comparison.

Another way to look at this is as we grow fuel by ethanol, that bar gets longer. Hydroelectric probably stays the same. And wind can get bigger, solar can get bigger, biodiesel can get bigger. But we are in the early stages of this, Madam Speaker. We have a lot to do, and we have a lot to do to expand each one of these kinds of energy that we have.

We are a Nation, we are a Nation that is sitting on a significant amount of natural gas. We actually have a wealth of natural gas. And I recall a statement made into the CONGRESSIONAL RECORD by a Member of Congress from Colorado about 3 or 4 years ago, and that is that we have enough natural gas in the United States underneath the non-national park public lands that if we would drill that natural gas in the known reserves, there is enough there to heat every home in America for the next 150 years, Madam Speaker, 150 years of heating every home in America just with the gas that is underneath the non-national park public lands, Bureau of Land Management lands, primarily.

And why can't we do that? Why can't we open up all those areas to drilling? We have do so in an environmentally friendly fashion; We have done so without spillage in a significant way without any kind of permanent environmental damage. And we need to open up our non-national park lands for drilling and for distribution. We can't be shutting people out of there by shutting off roads and not allowing them an ability to deliver the product. We have got to open this up and get the energy into the marketplace.

We do that, drill our non-national park public lands and we drill the outer continental shelf for gas and oil and we drill ANWR. And ANWR is the piece that I asked the gentleman from Texas about. I have long been an advocate for drilling in ANWR. I took a trip up there a few years ago because I had listened to the rhetoric about ANWR.

□ 2115

And the constant statement was that this is a natural, beautiful arctic wilderness. It's a place that wildlife needs to be able to roam without being disturbed by man, pristine wilderness area.

And so I remember seeing commercials on television that showed a beautiful alpine forest, a beautiful alpine forest represented as Arctic National Wildlife Refuge. And so I'm sitting there, like any American would be, thinking, boy, if we go up there and bulldoze those trees and start putting roads in and pipelines in and drilling into that beautiful alpine forest, it'll never be the same.

And I wasn't really totally shocked or surprised when I got up there, but I started to put all the pieces together. I was looking around for trees. And as we flew north, it was a long flight from where I saw the last tree out the window of the plane before we got to the place up there in ANWR where they want to drill. In fact, it's about 700 miles from the most northerly tree approaching the Arctic circle. It's about 700 miles south of the area they want

to drill in the Arctic National Wildlife Refuge, and then in a region with that Eskimo town called Kaktovik. That's about 250 to 300 people that live up there right on the Arctic Ocean.

So as we flew over that area, we flew over the north slope of Alaska, which had the pipeline. The Alaska pipeline was built beginning in 1972. And the wells were drilled up there beginning about that same period of time. And so for all these years we've watched crude oil be pumped down out of the north slope of Alaska into that pipeline and down to the Port Valdez, where it's been loading tankers, and the tankers have then gone down to the refineries along the West Coast.

Madam Speaker, the question continues, and that is that comments continually come to my office about allegations that that crude oil from Alaska is being exported to places like Japan. And once again, I looked into that. Once again I got the answer back that says no, that oil is going to the United States. It goes down for United States production.

Early on there were some market forces that sent some of that oil across over to Japan. It has been a long, long time since any of that oil has gone anywhere except into the U.S. marketplace. So I think we can be confident that the oil that would come out of ANWR would also come into the U.S. marketplace. In fact, it would go into the same pipeline.

And as the oil wells in the north slope start to wind down and start to slow in their production, we need to ramp up production next door in ANWR to bring that oil on-line and keep that Alaska pipeline full. If we fail to do that, the line will corrode on the inside and, as it starts to, it'll take a fair amount of renovation work to get it back up to speed again if we don't keep it working most of the time.

And so, as I looked at the ANWR region, and flew over that 19.6 million acres, I was looking for caribou herds that would be scattered out all over the place, and perhaps a lot of musk oxen and birds and polar bears, et cetera.

But, Madam Speaker, as much as we flew over that area and looked, from end to end, out and back, as low as we could safely fly, all of us looking out the window, the pilot finally spotted four musk oxen, four oxen standing out there in 19.6 million acres. And I'm sure we missed some animals. We didn't see them all. They were standing there with their head down, doing nothing, just standing there, four of them all in a little group. And we saw that, and two big white birds. I don't know what kind they were. That's all we saw for wildlife across that whole region.

But what we know is this, that there is not a native caribou herd in ANWR, in the Arctic National Wildlife Refuge. It is a kind of a maternity ward where caribou migrate in from Canada in the spring, starting perhaps a week or 10 days into May, and they have their calves in there in that region around the Arctic National Wildlife Refuge. And once those calves get big enough, then they migrate back to Canada mid June or the latter part of June. That's the extent of the caribou herd.

Now, if we're worried about caribou, we ought to look and see what happened to the caribou herd on the north slope of Alaska where we have about, let's say, 36 years of experience up there building pipe lines, drilling oil wells and delivering oil onto the marketplace of the world.

And so the caribou herd that was 7,000 head of caribou back in 1970 today is over 28,000, and the herd is growing. That doesn't tell me that the work that's been done on the north slope has been detrimental at least to the caribou herd which is more than four times what it was back in 1970 when they first began the operations. Court injunction shut it down for 2 years, and then the work really began in 1972, as I recall.

But from 7,000 caribou to 28,000 caribou on the north slope, I don't think we ought to worry about the caribou, if that's our issue, and any kind of environmental reason that they might come up with on the other side of the aisle not to drill. So all the indications are that the caribou are going to do just fine with the pipeline running through them and some oil rigs that are drilling.

We think, somehow, that wildlife just simply is not compatible with man and not compatible with machines, not compatible with oil drilling or pipelines or road construction or populations. So Madam Speaker, I would submit that there are a number of examples that would beg otherwise, and that would be—

Well, one of those easy examples would be, let's see, I get my days right. Night before last, as my wife and I were walking down the street at about let me see, pretty close to Sixth and Pennsylvania Avenue Southeast, there a furry raccoon ran down the sidewalk on the other side of the street, almost in the heart of downtown Washington, D.C. And a raccoon figured out how to live inside Washington, D.C. It's the first one I've seen running around on the streets. I was quite surprised, but there he was.

Another example, Madam Speaker, would be, I recall my wife and I were doing a little road trip. We had driven up to the end of the road in northern Ontario. And there's a paved highway that goes up to a city by the name of Red Lake, Ontario, actually a fairly small town but along the shore of the lake there, a beautiful region. And it's vast and it's wild, and it's open wilderness.

But I'd always been concerned about how the eagle would adapt to humanity. And I recall working on a job in Southwest Iowa where the Department of Natural Resources, in a heavy timber, discovered one of the earliest eagle nests in modern times in the State of Iowa. And this would be back in, I believe, 1986. The game warden told me about the eagles nest, but would not tell me where it was because he said that if I would walk down there I would scare the eagle off the nest and the eagle would fly away and the eggs wouldn't hatch. That was the concern about scaring an eagle out of their reproduction operation. And that was things we heard many times, that these animals do not, and they're not very compatible with humanity.

Well, Madam Speaker, I don't know what happened to that eagle out in that heavy timber in Southwest Iowa. I presume she hatched out her eaglets and they flew away, because we've got a lot of eagles living in the country side now, these 22 years later.

But what I did see up there in Northern Ontario were the highway, a paved highway that actually has a reasonable amount of traffic going north and south. It's two lanes. But it's split around a high line pole, a big tall high line pole that was perhaps over 100 feet high. And as we drove by, we had the top down, and I looked up on top of that pole and there was an eagle nest with an eagle sitting in it, keeping an eye on all the traffic that was buzzing by right directly underneath its necessary.

Now, that tells me that animals are fairly compatible. All of them maybe are not. And the argument about the spotted owl, I don't have quite the personal experience rebuttal to that. But we do know that peregrine falcons live pretty well in the city if they can prey on the pigeons that also live pretty well in the city.

And so time after time we find out that animals adapt to their environment, and a lot in the same way that people do. They will find a way to find some feed and find some shelter and reproduce and hatch some little ones out. The caribou found out how to do that in the north slope.

There's not a problem in ANWR. No one can create an environmental scenario that tells me that we should go without energy in America.

But we do have the situation where the Secretary of the Interior has put the polar bear on the threatened species list. Now, this polar bear that has watched its population over the last 2 decades go from about 7,000, maybe as low as 5,000 polar bear, now up to about 25,000 polar bear. That would be the world population of polar bear. We've watched polar bear numbers that are blossoming, anywhere from 3½ to five times the population of polar bear that it was 20 years ago.

And yet, for the first time in the history of the country, the Secretary of the Interior has put an animal on the threatened species lists because of the predictions from the global warming enthusiasts of what will happen to its environment if they are right.

Now, Madam Speaker, I will submit that that polar bear will become the

tool and the pawn and the toy of litigation after litigation after litigation that will be designed to shut down the development of energy exploration and production in all of those regions where the polar bear might roam or might have roamed. That's what we can expect coming, because this debate isn't really about the well-being of the polar bear.

This debate is about people on that side of the aisle, not all of them, but I do believe the majority of them, Madam Speaker, that really in their heart of hearts don't mind seeing expensive energy. They don't mind seeing $4 gas. In fact, I don't think they'd mind seeing 6, 8 or $10 gas because they believe that the higher the cost of energy, the less of it we will use.

If gas goes to six bucks or 10 bucks, more people will park their car, more people will ride their bicycle, more people will walk, more people will take mass transit, and more people will stay home. If all of that happens, their calculus is that we'll use less energy per capita, instead of more energy per capita, and the net result will be that, in their mind, that they saved the planet from global warming.

Well, this is a long ways from subtle science, and we should not be handicapping the economy of the United States of America for the purposes of people who believe we should have a more expensive energy policy.

So in spite of what I heard the gentleman from Texas say, and I don't discount his word, nor do I challenge his integrity. I will submit that his party has only brought energy issues to this floor of Congress that have raised the cost of energy by making it more scarce.

They've tried to bring windfall profits taxes on the energy companies. They're the ones that are keeping our energy at least as low as it is today. They're slowing the increase in prices, companies like Exxon, for example, that are putting billions of gallons of gasoline out there in the marketplace.

If they stop producing because we punish them, gas is going to go up, not down. We don't get cheaper gas prices by punishing energy companies, and we don't get cheaper gas prices by taxing companies after the fact in windfall profit taxes, Madam Speaker, because what will happen is they'll sit around the boardroom and they'll decide, wait a minute. We paid our royalties to the Federal Government for the energy that was there. We entered into these agreements in good faith. We're an efficient company, an efficient company that drilled and explored the leases that they paid for, put that energy on the marketplace for a fair market price and paid the royalties to the Federal Government for that.

Now, how do we come in and change the deal?

How do we say, if you don't renegotiate those lease agreements with the Federal Government, we're not going to let you enter into another lease agreement. We're going to hold a gun to your head and make you capitulate and change. The deal's not a deal, according to some folks on this side of the aisle, and a lot of them are driving the agenda.

And so, Madam Speaker, I submit this, that a deal must be a deal. And we can't be penalizing energy companies that are out there exploring, risking billions of dollars in capital, and putting gas and diesel fuel and oil and kerosene and jet fuel and asphalt for our roads all out there on the marketplace, keeping the price as low as possible.

They're competing in this marketplace. And yes, they are making some money. But if their Board of Directors are listening, they're hearing what this Congress is saying to demonize the people that are producing the energy, and they're starting to wonder, shouldn't I take some of that billions in profit and invest that in some other industry someplace where Congress isn't going to come in and tax me after the fact?

If they play by the rules, every company that plays by the rules should be able to count on the Federal Government keeping their part of the bargain. And whatever the tax structure is when they enter into the agreement should be the tax structure that they comply with, at least for that year that they've entered into and the corporate tax and the royalties that are designed to be part of it.

I've spent my life in the business world, 28 years meeting payroll, doing construction work, entering into contracts, some written, many written actually, many more verbal contracts, sometimes a hand shake, sometimes we didn't bother, sometimes it was over the phone, sometimes it was just simply eye contact, nod, and we have the kind of relationship where we know we'll each keep our deal.

□ 2130

I respect a contract. I respect a deal and an agreement. That's what makes the economic world go round. People that have integrity that understand that a deal is a deal are what keeps this world going. And we have verbal agreements that go on up into the hundreds of millions of dollars, and in the end, we're evaluating the character of the people that are entering into those.

I would also submit that one of my favorite energies here on this chart, the energy production, which is the fuel by ethanol, this .94 of a percent here, is getting a bit of a bad rap. And it's getting a bit of a bad rap by the folks who just simply don't like the competition of ethanol. I think it's become a political argument rather than a rational scientific argument.

I know a couple of scientists in this Congress who are working and tracking the three laws of thermodynamics, and I hope they're paying attention when I make this argument, Madam Speaker, and that is this: according to Argon Labs out of Chicago—first the argument that comes from ethanol's critics is it takes more energy to produce ethanol than you get out of it. Madam Speaker, I submit that's factually incorrect.

If ethanol from corn can only be calculated if you take a bushel of corn and you say, All right, now I have this bushel of corn here sitting here at the ethanol plant, I want to convert it into ethanol. How much energy does it take to convert this bushel of corn into ethanol compared to how much energy do I get out of this bushel of corn? And if you're going to be fair about it, if we're comparing it to gasoline, we have to also measure how much energy it takes to refine the same amount of energy from crude oil into gasoline, because it takes energy to do that, too.

Here are the numbers, Madam Speaker. To produce one Btu of energy in the form of ethanol from corn, you will consume, according to Argon Labs, .67 Btu as the energy that it takes to get an entire Btu out of corn in the form of ethanol from shell corn sitting at the gates of the ethanol plant. That's the equation.

But if you go down to the oil refinery, let's just say in Texas, and you have a barrel of crude oil sitting at the gates of the oil refinery of Texas, how much energy does it take to get a Btu, a British thermal unit of energy in the form of gasoline out of that crude oil? That, Madam Speaker, is 1.3 Btu's; .67 to get one out of corn ethanol, 1.3 Btu's to get one out of gasoline refined from crude oil. Almost twice as much energy to craft gas out of crude as it is to convert corn into ethanol, Btu to Btu.

Another way to look at that is a gallon of gasoline is, for round purposes, is 100,000 Btu's of energy. Let's just say it takes a little bit more of a gallon in the form of ethanol, but let's say we had two jugs sitting here, one has ethanol in it and one has gasoline in it, each are 100,000 Btu's. Well, to produce 100,000 Btu's of ethanol it took 67,000 Btu's of energy to convert corn into ethanol. 67,000 Btu's to get 100,000. And to convert crude oil into 100,000 Btu's, roughly a gallon of gasoline, it takes 130,000 Btu's to get your 100,000, roughly a gallon's worth.

So there's your answer, about twice as much energy to convert gas from crude oil as it is to convert corn into ethanol.

Those are laboratory scientific facts, Madam Speaker, and those are facts that ethanol's critics cannot get around. And so let me take us to another level.

Since it doesn't take more energy than you get out of it, .67 Btu's to get one full Btu of energy out of corn, since it doesn't take more energy, it does for gasoline, it doesn't for ethanol, then the only other argument that remains is well, food versus fuel, Madam Speaker.

And the argument that we're using this corn for fuel instead of feeding the world population, well, we have a lot of folks who think we take field corn and, I suppose, set it on our plates and cook

it up and feed it. Now, that may well be how we make grits. I don't know that. We don't make any grits in Iowa, but I do have a little sack on my shelf. And other than that, our corn goes to about some 300 products, maybe a little bit more than that. Corn sweetener and a whole variety of products including, I think, the forks, knives, and spoons at the Longworth cafeteria are today now made from corn.

But we produced 13.1 billion bushels of corn last year in the United States. Now, that's the annual crop for the 2007 crop, 13.1 billion bushels of corn. Now, if we're going to argue that food prices went up, I'm going to take that argument away also from ethanol's critics, and here's how it is. We produce 13.1 billion bushels of corn. We exported more corn than ever before. We exported 2.5 billion bushels of corn. And so more corn exported than ever before, and you subtract that 2½ billion from the overall crop of 13.1, you end up with 10.6 billion bushels of corn left over after we exported more than ever before.

Then we converted 3.2 billion bushels of corn into ethanol, roughly 9 billion gallons of ethanol, 3.2 billion.

So remember, we were at 13.1 billion bushels, overall production, minus 2½ billion bushels for export, leaves us 10.6 billion. Then from that we subtract 3.2 billion that went to ethanol. That takes us down to 7.4 billion bushels of corn left over for domestic consumption.

Now, that happens to be the exact number that is the average of our corn that's available for domestic consumption for all of the other years of this decade is 7.4 billion bushels of corn.

So one would say by this argument we didn't really take any corn out of the availability for food for domestic consumption in the United States because we still have 7.4 billion bushels left over after we exported 2½ billion bushels after we converted 3.1 billion bushels into ethanol, we still end up with 7.4 billion. But additionally, we have to add back in half of the bushels that we converted to ethanol because at least half, Madam Speaker, of that corn has a retained feed value in the protein that we did not use, the protein that goes back in livestock feed in the form of DDG, dried distiller's grain.

So you add 1.6 billion bushels back in, and that says last year, 2007 crop, the average annual domestic corn crop for the decade is 7.4 billion, but the 2007 year, there's 9 billion bushels of corn that were available for domestic consumption. That says the supply for domestic consumption went up, not down. If the supply went up, then we can't be arguing that the food-versus-fuel argument, although I will say that if you dump 3.2 billion bushels of corn into the domestic market, and it would push the price, and that would be a lot better for our livestock producers, especially our pork producers.

But that's not the case. It's 9 billion bushels available where 7.4 normally are available. I think that takes that argument away that the high costs that are there today that are putting so much pressure on our pork producers are at the burden of ethanol, yes, it's part of it. It's part of it.

But, Madam Speaker, I will submit that the low dollar is a bigger part of it. And according to some financial experts that I have met with, people whom I respect, their judgment is sound and they're well respected in the country, the cheap dollar has more to do with high grain prices and high gas prices than most people will calculate.

So, for example, if about 35 percent of the value of our commodities, such as crude oil, is wrapped up in the cheap dollar, we could take $129 crude oil and say well, about two-thirds of that is where oil would be today if our dollar were shored back up and it was more traditional values than it is right now. And I know that some think that we should try to encourage the European Union to devalue their Euro. I don't know that that can be done from the United States any more effectively than we can convince the Saudis to put more crude oil out on the marketplace.

But we can shore up the value of the dollar, Madam Speaker. We can and we should shore up the value of the dollar. And we ought to take some dollars out of circulation. We ought to make an announcement that we're going to hold a tighter money supply and push the value of the dollar up. If that happens, and we can get the dollar back to its traditional values, the gas that we're looking at today that on the streets tomorrow or by next week will be $3.80 a gallon, would only be, with a more traditional value of our dollar, about $2.47 a gallon. That's still too high in my view, Madam Speaker.

So the combination of these things, the combination of the speculators that expect that energy is going to be more scarce in the future, is driving up the price of energy, the intimidation effect of windfall profit taxes and higher regulations and the constant beating that the energy supply companies take here on the floor of this Congress pushes up the energy prices.

The bill that passed today that was debated yesterday, the NOPEC bill, the bill that says it's unlawful for the organization, the petroleum export companies, OPEC, the bill that says it's unlawful for OPEC to exist and grants the authority to the Department of Justice to sue those OPEC countries, and if they successfully bring suit, one could presume that they could freeze the accounts of the investments of those oil companies here in the United States, at least the sovereign wealth accounts that they might have invested in U.S. products. It is a move that drives up more energy prices.

The Middle Eastern countries that are part of OPEC, because when we passed NOPEC here in this Congress, they are not going to produce more energy to get Congress off their back because they know Congress doesn't know how much energy they produce. They know this, that the oil that sits underneath their land is their oil, and they will market it in a way that serves their interest best. That's the bottom line. That's free market capitalism. And even though a lot of those countries don't have the level of freedom that we have, they do understand the market system.

So if we say to them that we're going to turn the attorney general loose, create a task force to study this and then give the attorney general the authority, the Department of Justice the authority to bring suit against the OPEC countries, I'll submit this, Madam Speaker, they're not going to produce more energy; the best we could hope for is they produce the same amount of energy, and we have to hope that they don't reduce that energy supply, and we have to hope that they don't pull their capital out of the United States out of fear that their assets could potentially be frozen in the aftermath of a suit that could be brought by the attorney general.

Only bad things can come from the NOPEC bill that passed the floor of this Congress. It's going to make energy either the same or more scarce. Just like every other piece of energy legislation that's been brought in this Pelosi Congress that's made energy more scarce, more expensive, provided more regulations and more intimidation, more taxes on our energy producing companies. That's wrong.

And what we have been doing is growing an industry. We've been growing the corn-based ethanol industry. This piece right here. This probably, by now, exceeded 1 percent of our overall energy consumption in the United States.

We need to, Madam Speaker, grow the size of the energy pie. This is the energy production chart, 71.7 quadrillion Btu's of energy produced from all of these sources, and they come with crude oil, liquefied petroleum, natural gas, coal, nuclear, hydro-electric, geothermal, ethanol, biodiesel, solar, wind, all of these sources. This is the energy production chart, 71.7 quadrillion Btu's. This is the energy pie that we need to grow.

We need to grow this energy pie to the size of this energy pie, Madam Speaker. This one that is 101.6 quadrillion Btu's. Now this circle should be bigger in proportion to the one behind it. We will get our graphics down a little better later on, Madam Speaker, but this is what we need to do: grow the size of the energy pie so the energy-consumption chart, which is behind here, excuse me, the energy-production chart, which is behind here, equals or exceeds the size of the energy consumption chart which is this one here, the 101.6 quadrillion Btu's.

If we do that, we will see energy prices go down in America, we will see gas at a price that a working man and woman can afford it again, and we will see ourselves become significantly less

dependent, in fact independent from foreign sources of energy and oil and, and if we do that, the prospects for America's balance of trade, the prospects for the stability of our currency, the prospects for the future of the United States of America, of our children and grandchildren and each succeeding generation, gets greater and greater.

That is our responsibility, Madam Speaker. It is our responsibility to advance the American dream. Advance it for our children and advance it for our grandchildren. We need to do that with a comprehensive approach to the big picture in every way that we can. We cannot do it by increasing the cost of energy by making it more scarce and intimidating our energy-producing companies. That's the theme that the American people understand.

And I will submit, Madam Speaker, that the clearest thing for the American people to understand is drill ANWR. Drill in ANWR, drill now, drill as fast as we can. It doesn't take any 10 years to get that energy on the marketplace.

□ 2145

How can we, on the one hand, how can we say, well, there's only enough energy up there to last for 5 years and we can't get it into the marketplace for 10? That doesn't make sense to me, not in a Nation that can have a Manhattan Project that can, in a few very short years, produce an atom bomb and deliver it, or in a few very short years, from the time John F. Kennedy said we're going to the moon, by 1969 we were on the moon.

A Nation that can produce a nuclear weapon in the fashion that we did, a Nation that can go to the moon in the fashion that we did has got to get the regulations and the taxes out of the way so that we can produce the energy that we need in the form of ethanol and biodiesel and wind and solar and nuclear and hydroelectric. And the list goes on and on and on, including coal, gas, diesel fuel, et cetera.

Madam Speaker, it's commonsense to the American people. Let's first drill ANWR and send that message that this Nation is finally ready to produce energy. Let's do that, and let's take it a step at a time, or all at once if we can, but whatever we do, we owe it to our children and grandchildren to grow the size of the energy production pie in the United States of America.

With that, Madam Speaker, I appreciate your indulgence. It's a privilege to address you.

## INTERNATIONAL FOOD CRISIS AND HAITI

The SPEAKER pro tempore (Mrs. BOYDA of Kansas). Under the Speaker's announced policy of January 18, 2007, the gentlewoman from New York (Ms. CLARKE) is recognized for 60 minutes.

GENERAL LEAVE

Ms. CLARKE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the subject of this Special Order.

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

There was no objection.

Ms. CLARKE. Madam Speaker, moving from food for fuel to food for food, we come to the floor tonight to talk about the international food crisis. We're going to look at the causes and effects and possible solutions. We're also going to take a closer look at the situation in Haiti, a country that is only approximately 400 miles off our coast, our neighbor in the Western hemisphere, a country that is arguably one of the worst off in this global food crisis.

There are many causes of the food crisis that we face now. Some of the causes are recent developments and others have been developing for years.

This year we saw lower crop yields because of weather and global climate change. There is increased demand for processed foods from countries with growing middle classes like China and India. There's an increased demand for biofuels like ethanol, which is primarily made from corn. And in response to high commodity prices, a number of countries introduced export bans to preserve food for their own populations, while decreasing the world's supply.

This graph illustrates the record-high food prices that brought on this crisis: Wheat prices up 81 percent in 2007; soybean prices up 71 percent in 2007. Rice, which feeds almost one-half of the world's population, its price increased 144 percent since January of this year. Corn prices shot up 24 percent since January of 2008, and the rise came right after this Congress passed a landmark energy bill requiring increased use of ethanol.

The effects of this food crisis. We know that in the industrialized countries, food purchases accounts for 10 to 20 percent of consumer spending. However, in developing countries, that figure is more like 60 to 80 percent of consumer spending.

People in poor countries already spend a much greater percentage of their incomes on food, and now they are forced to spend even more on food.

This food crisis is pushing people into poverty and worsening the situation of those already living in poverty. The World Bank estimates that more than 100 million people will be pushed into poverty because of rising food prices.

Rising food prices have led to food riots around the world, across Africa, Asia, Latin America and the Middle East. In Pakistan and Thailand, troops are guarding farmers' crops. In Egypt, troops are baking bread for the thousands of people waiting in bread lines.

The situation in Haiti. Haiti has the lowest, poorest standard of living in the Western hemisphere. About 80 percent of the Haitian population currently survives on less than $2 a day and survives on one meal a day. Most of Haiti's basic food commodities are imported, leaving the country especially vulnerable to fluctuating world commodity prices.

Late last month, the perfect storm of high energy and oil costs and commodity expenses erupted in what has been described as food riots.

Haiti's poorest have resorted to selling mud cakes, a mixture of mud, oil and sugar that quiets rumbling, hungry stomachs.

Rising food prices threaten security in Haiti. Protests over the rising costs of food last month turned violent with six people killed, including a U.N. peacekeeper.

High food costs in Haiti in part also led to political unrest, with the dismissal of Prime Minister Jacques Edouard-Alexis just recently.

As we look at what is happening in Haiti today, it's a reminder to us that the economic climate of the United States, our ability and capacity to influence and impact commodities around the world have a ripple effect, and that what we do in the U.S. to secure ourselves, we must keep an eye to our neighbors in more vulnerable circumstances, such as the Nation of Haiti.

We here in the U.S. Congress recently had a codel sponsored in part by the CBC to Haiti, and while there, we had an opportunity to talk about what we need to do to be supportive of our neighbor in the Western hemisphere.

And one of the major concerns for me in this trip was just some of the issues and concerns that we as Americans have not been as educated about. For instance, were you aware that the average age in Haiti is under 50 years old; that the mortality rate is extremely high; that the age for mortality for most women is 56 years of age and for men, 52 years of age; that the average Haitian eats only one meal a day? These are issues that need to be of concern to us.

Why is that? It needs to be of concern to us because certainly, as one of our closest neighbors, one of the democratic allies of the Western hemisphere, these conditions, if sustained over a long period of time, speak to a humanitarian crisis, speak to destabilization, not only of Haiti but of the entire region, which includes a border that is 400 miles away from the U.S. border.

And so we here are looking at congressional action that will address this food crisis. One of the things that we have quickly moved to do in the Democratic Caucus is an emergency supplemental appropriation which was passed just last week which included $1.86 billion in funding for food aid in PL 480 programs, administered by the U.S.D.A. and USAID; $200 million in development assistance; $400 million for disaster assistance; and $20 million for the World Food Programme.

The farm bill passed just last week also included provisions allowing the

USAID to preposition more food overseas to respond to disaster faster; in addition, more money for non-emergency food aid, like development projects; increased discretionary funding for emergency food aid programs like Food for Peace and U.S. Agency for International Development to the tune of about $2.5 billion have also been expended; extension and expansion of Haitian Hemispheric Opportunity through Partnership Encouragement Act, or the HOPE Act, which provides for duty-free preferences for imports from Haiti.

And then the Jubilee Act passed last month which would assist Haiti in its international debt load and recommends the immediate cancellation of Haiti's outstanding debts.

Solutions for the food crisis. With respect to Haiti, we need to extend temporary protected status to Haitians in our country, allowing them to work legally here, enabling them to send remittances home. This is the most inexpensive form of aid we can grant to Haiti. When remittances are sent home, it forms about a quarter of Haiti's GDP at this point, and so we would be doing not only ourselves a service but a service to the people of Haiti and Haitian Americans here in our hemisphere.

On the global level, we need to meet the immediate need including funding shortfalls of $755 million at the World Food Programme and $240 million at USAID, which this Congress has already begun to do.

We need to strengthen our social safety nets like nutrition programs and school feeding sites to prevent future food security issues from reaching the crisis level.

I've spoken to you already about the youth of Haiti and the fact that the population there is so very young. We need to be clear that malnutrition is running rampant, and if we really want to help Haiti to change course, we must start with their young, and we must be able to improve the opportunities for children to have access to nutritious meals.

We need to increase agriculture development aid to assist developing countries in establishing their own agriculture infrastructure, so countries won't be so dependent on foreign supplies in the future. And that's a pretty complex scenario, because when we look at the way that our farm system has been set up in the United States, it has really created a paradigm where, due to the subsidies that we make to our farmers, it is actually less expensive for Nations abroad to purchase our rice than to grow and compete against the subsidized market. So we will have to find a balance there to enable farmers in Haiti to expand and to be prepared to export to other Nations and be able to compete at real prices with the production of rice in our country and other countries around the world.

And finally, we need to significantly increase investments in agricultural research so our scientists can develop better crops that can withstand disease, drought and produce higher yields, and then deliver those crops to farmers around the world.

I am just so honored to be joined this evening by a number of my colleagues who also attended the codel, some of whom are members of the CBC, some of whom are members of the Hunger Caucus here in Washington in the U.S. House of Representatives, and it is my pleasure at this time to yield to the gentlewoman from California, the Honorable BARBARA LEE.

□ 2200

Ms. LEE. First, let me thank my colleague from New York, a great American and a proud daughter of the Caribbean, for your leadership and for putting together this Special Order tonight.

And as I listen to you, I'm thinking, I hope everyone in the country is listening tonight because I get so many questions about the world food crisis, the whys, what is going on? Why, even in some of our communities, stores are stockpiling rice? And I think what you are doing tonight is allowing us to give the big picture, the explanation, talk about what is really talking place. And so thank you, Congresswoman CLARKE, for your leadership and your vision and for putting this all together tonight.

Let me just say a couple of things. First of all, Congresswoman CLARKE mentioned the congressional delegation. Congresswoman KILPATRICK and myself co-led it to Haiti to examine the current conditions on the ground.

Now, during our visit, we were joined by 10 members of the Congressional Black Caucus and one member of the Congressional Hispanic Caucus. I'd like to mention who these Members are because they reflect the broad concern, regionally, and just in terms of their deep commitment to address some of the humanitarian issues that we must address in the world. Congressman ANDRÉ CARSON, Congresswoman, of course, YVETTE CLARKE, Congressman KEITH ELLISON, Congressman AL GREEN, Congresswoman SHEILA JACKSON-LEE, Congresswoman EDDIE BERNICE JOHNSON, Congressman HANK JOHNSON, Congressman GREGORY MEEKS, Congresswoman ELEANOR HOLMES NORTON, Congresswoman DIANE WATSON, and Congresswoman LUCILLE ROYBAL-ALLARD. We all have a longstanding interest and commitment to strengthen our ties with Haiti and the Haitian people.

Now, during this codel we met with Haitian President Rene Preval, our United States Ambassador Janet Sanderson, and representatives from humanitarian and development organizations in Haiti. Our goals were to examine the United States strategy to help alleviate the effects of the recent rise in food prices in Haiti. We were there to ensure that there is infrastructure, which we discussed with President Preval, to make sure there is adequate infrastructure in place to help distribute aid to the Haitian people, and that there is a long-term plan in place to expand that infrastructure. Also, to take steps to ensure a safe and stable and promising future for Haiti and all Haitians by providing immediate relief to help the Haitian people.

So we want many, many short-term goals to be met, but also, we want these short-term goals and initiatives to lead to a more sustainable effort to make sure that the Haitian people begin to receive our assistance with regard to the infrastructure, health care, clean water, and all of the systems that people just deserve so that they can live decent lives.

Haiti is the poorest country in the western hemisphere. And Haitians are particularly affected by soaring food prices, which have risen over 40 percent globally since mid 2007. Haiti produces 50 percent of the food it needs and imports the rest.

The rising cost of living has keenly affected the people of Haiti. Forty percent of Haiti's population is only able to eat one meal a day. Eighty percent of the population lives on less than $2 a day. And the cost of staples, such as rice, beans, fruit, and condensed milk, have gone up 50 percent in the last year.

In terms of health aid organizations, they fear that the nutritional crisis will get worse in Haiti. Haiti has the highest rates in the Caribbean of HIV and AIDS. And in order to make sure that the anti-retroviral drugs are effective, good nutrition must be available. Food must be available for people to eat so that they can just take their medications, otherwise, it just won't work.

According to the World Food Program, malnutrition is particularly acute in Haiti, where the average Haitian diet contains just 1,640 calories, 460 calories short of the typical 2,100 daily requirement. Particularly, one in five children is chronically malnourished.

Now, anti-government protests and public looting in reaction to soaring food prices have really jeopardized Haiti's capacity to sustain and administer its government institutions effectively. Currently, Haiti's government is in a very precarious caretaker position, where they are unable to create and enforce new laws.

On April 12 of this year, Haitian Prime Minister Jacques-Edouard Alexis was forced out of office for failure to boost food production and lower food prices. In addition, the Haitian Parliament vetoed President Preval's recent replacement appointee for the Prime Minister position. With no head of government, Haiti is left in a very fragile state, and it's up to us to help fill the void in terms of just helping to feed the people of Haiti.

As a witness to these dire conditions in Haiti, we must take urgent steps to implement an effective strategy to help the Haitian people. Congresswoman CLARKE reviewed some of the

initiatives that have taken place here in terms of what we have done in the farm bill, what we are urging the President to do. Actually, he did announce we would release 200 million in emergency food aid, some of which would go to Haiti. He also called on Congress to approve the 770 million in food aid to help fight the food crisis. But we've learned now that there is $1 million that has not been released yet, which would help reduce the cost of rice for the Haitian people. And so one of the initiatives that we talked about is how we could help facilitate this $1 million so that the Haitian people will at least be able to afford to buy rice. We're working on that very diligently as I speak.

This crisis, though, let me just say, has opened the door to much needed innovation for long-term development solutions in Haiti. So as I said earlier, this crisis should be addressed with an immediate response, and it should be a strong and very aggressive and very robust response because this is a very dire situation. But we also need to make sure that we don't go backwards and that the crisis is contained, and that we move forward and look at how to help Haiti find some sustainable solutions in terms of agricultural development, the development of their infrastructure, and all of the other initiatives, debt relief, that are so desperately needed.

And so members of our delegation are working on a variety of bills which will be announced very shortly, and we're working on a variety of actions. And so I just hope that President Bush will make sure that everything is done on behalf of the people of the United States to just help Haiti live, help Haiti thrive, and help the Haitian people move on with their lives.

Thank you, Congresswoman CLARKE.

Ms. CLARKE. Let me thank you, Congresswoman BARBARA LEE, for your leadership, along with Chairwoman KILPATRICK, for seeing how important it was for us to be on the ground in Haiti as a delegation with a presence to bring some comfort and some hope to the nation that our eyes are not shut to the crisis that is taking place there, and that they do have friends, allies, and supporters here in the United States that will not forsake them, that that nation can know now that the United States' eyes are wide open. And as we see their fate go down, we know that it is our responsibility not to let it happen, and that we will be vigilant around the resource and support that is required to help Haiti to stand up and to go forward in the 21st century boldly and stronger than ever before.

So I want to thank you again, BARBARA LEE from California, for your ongoing commitment. I've come to this Congress to meet you and to see the work that you have been doing and just to join my voice in synchronization with you so that we can sing a louder song for the causes that you have championed even before I arrived here. Thank you.

The gentleman from Texas, AL GREEN, you, too, were a part of our delegation. Thank you for joining us in this Special Order to talk about international hunger and the crises in Haiti.

Mr. AL GREEN of Texas. Let me start by saying that the constituents that you have, Congresswoman CLARKE, can be exceedingly proud of you because you've been here a short time, but you've made a very significant difference. And I trust that they will understand the totality of the impact that you're making on the lives of people in this country, people who need help.

I was honored to go to Haiti with you and with my colleagues, and I will tell you that I was thunderstruck by what I saw. Probably the thing that stands out most in my mind is the notion that in the United States we have four seasons. In Haiti, there are five. There is a hunger season in Haiti, a time when it is prognosticated, it is predicted that people will go hungry, and they will need help that they probably will not receive.

Haiti is a country in crisis and needs help immediately, if not sooner. Haiti has an unemployment rate of 70 percent. Eighty percent of the people live in poverty. Seventy-six percent of the people live off of $2 per day; 55 percent off of $1 per day. The highest HIV/AIDS rate in the western hemisphere; infant mortality rate 10 times higher than that of the United States of America: Haiti is a country in crisis. When you go there and you see the density of population, people living in structures that in this country we would not house our animals in. Haiti needs help.

I'm not sure what the ultimate solution is, but I do know that if we do not act immediately, there will be a crisis right off of the coast of Florida comparable to what we have in Darfur.

And we talk consistently and continually about the things that are happening in Africa, and there are things there that necessitate our attention. We must do more to help in Darfur. But we have, right off the coast of Florida, some few hundred miles, a country that can benefit from much of what we have to offer.

It has been said that if you have the ability to do something and you cannot do enough, you have a duty to do all that you can do. The United States of America has a duty to do more in Haiti. I know that we have needs in this country, and we have to meet our needs. But we are the richest country in the world. And Haiti is a country that is our neighbor. It is an island. And people are trapped, they cannot leave. If they do leave and try to come here, we will return them.

There must be a way for us to have an infusion of capital, an infusion of help such that the people who are trapped on this island can extricate themselves from this most saddening circumstance.

There will be some who will say they should pull themselves up by their boot straps. They don't have any. There will be some who will say rising tides will lift all boats, and if we can find a way to do better here, they will do better there. This is not true. They don't have any boats to be a part of the rising tide. TPS is a part of the solution because if we allow those who are here to stay and to prosper, they will send money back to their relatives at home.

We have not been able to pass TPS. I would invite any Member of the House to go to Haiti and come back and say you won't vote for TPS. I challenge any Member of the House to go there. I don't believe you will come back and say you won't vote for TPS.

So probably one of the great things that any of us can do, if we want to adjust our hearts and become a part of the solution, is just go to Haiti and see the circumstances under which human beings are not living, but existing. It is an existence that we can change.

So I challenge my colleagues and I beg my colleagues to please, if you can, go to Haiti and see for yourself. It will tug at your heart, it will cause you to understand that we have an obligation to our fellow human beings to help them out of this circumstance. That is my appeal.

I thank you for the time. And I thank Congresswoman LEE for all that she has done through the years on this question of Haiti. This is not something new to her. For me, it is new in that this was my first visit, I'm a neophyte. But she has been doing this year in and year out and she knows of what we speak and she understands the challenges that are before us.

So I thank you, Congresswoman CLARKE, for the time. I thank you, Madam Speaker. And I beg that my colleagues will see for themselves the human crisis that exists right off the coast of Florida.

Ms. CLARKE. Thank you very much, Congressman AL GREEN. Thank you for your impassioned comments this evening.

I think it's important that when we speak of the need to build out our relationships around the world, that as we've travel to many regions around the globe, that we not neglect our own hemisphere, that we recognize that there are nations of people. And I think what's important to point out is that Haiti is a nation about the size of Maryland in terms of geographic size. It has 9.3 million people there. So when you hear the statistics quoted about the number of people in poverty, when you hear about the number of children in poverty, the percentage of people making $1 or $2 a day, put that in the context of a population of 9.3 million people, and then you get the sense of what we're talking about in terms of a humanitarian crisis.

□ 2015

Let me now turn to the gentlewoman from Illinois, who has joined us and has been a fighter and one who has stood up and has produced on behalf of the

Hunger Caucus and the people of Haiti, Ms. JAN SCHAKOWSKY.

Ms. SCHAKOWSKY. Thank you so much, Congresswoman CLARKE, for convening us tonight for this Special Order dealing with our close friend and a great friend of the United States, and that's our neighbor Haiti.

I first went to Haiti in January of 2003. And I went with the RFK Foundation, Robert F. Kennedy Memorial Foundation, and Ethel Kennedy was on that trip, to give an award to Partners in Health Clinic on the Central Plateau of Haiti. It's actually the one that was featured recently on ''60 Minutes'' where you saw Dr. David Walton, who actually comes from my district; Dr. PAUL Farmer; Loune Viaud, who is the director of that clinic, serving people on the very poor Central Plateau of Haiti. And I have to tell you I think it was Representative GREEN who said his first trip he was thunderstruck. That's a good word for it. You get on the plane in Miami and you start reading the newspaper, and before you've even finished reading it, you're landing in the poorest country in our hemisphere.

But let's be clear. This is a country with beautiful and brave and hard-working people. This is a country where some of our colleagues of a certain age may have even gone for their honeymoon. This is a tropical island in the Caribbean with so much potential and such beautiful people and such incredible poverty.

I went again to Haiti in 2006 with Wyclef Jean, a son of Haiti and a musical artist who has created a foundation called Yele Haiti, who's hard at work right now in providing food for the people of Haiti.

So we can talk about the crisis first. There is a horrible hunger crisis in Haiti. They started out poor. They started out malnourished when these food prices went up so high. And in fact, the average daily requirement for calories is about 2,100 calories per day. In Haiti it's 460 calories below that as the average. So you know some people are eating more than their 2,100 and lots of people are eating less.

I implore parents who may be listening to us tonight to think about what kind of desperation it might take to feed your child to quench the hunger in their belly a mud cake, a mud cake, a cake literally made out of mud with a little flour in it, because you can't stand to leave that tiny stomach hungry. It's just more than one can even bear to think how one gets to that point.

And so the high price of food and the hunger crisis has begun riots in Haiti. There have been some political ramifications, and the United States has to some important extent responded. We're sending money. We're sending food. And all of this is really, really important.

But the other thing I found out in Haiti is that it's not just oh, poor, Haiti, we need to do more. The fact of the matter is, and I am embarrassed to say, is that the United States of America has had its heel on the neck of the country of Haiti and has actually been part of the problem that we are facing today.

Over the past 7 years, the Bush administration has absolutely turned a blind eye and has, in fact, actively stopped the Inter-American Development Bank from releasing loans to Haiti for projects on water and health and education and rural roads, the kinds of things that would actually make Haiti self-sustainable. Through the U.S. Treasury, the Bush administration officials, and this is all about ideology and politics, have repeatedly held back vital loans for Haiti in an attempt to force political change in Haiti, actions in direct violation of the Inter-American Development Bank charter, IDB.

In e-mails released in response to a Freedom of Information request, Treasury Department employees repeatedly discuss how to ''slow'' the release of loans to Haiti. In a Treasury Department e-mail in 2001, this employee stated that the loans would be released based on ''our assessment of progress on reaching a comprehensive political settlement.'' That is, a settlement to the liking of the United States of America.

In another shocking e-mail, a Treasury lawyer reveals just how deliberately they were working to stop the loans from being released to Haiti, despite the great need. Bruce Juba, Special Counsel, wrote: ''While this is not a 'bullet-proof' way to stop IDB disbursements, it certainly will put a few more large rocks in the road.''

It is astounding and unacceptable that the entire time that the Bush administration has talked about helping poor Haiti, they have been working behind the scenes to put ''rocks in the road'' to Haiti's development. By 2002 the Bush administration's plan to block the loans to Haiti by slowing them down has succeeded. Haiti fell into arrears long enough to trigger an Inter-American Development Bank policy that prevents the bank from releasing the loans when arrears have accumulated for too long. Success.

Instead of receiving the vital loans for public projects, loans that could have helped bring thousands out of poverty, reduced water-borne diseases, and aided in long-term development, the Bush administration successfully cut off Haiti's IDB funding in an effort to push Aristide out of power.

The United States has been directly involved in Haiti's food crisis in another way. The U.S. has forced Haiti to open its market to our subsidized crops, decimating the ability of Haitian farmers to compete. Thirty years ago Haiti raised nearly all of the rice it needed. It was exporting sugar. But because of U.S. intervention, Haiti is now reliant on food imports for survival. The International Monetary Fund forced Haiti to open its market to U.S. rice first in 1986 as a condition for loans, making it impossible for Haitian farmers to compete with subsidized U.S. rice. Then in 1994, as a condition for U.S. assistance in returning to Haiti to resume his elected presidency, Jean-Bertrand Aristide was forced by the U.S., the IMF, and the World Bank to open up the markets in Haiti even more.

So, look, if we want to do more than put a temporary Band-Aid on the developing food crisis in Haiti, we're going to have to do more than allocate money for emergency food relief. We're going to need to recognize how forcing poor countries to open their markets to our heavily subsidized crops cripples their ability to sustain themselves.

As President Lula of Brazil said when he was visiting Haiti recently, ''Rich countries need to reduce farm subsidies and trade barriers to allow poor countries to generate income with food exports. Either the world solves the unfair trade system or every time there's unrest in Haiti, we adopt emergency measures and send a little bit of food to temporarily ease hunger.''

You talked about the level of unemployment in Haiti. Well, a number of these people are rural people who are at least sustaining themselves. Even if they weren't exporting food, the country was able to provide the rice and the beans that it needed to sustain itself.

So we need to have a sane and rational policy when it comes to Haiti, a policy of friendship to this country in our hemisphere, not a policy that cripples Haiti's ability to actually flourish. We have a huge responsibility here for the hunger that's going on here now, and we should understand that and not just feel so good about our ourselves when we send food aid to Haiti, which, of course, we should do and we should do even more of.

So I appreciate the opportunity to join you tonight, Congresswoman CLARKE. I appreciate your leadership as a new Member of Congress. I so welcome your leadership on this issue and just want to offer my support in absolutely any way that I can so that we can be a good neighbor to Haiti and to the rest of the developing world.

Thank you for allowing me to speak tonight.

Ms. CLARKE. I want to thank the gentlewoman from Illinois (Ms. SCHAKOWSKY) for her breadth and depth of knowledge of the relationship that the United States has had with the Nation of Haiti and what we need to do to turn the tide around. It's a critical piece, and certainly as we look at our hemisphere going forward in the 21st century, what our expectations are for the development of not only the United States of America but our neighbors in the region, your words, your knowledge is going to be a critical part of what we are going to need going forward. And I thank you for taking the time to be a part of this Special Order. The people of the United States thank you for your commitment and certainly the people of my district who are really

concerned about their family and their relations in Haiti. Thank you for your commitment, and we look forward to further conversation and collaboration on the issue of hunger internationally and specifically the rebirth and the regrooming of Haiti.

And I would like to just point out life expectancy, again, for women in Haiti is 56 years old. Life expectancy for men in Haiti, 53 years old. It's amazing in the 21st century that less than 400 miles away from the United States of America, we have people dying in the prime of their life due to a lack of food, due to lack of opportunity. They can stand on the edge of their shores and see the bright lights of Florida shining across the seas, but they can't reach for that level of potential within their own boundaries and their own nation. And when we look at the relationships that we establish with other nations around the globe, one has to wonder why, with a nation the size of Maryland and the population of 9.3 million people, we haven't seen fit yet to establish the type of relationship that creates a symbiotic relationship, fertile land on a fertile island; yet people are starving.

At this time I would like to acknowledge my cohost for this evening's Special Order. She is no stranger to most of us, to all of us. She has been an outstanding leader in this Congress and has been an outspoken leader, the most knowledgeable person that I have had an opportunity to interact with on international affairs, on homeland security, and has been a true mentor to me, and that's none other than the Congresswoman and the gentlewoman from Texas, the Honorable SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. It is a special privilege to be on the floor tonight with a very distinguished Member of Congress and my coleader and cosponsor of this Special Order tonight, Congresswoman YVETTE CLARKE.

Might I note the special presence, if you will, of a number of Members from the Congress who have already spoken and pay tribute to their presence here, Congresswoman BARBARA LEE, Congressman AL GREEN, Congresswoman JAN SCHAKOWSKY, for their passion and commitment and take note and pay special tribute to our speaker tonight, who rounds out the circle. And we appreciate her for her attentiveness to this very important discussion and debate. And, likewise, let me add an appreciation for the chairwoman of the Congressional Black Caucus, the officers and members, who have seen fit to be the conscience of this Congress.

□ 2230

We have been particularly blessed by Congresswoman CLARKE's presence because I think she represents really a particularly unique congressional district. It has a history of Shirley Chisolm, and of course her predecessor, Mr. Owens. But as the district has grown, I guess because of the initial history of Congresswoman Chisolm from the Caribbean. As the district has grown, it really exemplifies the tentacles of America. It is really, I guess, the cornerstone of what North and South America are about in the Caribbean because your district has this array of constituencies who represent South and Central America, the Caribbean, and other parts. It shows this unique place called America because when I say America, I am talking about South America, Central America, the Caribbean, this whole part of the world. For that reason, your insight is crucial.

We have seen the neglect of the Caribbean over the last 8 years, frankly. And I don't think there would be any debate on that question. I do know that there are concerned persons in the administration. But, Congresswoman CLARKE, I have sat in meetings at the White House, I have sat in meetings, frankly, with representatives or Assistant Secretary of the State Department that sit in hearings and, frankly, you had to argue with them about the circumstances.

I guess one comes to mind, and I am going to focus on this food crisis, but I think I relayed to you one meeting in the White House that really required members of our caucus, the Congressional Black Caucus, frankly, that song, I shall not be moved. It required persons not to be moved until we had an opportunity to speak to the President of the United States. Of course, that was the time of crisis in the removal of then-President Aristide. Of course, President Preval worked with him as a prime minister. Then we had an Assistant Secretary for Western Affairs who was in fact, how shall I call it, an outright argument about the rightness of what we were doing for Haiti.

Frankly, I think as Americans representing such a diverse Nation, we should have a better attitude about allies, and Haiti is an ally. As you know your history, Haitians fought alongside of us. It is the oldest Democratic Nation in the Caribbean. Its independence was quick, was immediate almost, because of their great and wonderful founder, revolutionary that, of course, we saw many of his pictures, Toussaint Louverture, that we saw many of his pictures in Haiti.

So I say all this to say why do we come to this? Why are we at this point? Why do we need to be on the floor of the House? Although these are not exactly pictures taken recently in Haiti, the children symbolize what we left in Haiti, because we had an urgent mission. We had to meet with President Preval. Certainly the rural areas were there, but because it was an urgent mission, we had to focus our trip on that.

I can imagine when the President told us that 40 percent of the people in Haiti are eating one meal, and the word people, that means children, and everyone knows the results that occur when children go hungry. They are stunted in growth. They are certainly victims of malnutrition. They are stunted mentally. Who can go to school on a hungry stomach? One of the reasons we had the breakfast program and the lunch program here in the United States of America is the fact that we have studies that show the distinction between children who eat, nourished, and how they learn, versus a hungry child. See a quiet child, inattentive in a classroom, you can go to the source most likely. Can you imagine a country of children who are hungry?

Of course, these faces, for all we know, represent children in Haiti, of which on this particular trip we were not able to see who may be huddled in the various mountains and hills looking for food. And so if I might just share with you that right now we know that there are 850 million people who are chronically or acutely malnourished. That includes the people of Haiti. Over 300 million of these individuals are children.

Malnutrition caused by chronic hunger leads to the death of an estimated 5,600,000 children under 5 years old. According to UNICEF, an estimated 146 million children, roughly one in four children under 5 years old are underweight. According to a study conducted by the United Nations Food and Agriculture Organization, 45 percent of children who died after contracting measles were malnourished, as were 60 percent of children who died after contracting severe diarrhea. An estimate 168 million children under age 5 in developing countries face potential growth retardation, also known as stunting, as a result of chronic hunger and malnutrition. Approximately 42 percent of children under 5 years old are stunted in the world's least developed countries.

So I lay the framework out for what we are facing in the country of Haiti and what President Preval has to deal with. You have a wonderful poster that indicates how high food is going. And so even now, where we used to be a high food donor country, but look what countries are having to pay for corn now, for soybeans, for wheat, and for rice. What a dilemma. And then, add insult to injure, if you would, as President Preval has indicated, infrastructure is needed and work is needed.

All of us were moved by the mother who stood up, and didn't look 48 years old, and according to your numbers, she has only 8 more years to live. She had 10 children. In cultures like that, they are very dependent on families. Children then go out to work and give back to families, and parents, because they age quickly, I guess, can retire back or can sit back with the hope of their children supporting them. What did she say? She managed to send her children to school, and the two that are now out and ready, no work. No work.

The food fight, the food riot, as the President indicated, or as we saw in

the news, was really because people had no money and no work to buy food. And so people were rioting because of that. President Preval wants us to help. What is this administration doing? Not releasing money the way it should; fighting against TPS, which really makes a difference. Temporary protective status allows people to stay and work, Haitians who have suffered this unequal wet foot-dry foot scenario between our friends from Cuba, and they are our friends. It wasn't a law that they wrote. But it was written, and I must say this, all of our Cuban representatives that are here in the United States Congress have supported equalizing the Haitian disparity issue. We just can't get it passed; which is to say I have an immigration bill that would create parity. If you were Haiti, because of the political crisis, you get your foot on our soil, you too can say.

But putting that aside, we don't have that. But TPS, the President begged us, President Preval. That would help the food crisis. Why? Because it would allow people who are here, sending back remittances, what, a fourth of their economy, to at least be able to send back to momma, grandma, somebody, so they can eke out a survival.

So to the Congresswoman, so he asked us for infrastructure, clean-running water that helps you be able to at least cook decent food, creation of jobs, and if you were to put money in for infrastructure, people could work. Even though these prices are outrageous, they could at least minimally begin to bring food in.

One of our colleagues said something that we heard, and that was the dumbing down of the rice industry, or dumbing down the traditional foods. President Preval said he would like to get Haitians back to traditional food, not because he wants to keep them from buying from us but because what we did is when rice was cheap, we dumbed them down from raising rice, meaning, Oh, I don't have to worry about raising rice. Let me raise something else. I don't know what the decision was because I am going to get what he called ''Miami rice.'' Look what happened. They stopped growing. I assume Miami rice has gotten way, way, way expensive. They are not growing the traditional foods. And look where we are.

So, Congresswoman, I want to thank you for raising or giving us the opportunity. I am delighted to be your coleader and cosponsor because out of these discussions I hope it comes the finger on the phone, the finger on the e-mail, Haitians around the country pressing their phone buttons and calling Members of Congress on both sides of the aisle to join us in our fight for the TPS.

We know a number of our colleagues have been working on this issue, from Congressman HASTINGS, myself, you, Congressman KENDRICK MEEK from Florida, Congresswoman CORRINE BROWN. I may have left off someone. There's a number of people that understand the realities of that. So press your button wherever you are, get your e-mail out. We have to get relief with a temporary reprieve on TPS.

The second thing is that the administration needs to make an immediate commitment for food relief and the releasing of dollars for Haiti, a country whose singular—who could have only one reason for us helping them is the blood they shed from our Freedom Fight, for our Revolution, the blood they shed when they stood alongside of us in the Revolutionary War. No one can take that away from them in terms of relationship with the United States.

So I want to join you, and as I close yield to the gentlelady, just engage her in a question, because I would like to ask a question. I would commit our colleagues as well to H. Con. Res. 344. You are an original cosponsor. It is to say in any food aid, we need to prioritize children. Certainly I believe we can add pregnant women and mothers, nursing mothers, a vulnerable population. I think that would be an excellent addition. But I do think what happens to our children dictates what happens to the future of the country because if you have stunted children with inability to learn, what do you have in the future.

I would ask the gentlelady, and so I hope people will come on the bill H. Con. Res. 344. I hope we can mark it up soon, get it to the floor of the House, and maybe expand on some aspects of it.

I rise tonight, together with my colleagues Congresswoman YVETTE CLARKE, as well as the House Hunger Caucus, to address a grave and growing humanitarian crisis. With rising food prices threatening the health of millions of people throughout the world, it is vital that we look for both short-term responses to the crisis and long-term solutions to ongoing food instability.

As my colleagues are aware, according to the United Nations, over 850,000,000 people in the world are chronically or acutely malnourished, and over 300,000,000 of these are children. The statistics are both shocking and tragic: Malnutrition caused by chronic hunger leads to the death of an estimated 5,600,000 children under 5 years old; according to UNICEF, an estimated 146,000,000 children, or roughly one in every four children under 5 years old, are underweight; according to a study conducted by the United Nations Food and Agriculture Organization, 45 percent of children who died after contracting measles were malnourished, as were 60 percent of children who died after contracting severe diarrhea; an estimated 168,000,000 children under age five in developing countries face potential growth retardation, also known as stunting, as a result of chronic hunger and undernutrition; approximately 42 percent of children under 5 years old are stunted in the world's least developed countries.

Rising food prices have precipitated a crisis situation. On March 20th of this year, the U.N. World Food Program made an urgent appeal to the United States and other food aid donors for an additional $500 million to fill a funding gap caused by rising food and fuel prices. Since then, this gap has expanded, and is now an estimated $755 million. As food prices rise, children are the first to suffer.

Earlier this month, with the support of 46 of my colleagues, I introduced H. Con. Res. 344. This resolution recognizes that we face a global food crisis, and that children will be disproportionately affected by rising food prices. The bill states that:

(1) it is the sense of Congress that—

(A) in emergency situations, children have different needs than those of adults, and nutritional deficiencies disproportionately affect children; and

(B) in the context of the current global food crisis, the nutritional needs of children must be a humanitarian priority; and

(2) Congress—

(A) recognizes that we are facing a global food crisis caused by, among other things, rising fuel prices, increased diversion of land to biofuel production, drought, and increases in population;

(B) recognizes that lack of adequate nutrition is particularly damaging to children, as it stunts their growth, leaves them more vulnerable to numerous diseases, and hunger affects children's ability to learn; and

(C) calls for a world forum to be held, on the issue of rising food prices and international response, and for the United States to play an active role in alleviating the crisis.

I urge all my colleagues to join me in cosponsoring this important legislation.

This issue has drawn the attention of the Congressional Children's Caucus, which I chair, because hunger and malnutrition have a particularly devastating effect on children. On May 8th together with Global Health Caucus Co-Chair BETTY MCCOLLUM and DONALD PAYNE, Chairman of the Foreign Affairs Subcommittee on Africa and Global Health, I hosted a briefing on the global food crisis and its impact on the world's children. Members, staff, and the public heard from expert panelists from UNICEF, WFP, World Vision, Save the Children, Christian Children's Fund, and the Congressional Hunger Center, as well as Danny Glover, actor, UNICEF Goodwill Ambassador, and Chairman of the Board of Directors of the TransAfrica Forum.

Lack of adequate nutrition stunts children's growth, leaves them more vulnerable to numerous diseases, and affects their ability to learn. Even temporary deprivation of essential nutrients can have a lasting impact on children's physical growth and intellectual potential, and, under current conditions, more and more children face the prospect of growing up malnourished.

As a result of rising food prices, families throughout the world, particularly in developing nations but also here, in the United States, are increasingly facing a decision between quantity and quality when buying food. With incomes stretched thinner by the day, many families must either buy significantly smaller quantities of food, or purchase less nutritious food. In times of food crisis, families face cuts in expensive foods, such as meat, fruit, and vegetables. The loss of these nutritious foods, in favor of cheaper staples such as rice and maize, is extremely detrimental to children's development, putting them at greater risk of disease or stunted growth. The full extent of the consequences of deprivation of vital nutrients during essential stages of growth is not known. However, it is clear that once children's growth is stunted by malnutrition, they

do not catch up to their peers. The effects will be lifelong.

We now are facing a crisis of epic proportions. The World Food Programme, which fed over 19 million children in schools last year, finds its budget stretched to the limit, and now needs an estimated $755 million to cover the increased cost of food and fuel. To cite one example, WFP's Kenya programme faces having to cut food to 550,000 children in schools this year. And this is just one example, in one country.

Rising food prices have caused riots in nations including Haiti, Bangladesh, Egypt, Burkina Faso, Mauritania, Mozambique, and Senegal. In April, a week of unrest in Haiti began with violence in Les Cayes and spread to Port-au-Prince and other cities, in which at least six people were killed. Though the violence has ended, slum leaders in a nation where many people live on less than $2 a day have expressed their willingness to take to the streets if the crisis is not alleviated. Families are particularly affected. One woman, Jacqueline Emile, stated, ''I have 10 children. I cannot send them to school and I cannot feed them because I am not working. I would like the government to help me.'' A school in Port-au-Prince, the Saint Vincent de Paul primary school, which provides lunches of beans and rice supplemented with vitamins, reports that it can now can only feed 1,300 of its 2,100 students.

The crisis is also deeply felt across much of Africa. According to the NGO Action Against Hunger, nearly 20 percent of children tested in Monrovia, Liberia were suffering from acute malnutrition. Brenda Kerubo, a housewife in Kisumu, Kenya, spoke of the need to cut back family meals, stating, ''the best thing to do for my family is to reduce meals taken in a day. I may give them a cup of tea with a piece of pancake for breakfast and two cups of porridge for lunch and then I cook beans and maize for supper. We hope prices will soon come down.'' Her family, like so many others, is substituting cheap starches for more nutritious (and more expensive) meat, fruits, and vegetables.

The scope of this crisis spans the globe. In the wake of the devastating cyclone in Myanmar, children face risks from lack of clean water and poor sanitation, as well as inadequate nutrition. Under these conditions, children are increasingly susceptible to diarrhea, as well as mosquito borne diseases such as malaria and dengue fever. Women and children, who make up more than 60 per cent of Myanmar's population, and are likely to be gravely affected. Food aid to the children caught up in the midst of this terrifying situation must be a priority.

According to the United Nations, the cyclone in Myanmar has damaged that nation's fragile ecosystem, with far-reaching effects on food production. Myanmar is currently a rice exporting nation, and farmers in the devastated Irrawaddy Delta region produce two-thirds of the nation's rice supply. The U.N. has warned that if farmers in the cyclone-affected areas do not receive rice seed by June, Burma's rice harvest will fail.

Another nation suffering is Cambodia. In the Sun Sun primary school, for example, teacher Taoch Champa says that ''Most students come to school for the breakfast,'' and principle Yim Soeurn adds that ''Students brought their brothers and sisters, 2, 3, and 4 years old'' for the WFP-provided free breakfast. Teachers also note that providing this free meal has vastly increased attendance, particularly by girls, and they fear that if the program ended, ''poor students would not come to school.'' However, 1,343 schools across Cambodia are within 1 month of running out of rice stocks, and soaring food prices have placed WFP's future activity in the country in severe doubt.

According to comments made by Pakistani officials in recent days, that nation's production of wheat is expected to fall short of needs by a million tons. Authorities have issued warnings that people hoarding wheat will have their stocks confiscated if they refuse to sell it to government agencies.

The United Nations has made ending global poverty a long term goal, included in the Millennium Development Goals. In addition, the U.N. has recognized the scope of the current food crisis, and U.N. Secretary General Ban Ki-Moon has proposed a task force, to be composed of the heads of United Nations agencies and the World Bank, to address the problem caused by soaring food prices. Ban Ki-Moon has also made closing the WFP funding gap a priority.

Likewise, we are gathered here today in recognition of the looming crisis. Tackling worldwide hunger is a moral imperative which threatens the political and economic stability of a multitude of developing nations. The dramatic increase in food prices will continue to have a destabilizing affect in already unstable regions of the world where so many young lives are already vulnerable to ongoing conflicts and political turmoil.

But I want to yield to the gentlelady and ask her and pose this question to her, and that is what have you seen, living in your great congressional district, listening to Haitians firsthand, have been the results of the unequal treatment of Haitians and Haiti? What are the results that are here in the United States, what do you see in your own constituents, what kind of questions are they asking the United States Congress on why we have not acted, and what does that say about America?

Ms. CLARKE. I want to thank the gentlewoman from Texas for yielding and for posing that question because certainly Haitian Americans are very aware of the history, the role that they played in helping the United States acquire what was then called the Louisiana Territory that completed our United States and the side-by-side battle in the Revolutionary War. And they wonder why the relationship has not been a much more prosperous one between the two nations, why they have been forsaken over so long.

Haiti has been an independent Nation for over 200 years, 205 years, to be exact, and certainly have been worthy of being a partner in the development in this hemisphere. And they are concerned. They are concerned that perhaps there is some bias involved, there's some discrimination because they're a Nation 95 percent of African descent, and they have been used during different times in our history to halt the spread of Communism. But they have never reaped any real reward or collaboration.

I think we are all open now, understanding that we are connected. We are in a global economy, we are in a global world. As our prices spike, the impact has a ripple effect around the world, as we talk about food for fuel versus food for food, what the impact has been around the world. I think that is most demonstrably shown with the Nation of Haiti. And none of us can turn a blind eye to that.

So I want to thank the gentlelady for raising that question. We are winding down now. To my cohost, thank you very much for, again, being a mentor and someone who provides guidance and understanding around some very complex issues with regard to why we do or do not do the things that we need to do, that are imperative for us to do in terms of our international relations, in terms of our hemisphere, in terms of just getting information permeated throughout the body to get a consensus on a way to go.

□ 2245

I think we are well on the way. We have got some commitments so far. We want to be vigilant in our oversight and seeing them go through. But we do want to press for TPS. We know that that can be a real part of the economic sustainability of the Nation, which is critical, and while we come in with other strategies for immediate relief for the hunger that takes place.

Ms. JACKSON-LEE of Texas. If the gentlewoman would yield for just a moment, on that very note, this is the People's House, and what I would like to encourage right now on the floor of the House is let us call for Haitian-Americans who are here in the United States to come to Washington. Some are as close as your congressional district.

Let us collectively merge our bills, or maybe reintroduce all of our bills or portions of our bills that we have and make that push, I would never use the term ultimatum, but make the urgent push that we need to move forward on hearings dealing with TPS.

That is the first step of moving toward a markup of some component thereof of a TPS. Temporary. It could be a TPS for a year. That is what we did with El Salvador, and then it was renewed. We did it with Liberia, that was deferred, DED, I believe. So we have had these moments when there is a crisis. There is clearly a crisis in Haiti. And I would like to join with the gentlewoman to organize that and call that session in and make the point that we need to move on that issue as quickly as possible.

Ms. CLARKE. Our time has expired, my colleague. I just wanted to thank the Speaker for this Special Order on the international food crisis, subject Haiti.

I would just acknowledge that we have received statements to this Special Order from Congressman JAMES MCGOVERN of Massachusetts to be entered into the RECORD, as well as Representative POMEROY to be entered into the RECORD.

Mr. CONYERS. Madam Speaker, I rise today to bring to the attention of the Congress and to the American people the plight the western hemisphere's second oldest republic, Haiti. The Haitian people are being negatively affected by market forces out of their control that have driven food prices up drastically. Haiti, where about 4 out of 5 people live at or below poverty, is an island nation that consists of approximately 8.7 million people. To put this in perspective, imagine the city of New York; now imagine that same city with 80 percent of its citizens in poverty.

The American people and Congress have already assisted Haiti with the HOPE and HOPE II (Haitian Hemispheric Opportunity through Partnership Encouragement) Acts. HOPE was the tip of the iceberg. It provided jobs to allow Haitians to overcome poverty. HOPE II will create even more gainful employment and more sustainable jobs for Haitians and create a self-sustaining infrastructure. These acts will provide jobs needed to help more Haitian citizens emerge from poverty and gain employment which will lead to a more prosperous Haiti.

However, there is much more work to be done Madam Speaker. Right now the World Food Program is in need of $755 million to meet immediate demands and USAID also needs an additional $240 million. Increases in these programs will ensure that school food programs in the developing world are not eliminated due to current food price inflation. The food price escalation is also affecting the region as a whole.

Due to escalating market prices, in rural El Salvador, with the same amount of money today, people can purchase 50 percent less food than they did 18 months ago. This means that, in principle, their nutritional intake, on an already poor diet, is being cut by half.

In Nicaragua the price of tortilla went up 54 percent between January 2007 and January 2008.

We cannot let our neighbors suffer due to circumstances out of their control. We have taken small steps but now the government of the United States must be an active agent in the development of the third world. We must follow the lead of our philanthropic and nonprofit sectors.

Too often those in government see aid to developing nations as a waste of money, throwing taxpayers dollars down a well. India is a great example of the benefits of foreign aid. In the 1960s American dollars funded fertilizer subsidies and high yield seed varieties led India out of poverty and famine into self-subsistence. India is now entering the developing world, so much so that their demand for processed foods is now decreasing the supply of food aid available to countries such as Haiti.

This can happen in Haiti if the United States focuses on delivering basic goods to the hemisphere's poorest people. By increasing vaccines, textbooks, water pipes, and medical care we will not make countries dependent, we will be giving Haitians the basic inputs they need to improve their lives. We must invest in high-yield, proven, and scalable strategies to empower the Haitian people and those suffering throughout the world.

Mr. POMEROY. Madam Speaker, we are in the midst of a global food crisis. Rising food prices are negatively affecting the world's poorest people, who frequently spend 80 percent of their income on food. As a result, the world's most vulnerable populations, including an entire generation of children, are fighting malnutrition every day. Riots and social unrest all over the world over food prices are indicative of the acute nature of this problem. The time to act is now.

Over the last 50 years, the United States has been the leader in international food aid. We have been able to sustain this role even during eras that were extremely tough on foreign aid. This doesn't mean that the structure can't be improved, but I do believe it is a strong testament to the current structure.

Through the Food, Conservation and Security Act of 2008, also known as the farm bill, we look to address this global crisis by helping to fight hunger and provide food assistance around the world. The farm bill does this by increasing oversight and monitoring of food aid programs. It requires the United States Agency for International Development (USAID) to increase the use of program monitors, conduct more evaluations of food aid impact, and implement best practices for food aid delivery. The farm bill will also allow USAID to pre-position more food overseas to respond to disasters more quickly. With greater attention toward identifying food shortages earlier, the food aid programs can reach people in need and respond before crises worsen.

I am also very proud to say that the farm bill establishes a $60 million pilot program for local or regional purchases of food aid. This pilot program provides the opportunity for local purchases of food aid commodities while ensuring that the purchases do not cause dramatic price increases or exacerbate shortages overseas.

While I am extremely proud of what we have been able to accomplish through the farm bill, this is a serious situation that we must continue to address. As a member of the House Hunger Caucus, I look forward to working with my colleagues to address the issue of world hunger.

Mr. McGOVERN. Madam Speaker, every five seconds, a child dies from hunger-related causes. That's the equivalent of 21 school busses full of children being killed every day. With the current food crisis, even more people are being put at risk of starvation as the prices of daily food staples move out of reach. This is not just tragic; it is shameful. We have the resources necessary to end hunger. What we need is the political will to do so.

Madam Speaker, I've never heard any Member of Congress declare that he or she is pro-hunger. But regrettably, too few are actively working to rid our Nation and the world of this terrible scourge. I am very proud of the members of the bipartisan House Hunger Caucus who have taken up the task of raising the profile of this domestic and global issue and helping to educate their colleagues about how we can address and end not just the crisis caused by rising food costs, but hunger itself.

As the world faces a crisis of hunger, it is increasingly more important that Members of Congress speak out against hunger and take action to ensure that action is taken to truly address the crisis. Thank you to YVETTE CLARKE and SHEILA JACKSON-LEE for their leadership in organizing this Special Order Hour and for all those participating tonight. The time to end hunger is now. We cannot wait while more children and families go without food, or even starve to death.

Tonight, in the aftermath of the earthquake in China and the cyclone in Burma, we hold the victims of these disasters in our thoughts. We see, once again, the generosity of the world in reaching out to these victims of natural catastrophe.

But the children of Haiti, the urban poor of Manila, the refugees in Darfur—and, literally, the hundreds of millions of people around the world and in our own country who do not know whether there will be food on the table tonight or tomorrow—our thoughts and our prayers are with them, too. But more importantly, we send to them our commitment to take action on their behalf, and to take action in support of their own efforts to help themselves. Together we can overcome this current crisis, and together we can end hunger in our lifetime.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GILCHREST (at the request of Mr. BOEHNER) for today on account of illness.

Mrs. WILSON of New Mexico (at the request of Mr. BOEHNER) for today on account of a family commitment.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCOTT of Georgia) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SCOTT of Georgia, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. WELLER of Illinois, for 5 minutes, today and May 21.

Mr. TANCREDO, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. BROUN of Georgia, for 5 minutes, today.

Mr. FLAKE, for 5 minutes, today and May 21.

Mr. BARRETT of South Carolina, for 5 minutes, today.

Mr. KUHL of New York, for 5 minutes, today.

## ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2419. An act to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

## BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on May 15, 2008 she presented to the President of the United States, for his approval, the following bill.

H.R. 6051. To amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 16, 2008.

Lorraine C. Miller, Clerk of the House also reports that on May 19, 2008 she presented to the President of the United States, for his approval, the following bills.

H.R. 493. To prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

H.R. 3522. To ratify a conveyance of a portion of the Jicarilla Apache Reservation to Rio Arriba County, State of New Mexico, pursuant to the settlement of litigation between the Jicarilla Apache Nation and Rio Arriba County, State of New Mexico, to authorize issuance of a patent for said lands, and to change the exterior boundary of the Jicarilla Apache Reservation accordingly, and for other purposes.

H.R. 5919. To make technical corrections regarding the Newborn Screening Saves Lives Act of 2007.

H.R. 6022. To suspend the acquisition of petroleum for the Strategic Petroleum Reserve, and for other purposes.

## ADJOURNMENT

Ms. JACKSON-LEE of Texas. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 21, 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:

TRAVIS W. CHILDERS, Mississippi, First.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6709. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Tebuconazole; Pesticide Tolerance [EPA-HQ-OPP-2005-0097; FRL-8364-6] received May 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6710. A letter from the Principal Deputy Under Secretary Of Defense, Department of Defense, transmitting a report on National Guard Counterdrug Schools Activities, pursuant to Public Law 109-469, section 901(f); to the Committee on Armed Services.

6711. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Jacob K. Javits Gifted and Talented Students Education Program — received May 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6712. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Proposed Personnel Demonstration Project; Alternative Personnel Management System for the U.S. Department of Agriculture, Food Safety and Inspection Service — received May 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6713. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Montana Regulatory Program [SATS No.: MT-026/027-FOR; Docket ID: OSM-2008-0006] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6714. A letter from the Acting General Counsel, Department of the Interior, transmitting the Department's final rule — Facility License Standards (RIN: 3141-AA23) received May 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6715. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Amendment 80 Vessels Subject to Sideboard Limits in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XF44) received February 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6716. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications [Docket No. 070607119-7119-01] (RIN: 0648-AV11) received November 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6717. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Amendment 11 [Docket No. 071130780-8013-02] (RIN: 0648-AU32) received May 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6718. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2008 Gulf of Mexico Recreational Fishery for Red Snapper [Docket No. 970730185-7206-02] (RIN: 0648-XG40) received May 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6719. A letter from the Acting Assistant Administrator For Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2008 Georges Bank Cod Fixed Gear Sector Operations Plan and Agreement, and Allocation of Georges Bank Cod Total Allowable Catch [Docket No. 071017601-8510-02] (RIN: 0648-AW17) received May 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6720. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper/Grouper Resources of the South Atlantic; Withdrawal of Trip Limit Reduction [Docket No. 060525140-6221-02] (RIN: 0648-XG34) received May 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6721. A letter from the Administrator, Office of Foreign Labor Certification, Employment and Training Administration, DOL, Department of Labor, transmitting the Department's final rule — Employment Standards Administration; Labor Condition Application Requirements for Employers Seeking To Use Nonimmigrants on E-3 Visas in Specialty Occupations; Filing Procedures (RIN: 1205-AB43) received May 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6722. A letter from the Director, U.S. Office of Personnel Management, Office of Personnel Management, transmitting the Office's final rule — Amendments to Conform the United States Code of Federal Regulations to the Voting Rights Reauthorization and Amendments Act of 2006 (RIN: 3206-AL40) received April 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6723. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Accreditation of Agents and Attorneys; Agent and Attorney Fees (RIN: 2900-AM62) received May 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6724. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Provision of Hospital Care and Medical Services During Certain Disasters or Emergencies (RIN: 2900-AM40) received May 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6725. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — VA Veteran-Owned Small Business Verification Guidelines (RIN: 2900-AM78) received May 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6726. A letter from the President and CEO, American Association of Exporter and Importers, transmitting the Association's views and comments in response to the Notice of

Proposed Rulemaking on Importer Security Filing and Additional Carrier Requirements; to the Committee on Ways and Means.

6727. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2008-50] received May 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6728. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Corporate Reorganizations; Amendment to Transfers of Assets or Stock Following a Reorganization [TD 9396] (RIN: 1545-BH52) received May 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6729. A letter from the National Taxpayer Advocate, Internal Revenue Service, transmitting a report entitled, ''National Taxpayer Advocate's 2007 Annual Report''; to the Committee on Ways and Means.

6730. A letter from the Social Security Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Amendments to the Ticket to Work and Self-Sufficiency Program [Docket No. SSA-2006-0092] (RIN: 0960-AF89) received May 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6731. A letter from the Secretary, Federal Trade Commission, transmitting the seventh annual report pursuant to the College Scholarship Fraud Prevention Act of 2000; jointly to the Committees on Education and Labor and the Judiciary.

6732. A letter from the Secretary, Department of Commerce, transmitting the Department's Propane Consumer Impact Analysis regarding the operations of the Propane Education and Research Council, pursuant to Public Law 104-284, section 12; jointly to the Committees on Energy and Commerce and Science and Technology.

6733. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Administration's proposal to amend the Iran, North Korea, and Syria Nonproliferation Act; jointly to the Committees on Foreign Affairs and Science and Technology.

6734. A letter from the Associate Deputy Secretary, Department of the Interior, transmitting a copy of a draft bill entitled, ''Pick-Sloan Missouri Basin Program Cost Reallocation Act of 2008''; jointly to the Committees on Natural Resources and Energy and Commerce.

6735. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a report required by the Foreign Intelligence Surveillance Act of 1978, pursuant to 50 U.S.C. 1807; jointly to the Committees on the Judiciary and Intelligence (Permanent Select).

6736. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of Commerce, transmitting a copy of a draft bill entitled, ''the Economic Development Administration Reauthorization Act of 2008''; jointly to the Committees on Transportation and Infrastructure and Financial Services.

6737. A letter from the Secretary, Department of Veterans Affairs, transmitting a copy of a draft bill entitled, ''the Veterans' Benefits Enhancement Act of 2008''; jointly to the Committees on Veterans' Affairs and the Judiciary.

6738. A letter from the Acting General Counsel, Department of Defense, transmitting a copy of legislative proposals that woiuld implement initiatives concerning military spousal benefits presented by the President of the United States in his State of the Union Address; jointly to the Committees on Armed Services, Veterans' Affairs, and Oversight and Government Reform.

6739. A letter from the Chairman, U.S.-China Economic and Security Review Commission, transmitting the Commission's record of the public hearing on the ''Implications of Sovereign Wealth Fund Investments for National Security,'' pursuant to Public Law 106-286, section 635(a); jointly to the Committees on Ways and Means, Foreign Affairs, and Armed Services.

6740. A letter from the Acting General Counsel, Department of Defense, transmitting a copy of legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2009; jointly to the Committees on Armed Services, Oversight and Government Reform, Natural Resources, Foreign Affairs, Transportation and Infrastructure, and Energy and Commerce.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of the committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SKELTON: Committee on Armed Services. Supplemental report on H.R. 5658. A bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes (Rept. 110–652, Pt. 2).

Mr. RANGEL: Committee on Ways and Means. H.R. 6049. A bill to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes; with an amendment (Rept. 10–658). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPRATT: Committee of Conference. Conference report on S. Con. Res. 70. A resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013 (Rept. 110–659). Ordered to be printed.

Mr. ARCURI: Committee on Rules. H. Res. 1212. A resolution providing for consideration of the bill (H.R. 6049) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes (Rept. 110–660). Referred to the House Calendar.

Mr. HASTINGS (FL): Committee on Rules. H. Res. 1213. A resolution providing for consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes (Rept. 110–661). Referred to the House Calendar.

Mr. McGOVERN: Committee on Rules. H. Res. 1214. A resolution providing for consideration of the conference report to accompanying the concurrent resolution (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013 (Rept. 110–662). 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 Mrs. BONO MACK (for herself, Mr. BACA, Mr. BILBRAY, Mr. CALVERT, Mr. CARDOZA, Ms. CASTOR, Mr. COSTA, Mr. DOOLITTLE, Mr. DREIER, Ms. ESHOO, Mr. FARR, Ms. FOXX, Mr. GALLEGLY, Ms. HARMAN, Mr. HUNTER, Mr. ISSA, Ms. LEE, Mr. LEWIS of California, Ms. ZOE LOFGREN of California, Mr. DANIEL E. LUNGREN of California, Mr. MACK, Mr. McCARTHY of California, Mr. McKEON, Mr. GARY G. MILLER of California, Mrs. NAPOLITANO, Mr. PETERSON of Pennsylvania, Mr. RADANOVICH, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SNYDER, Ms. SOLIS, Ms. SPEIER, Mr. STARK, Mr. THOMPSON of California, Ms. WATSON, and Ms. WOOLSEY):

H.R. 6085. A bill to designate the facility of the United States Postal Service located at 42222 Rancho Las Palmas Drive in Rancho Mirage, California, as the ''Gerald R. Ford Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. ALEXANDER:

H.R. 6086. A bill to make emergency supplemental appropriations for Katrina recovery for the fiscal year ending September 30, 2007, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, 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. CAMPBELL of California:

H.R. 6087. A bill to sunset the Federal recognition and acknowledgment process within the Bureau of Indian Affairs of the Department of the Interior, and for other purposes; to the Committee on Natural Resources.

By Mr. CONYERS (for himself and Mr. POE):

H.R. 6088. A bill to establish a domestic violence volunteer attorney network to represent domestic violence victims; to the Committee on the Judiciary.

By Ms. DEGETTE (for herself, Mr. KING of New York, Mrs. CAPPS, Mr. CAPUANO, Mr. EMANUEL, Mrs. EMERSON, Mr. GENE GREEN of Texas, Mr. JACKSON of Illinois, Mr. KIRK, Mr. TIM MURPHY of Pennsylvania, Ms. PRYCE of Ohio, and Mr. VAN HOLLEN):

H.R. 6089. A bill to amend title IV of the Public Health Service Act to provide for the establishment of pediatric research consortia; to the Committee on Energy and Commerce.

By Mr. ISSA (for himself, Mr. SMITH of Texas, Mr. SENSENBRENNER, Mr. COBLE, Mr. GALLEGLY, Mr. GOODLATTE, Mr. BILBRAY, and Mr. FEENEY):

H.R. 6090. A bill to amend the Immigration and Nationality Act to eliminate the diversity immigrant program and to re-allocate those visas to certain employment-based immigrants who obtain an advanced degree in the United States; to the Committee on the Judiciary.

By Mr. ENGLISH of Pennsylvania (for himself and Ms. BERKLEY):

H.R. 6091. A bill to amend title XVIII of the Security Act to preserve access to physicians' services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GINGREY:

H.R. 6092. A bill to designate the facility of the United States Postal Service located at 101 Tallapoosa Street in Bremen, Georgia, as

the ''Sergeant Paul Saylor Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. HINCHEY (for himself, Mr. FILNER, and Mr. FRANK of Massachusetts):

H.R. 6093. A bill to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care and for other purposes; to the Committee on the Judiciary.

By Mr. ISRAEL:

H.R. 6094. A bill to hold the surviving Nazi war criminals accountable for the war crimes, genocide, and crimes against humanity they committed during World War II, by encouraging foreign governments to more efficiently prosecute and extradite wanted criminals; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMPSON (for himself, Mr. CHABOT, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. KAGEN, Mr. SHIMKUS, Mr. UDALL of Colorado, and Mr. POE):

H.R. 6095. A bill to implement certain measures to increase the effectiveness of international child abduction remedies, and for other purposes; to the Committee on the Judiciary.

By Mr. LAMPSON (for himself, Mr. CHABOT, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. KAGEN, Mr. SHIMKUS, Mr. UDALL of Colorado, and Mr. POE):

H.R. 6096. A bill to require the Secretary of State to submit to Congress annual reports on the progress made by the United States in negotiating international agreements relating to international child abduction with countries that are not contracting parties to the Hague Convention on the Civil Aspects of International Child Abduction, and for other purposes; to the Committee on Foreign Affairs, 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. MATHESON (for himself, Mr. BISHOP of Utah, and Mr. CANNON):

H.R. 6097. A bill to authorize the Boy Scouts of America to exchange certain land in the State of Utah acquired under the Recreation and Public Purposes Act; to the Committee on Natural Resources.

By Mr. REICHERT:

H.R. 6098. A bill to amend the Homeland Security Act of 2002 to improve the financial assistance provided to State, local, and tribal governments for information sharing activities, and for other purposes; to the Committee on Homeland Security.

By Mr. SIRES (for himself, Mr. FRANK of Massachusetts, and Mr. CAPUANO):

H.R. 6099. A bill to provide for extension of existing and expiring agreements under the Moving-to-Work program of the Department of Housing and Urban Development; to the Committee on Financial Services.

By Ms. SOLIS (for herself and Mr. WAXMAN):

H.R. 6100. A bill to amend the Toxic Substances Control Act to reduce the exposure of children, workers, and consumers to toxic chemical substances; to the Committee on Energy and Commerce.

By Mr. THORNBERRY:

H.R. 6101. A bill to amend the Internal Revenue Code of 1986 to improve the ability of medical professionals to practice medicine and provide quality care to patients by providing a tax deduction for patient bad debt; to the Committee on Ways and Means.

By Mr. THORNBERRY:

H.R. 6102. A bill to reduce the amount of paperwork and improve payment policies for health care services, to prevent fraud and abuse through health care provider education, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of New York:

H. Con. Res. 355. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. FILNER (for himself and Mr. ISSA):

H. Con. Res. 356. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor law enforcement officers killed in the line of duty and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Oversight and Government Reform.

By Mr. FEENEY:

H. Con. Res. 357. Concurrent resolution encouraging all States to enact laws requiring photo identification to vote in elections; to the Committee on House Administration.

By Mr. HELLER (for himself, Ms. BERKLEY, and Mr. PORTER):

H. Con. Res. 358. Concurrent resolution commending the members of the Nevada Army National Guard and Air National Guard for their service to the State of Nevada and the United States; to the Committee on Armed Services.

By Mr. TANCREDO (for himself, Mr. FLAKE, Mr. MACK, Mr. SHADEGG, and Mr. TERRY):

H. Con. Res. 359. Concurrent resolution expressing the sense of Congress on naming an aircraft carrier as the U.S.S. Barry M. Goldwater; to the Committee on Armed Services.

By Mr. ROSS:

H. Res. 1210. A resolution supporting the designation of Destination Imagination Week; to the Committee on Education and Labor.

By Mr. SCOTT of Virginia:

H. Res. 1211. A resolution expressing the sense of the House that the Guidelines on General Crimes, Racketeering Enterprise and Terrorism Enterprise Investigation as modified on May 30, 2002 (''Ashcroft Guidelines'') should be rescinded and replaced by the former Guidelines ('Levi guidelines') to protect Americans from domestic Federal Bureau of Investigation spying in the absence of suspected criminal activity; to the Committee on the Judiciary.

By Mr. BACA:

H. Res. 1215. A resolution honoring the Armed Forces from the Inland Empire in California and their families for their extraordinary sacrifices serving the United States in Operation Enduring Freedom and Operation Iraqi Freedom; to the Committee on Armed Services.

By Mrs. MYRICK (for herself, Mrs. CAPPS, Mr. ISRAEL, and Ms. PRYCE of Ohio):

H. Res. 1216. A resolution supporting the efforts to reduce unnecessary radiation exposure through computed tomography scans for children, and for other purposes; to the Committee on Energy and Commerce.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

284. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to House Resolution No. 1672 memorializing the Congress of the United States to stop gasoline price manipulation and to close the Enron loophole; to the Committee on Agriculture.

285. Also, a memorial of the Legislature of the State of Nebraska, relative to Legislative Resolution No. 376 urging the President of the United States and the Congress of the United States to continue efforts to account for all of the missing people from the Vietnam War; to the Committee on Veterans' Affairs.

286. Also, a memorial of the House of Representatives of the State of Alabama, relative to House Resolution No. 345 urging the Congress of the United States to permanently abolish the death tax; to the Committee on Ways and Means.

287. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 20 memorializing the Congress of the United States to extend the expiration deadline of the Gulf Opportunity Zone Act of 2005; to the Committee on Ways and Means.

288. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial No. 1004 urging the Congress of the United States to authorize the United States Department of the Treasury to intercept federal tax refunds to pay overdue victim restitution and other financial obligations ordered by state and local criminal and traffic courts; to the Committee on Ways and Means.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. HUNTER introduced a bill (H.R. 6103) for the relief of Roberto Luis Dunoyer Mejia, Consuelo Cardona Molina, Camilo Dunoyer Cardona, and Pablo Dunoyer Cardona; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 63: Ms. FOXX.

H.R. 82: Mr. BROWN of South Carolina and Ms. SPEIER.

H.R. 111: Mr. ARCURI.

H.R. 154: Mr. PASTOR, Ms. LORETTA SANCHEZ of California, Mr. PLATTS, and Ms. BALDWIN.

H.R. 160: Mr. DINGELL.

H.R. 398: Ms. LEE.

H.R. 549: Mr. CHABOT.

H.R. 642: Mr. GONZALEZ.

H.R. 643: Mr. WALBERG, Mr. TIAHRT, Mr. SHAYS, and Ms. FALLIN.

H.R. 699: Mr. BONNER.

H.R. 749: Mr. PAUL.

H.R. 760: Mr. MEEKS of New York and Ms. RICHARDSON.

H.R. 808: Mr. WEXLER.

H.R. 882: Mr. HELLER.

H.R. 1016: Mr. CAPUANO and Ms. TSONGAS.

H.R. 1032: Mr. ALTMIRE, Mr. FOSTER, Mr. CARNEY, Mrs. CAPPS, Mr. SESTAK, Mr. GORDON, Mr. BOSWELL, Mr. SERRANO, Mr. HASTINGS of Florida, Mr. ABERCROMBIE, Mrs. TAUSCHER, and Mrs. NAPOLITANO.

H.R. 1043: Mr. UDALL of Colorado.

H.R. 1072: Mr. GONZALEZ.
H.R. 1108: Ms. SPEIER.
H.R. 1110: Mr. BRADY of Texas and Mr. REHBERG.
H.R. 1113: Mr. KLEIN of Florida, Mr. MCHUGH, Mr. MOORE of Kansas, Mr. OBERSTAR, and Mr. TIM MURPHY of Pennsylvania.
H.R. 1185: Mr. KIRK.
H.R. 1306: Mr. HASTINGS of Florida.
H.R. 1328: Mr. SALAZAR.
H.R. 1448: Mr. VAN HOLLEN.
H.R. 1465: Mr. WEINER.
H.R. 1475: Mr. SESTAK.
H.R. 1532: Mr. BILBRAY.
H.R. 1553: Mr. MURPHY of Connecticut.
H.R. 1707: Ms. SPEIER.
H.R. 1767: Mr. DENT.
H.R. 1781: Mr. PAYNE, Ms. WATERS, Ms. VELÁZQUEZ, and Mr. GONZALEZ.
H.R. 1820: Mr. ROTHMAN.
H.R. 1884: Ms. LINDA T. SÁNCHEZ of California, Ms. ROS-LEHTINEN, and Mr. GONZALEZ.
H.R. 1921: Mr. CLEAVER.
H.R. 1927: Mr. WITTMAN of Virginia.
H.R. 2032: Ms. DELAURO.
H.R. 2049: Mr. ROTHMAN.
H.R. 2114: Mr. RYAN of Ohio.
H.R. 2183: Ms. FOXX.
H.R. 2205: Mr. PASTOR.
H.R. 2210: Mr. WAXMAN, Mr. ROSS, Ms. MCCOLLUM of Minnesota, Mr. KENNEDY, Mr. OLVER, and Mr. MURTHA.
H.R. 2236: Ms. SCHWARTZ.
H.R. 2244: Ms. BALDWIN.
H.R. 2266: Mr. LARSON of Connecticut.
H.R. 2320: Mr. FILNER.
H.R. 2552: Ms. JACKSON-LEE of Texas.
H.R. 2610: Mr. ROTHMAN.
H.R. 2694: Mr. RANGEL.
H.R. 2812: Mr. MCCAUL of Texas.
H.R. 2864: Mr. PICKERING, Mr. CHANDLER, and Mr. CONYERS.
H.R. 2885: Mr. MCHENRY.
H.R. 2933: Mr. COLE of Oklahoma.
H.R. 2965: Mr. MATHESON and Mr. DELAHUNT.
H.R. 3008: Mr. SALAZAR.
H.R. 3014: Mr. ANDREWS.
H.R. 3063: Mr. HIGGINS.
H.R. 3089: Mr. SOUDER and Mr. AKIN.
H.R. 3144: Mr. BURTON of Indiana and Mr. BARTLETT of Maryland.
H.R. 3175: Mr. FILNER and Mr. FARR.
H.R. 3187: Mr. GRIJALVA, Ms. BALDWIN, and Mr. LAMPSON.
H.R. 3329: Mr. MCDERMOTT.
H.R. 3452: Mrs. BONO MACK.
H.R. 3457: Mrs. DRAKE, Mr. ADERHOLT, and Mr. CARDOZA.
H.R. 3543: Mr. PATRICK MURPHY of Pennsylvania.
H.R. 3700: Mr. MORAN of Kansas and Mr. REHBERG.
H.R. 3750: Mr. GONZALEZ.
H.R. 3846: Ms. ZOE LOFGREN of California.
H.R. 3852: Mr. ISSA.
H.R. 4014: Mr. CARSON.
H.R. 4015: Mr. CARSON.
H.R. 4016: Mr. CARSON.
H.R. 4089: Mr. CONYERS.
H.R. 4141: Mr. MATHESON and Ms. JACKSON-LEE of Texas.
H.R. 4199: Mr. CLAY.
H.R. 4204: Mr. SCHIFF.
H.R. 4236: Ms. MOORE of Wisconsin, Mr. BISHOP of New York, and Mr. FILNER.
H.R. 4318: Mr. JORDAN and Mr. CAPUANO.
H.R. 4452: Mr. SKELTON.
H.R. 4651: Ms. CLARKE.
H.R. 4736: Mr. YOUNG of Alaska.
H.R. 4849: Mr. CONYERS.
H.R. 4884: Mr. ROTHMAN.
H.R. 4900: Mr. BUYER, Mr. LEWIS of California, Mr. RADANOVICH, and Mr. TIBERI.
H.R. 5223: Mr. OBERSTAR, Mr. ALTMIRE, Mr. ALLEN, and Mr. SCHIFF.
H.R. 5244: Mr. MARSHALL.
H.R. 5265: Mr. MARKEY, Mr. KUHL of New York, Mr. ORTIZ, and Mrs. NAPOLITANO.
H.R. 5268: Ms. LEE, Mr. GONZALEZ, and Mr. BRALEY of Iowa.
H.R. 5519: Ms. CORRINE BROWN of Florida and Mr. FILNER.
H.R. 5536: Mr. BARROW.
H.R. 5541: Ms. MATSUI.
H.R. 5544: Mr. WALBERG.
H.R. 5547: Mr. TIERNEY.
H.R. 5559: Mrs. MCMORRIS RODGERS, and Ms. JACKSON-LEE of Texas.
H.R. 5573: Mr. HIGGINS, Mr. POMEROY, Ms. CORRINE BROWN of Florida, Mr. YOUNG of Alaska, Mr. CHANDLER, Mr. REHBERG, Mrs. EMERSON, Mr. TOWNS, and Mr. BISHOP of Georgia.
H.R. 5595: Ms. JACKSON-LEE of Texas.
H.R. 5603: Mr. RYAN of Wisconsin.
H.R. 5629: Mr. CARSON.
H.R. 5638: Mr. COHEN.
H.R. 5699: Mr. HELLER.
H.R. 5700: Mr. HASTINGS of Florida, Mr. YOUNG of Alaska, Mr. MCHENRY, and Mrs. MUSGRAVE.
H.R. 5714: Mr. UDALL of Colorado, Mrs. GILLIBRAND, Mr. HARE, Mr. GALLEGLY, Mr. YOUNG of Florida, Mrs. BLACKBURN, Mr. EDWARDS, Mr. BOOZMAN, Mr. TIBERI, and Mr. LATTA.
H.R. 5737: Ms. JACKSON-LEE of Texas and Mr. BISHOP of Utah.
H.R. 5748: Ms. JACKSON-LEE of Texas.
H.R. 5772: Mr. PALLONE and Mr. TOWNS.
H.R. 5775: Mrs. MUSGRAVE.
H.R. 5785: Mr. CARSON.
H.R. 5788: Ms. MCCOLLUM of Minnesota.
H.R. 5793: Mr. HOLDEN and Mr. FEENEY.
H.R. 5798: Mr. CARSON.
H.R. 5802: Mr. GUTIERREZ and Mr. RUSH.
H.R. 5804: Mr. ANDREWS.
H.R. 5814: Mr. WEINER, Mr. FOSSELLA, Mr. COBLE, and Mr. POE.
H.R. 5831: Mrs. LOWEY.
H.R. 5842: Ms. BALDWIN.
H.R. 5843: Ms. BALDWIN.
H.R. 5852: Mr. FARR and Mr. DEFAZIO.
H.R. 5857: Mr. FORBES.
H.R. 5874: Mr. PLATTS.
H.R. 5881: Mr. RUSH.
H.R. 5892: Mr. DEFAZIO.
H.R. 5898: Mr. CARNAHAN, Mrs. MILLER of Michigan, Mrs. BIGGERT, Ms. FALLIN, Mr. PERLMUTTER, Mrs. CAPITO, Mr. SOUDER, and Mr. DEAL of Georgia.
H.R. 5901: Ms. LEE.
H.R. 5902: Mr. TOWNS.
H.R. 5904: Mr. PITTS and Mr. LATHAM.
H.R. 5906: Mr. BURTON of Indiana.
H.R. 5914: Mr. THORNBERRY and Mr. EDWARDS.
H.R. 5925: Mr. CARSON.
H.R. 5935: Mr. BAIRD, Mr. CARSON, and Mr. REGULA.
H.R. 5941: Mr. CARNAHAN.
H.R. 5944: Mr. LAMBORN.
H.R. 5950: Ms. SOLIS and Mr. MCDERMOTT.
H.R. 5954: Mr. KUCINICH, Ms. MATSUI, Ms. JACKSON-LEE of Texas, Mr. RAHALL, Mr. HALL of New York, Mr. PAUL, and Mr. KUHL of New York.
H.R. 5960: Mr. JEFFERSON, Ms. SUTTON, Mr. BRADY of Pennsylvania, and Mr. BERRY.
H.R. 5971: Mr. AKIN, Mr. GOODE, and Mr. POE.
H.R. 5977: Mr. BACA, Mr. PASTOR, Mr. FILNER, and Mr. BOSWELL.
H.R. 5979: Ms. JACKSON-LEE of Texas.
H.R. 5989: Mrs. WILSON of New Mexico.
H.R. 5995: Mr. SOUDER and Mrs. MUSGRAVE.
H.R. 5998: Ms. MATSUI and Mr. CAPUANO.
H.R. 6001: Mrs. MYRICK.
H.R. 6003: Mr. LOEBSACK, Mr. REHBERG, Mr. FARR, and Ms. MCCOLLUM of Minnesota.
H.R. 6034: Mr. WELLER, Mr. CARSON, Mr. WU, and Ms. SOLIS.
H.R. 6048: Mr. SKELTON.
H.R. 6053: Mr. LAMBORN.
H.R. 6064: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COLE of Oklahoma, and Ms. GIFFORDS.
H.R. 6067: Ms. HERSETH SANDLIN, Mr. ROSS, Mr. PATRICK MURPHY of Pennsylvania, Mr. SPACE, Mr. MICHAUD, and Ms. JACKSON-LEE of Texas.
H.R. 6073: Mr. MCHENRY, Mr. BURTON of Indiana, and Mr. BOOZMAN.
H.R. 6074: Mr. SHERMAN and Ms. CASTOR.
H. J. Res. 39: Mr. MURTHA and Mr. BARROW.
H. Con. Res. 163: Mrs. MCMORRIS RODGERS.
H. Con. Res. 195: Mr. DAVID DAVIS of Tennessee, Mrs. BLACKBURN, Mr. COLE of Oklahoma, Mr. DONNELLY, and Mrs. BACHMANN.
H. Con. Res. 297: Mr. DAVIS of Illinois, Ms. HIRONO, Mr. HUNTER, Mr. SAXTON, Mr. MCHUGH, Mr. JONES of North Carolina, Mr. MILLER of Florida,
Mr. GINGREY, Mr. THORNBERRY, and Mr. ORTIZ.
H. Con. Res. 299: Mr. CASTLE, Mr. WEXLER, Mrs. MALONEY of New York, Mr. MCINTYRE, Mr. RYAN of Ohio, Mr. SMITH of New Jersey, Mr. TOWNS, Mr. MORAN of Virginia, Mr. MCNULTY, Mr. HOLT, Mr. SOUDER, Mr. FRANK of Massachusetts, Mr. ROTHMAN, and Mr. KUCINICH.
H. Con. Res. 336: Mr. HONDA, Mr. MURPHY of Connecticut, Mr. ABERCROMBIE, Ms. SCHAKOWSKY, Mr. TIM MURPHY of Pennsylvania, Mr. SCOTT of Virginia, Mr. THOMPSON of California, Mr. DAVIS of Illinois, Mr. COURTNEY, Mr. KAGEN, Ms. JACKSON-LEE of Texas, Mr. WHITFIELD of Kentucky, and Mr. KILDEE.
H. Con. Res. 351: Mr. HINCHEY and Mr. LARSON of Connecticut.
H. Res. 111: Mr. HOEKSTRA.
H. Res. 212: Mr. CAPUANO.
H. Res. 415: Mr. SESTAK and Mrs. DRAKE.
H. Res. 672: Mr. CUMMINGS.
H. Res. 679: Mr. COSTA and Mr. LATHAM.
H. Res. 937: Ms. MCCOLLUM of Minnesota.
H. Res. 1008: Mr. FRANKS of Arizona and Mr. FOSTER.
H. Res. 1010: Ms. MOORE of Wisconsin, Mr. DICKS, Mr. HINOJOSA, Mr. CONAWAY, Mr. SHUSTER, Mr. PAUL, Mr. SESSIONS, and Mr. SOUDER.
H. Res. 1012: Mr. BERRY.
H. Res. 1017: Mr. CAPUANO, Mr. DAVIS of Illinois, and Ms. HERSETH SANDLIN.
H. Res. 1042: Mr. RADANOVICH, Mrs. BLACKBURN, and Mr. TOWNS.
H. Res. 1078: Mr. FRANK of Massachusetts.
H. Res. 1106: Mr. SHERMAN.
H. Res. 1124: Mr. TIBERI.
H. Res. 1139: Mrs. DAVIS of California, Mrs. TAUSCHER, Mr. LARSON of Connecticut, Mr. PASCRELL, Mr. SHADEGG, Mr. FLAKE, Mr. CHANDLER, Mrs. NAPOLITANO, and Mr. COLE of Oklahoma.
H. Res. 1143: Mrs. MCMORRIS RODGERS.
H. Res. 1160: Mrs. BIGGERT.
H. Res. 1164: Mr. HARE.
H. Res. 1182: Mr. GOODE, Mr. SOUDER, Mr. DEFAZIO, Ms. KAPTUR, and Mr. WEXLER.
H. Res. 1191: Mr. RUSH, Mr. TOWNS, Ms. LEE, Mr. COHEN, and Mr. BOSWELL.
H. Res. 1195: Ms. WATSON, Ms. ZOE LOFGREN of California, Mr. FILNER, Mr. INGLIS of South Carolina, Mr. SMITH of New Jersey, Mr. POE, and Mr. FORTENBERRY.
H. Res. 1202: Mr. PETRI, Mr. ORTIZ, Mr. LARSEN of Washington, Mr. MOLLOHAN, Mr. MCDERMOTT, and Mr. REHBERG.
H. Res. 1208: Mr. MCDERMOTT, Mr. MEEK of Florida, Mr. CALVERT, and Mr. ELLISON.

## PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

249. The SPEAKER presented a petition of the County Board of Commissioners of

Escambia, Florida, relative to Resolution No. R2008-70 supporting the U.S. Air Force, Northrup Grumman and the workers of Lower Alabama and the Central Gulf Coast in the effort to build the new refueling tanker, the KC-45 Jets, in the Mobile, Alabama, area; to the Committee on Armed Services.

250. Also, a petition of the City Council of the City of Gulf Shores, Alabama, relative to Resolution No. 4465-08 urging the Congress of the United States to consider the needs of the American war fighter, to affirm the selection process of the U.S. Air Force, and to support the creation of American jobs by moving with all deliberate speed to fund and implement the KC-45 tanker project; to the Committee on Armed Services.

251. Also, a petition of the Town of Provincetown, Massachusetts, relative to a Resolution calling on the Congress of the United States to vote only for funding for a safe and rapid withdrawal of all U.S. troops from Iraq; to the Committee on Armed Services.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, TUESDAY, MAY 20, 2008 No. 83

# 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.

Almighty God, sovereign Lord of all, help our Senators to remember that they are here because of Your sovereign providence and are accountable to You for their work. Give them Your wisdom to wrestle with complex issues. Provide them with clarity in debate and courage of conviction as they vote. Lord, keep them from compromise that sacrifices principle, as You lead them in making just and compassionate decisions. Free them from judgmental categorizations that make them resistant to listening to people with whom they expect to differ. May Your grace guide their deliberations and Your blessings crown their efforts.

We pray in Your great 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 20, 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 MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Mr. President, following leader time, there will be a period of morning business until noon, with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first half and the majority controlling the second. At 12 noon, the Senate will proceed to executive session to consider the following nominations: Michael McGinn, of Minnesota, to be U.S. Marshal for the District of Minnesota; Ralph E. Martinez, of Florida, to be a member of the Foreign Claims Settlement Commission of the United States; and G. Steven Agee, of Virginia, to be U.S. circuit judge for the Fourth Circuit.

The time from noon until 12:30 is equally divided and controlled between Senator LEAHY and Senator SPECTER. The Senate will recess from 12:30 until 2:15 p.m. for the weekly caucus luncheons. At 2:15, there will be 15 minutes for debate equally divided and controlled between Senators WARNER and WEBB or their designees. At 2:30, the Senate will proceed to a rollcall vote on the confirmation of the Agee nomination. Upon confirmation of the Agee nomination—and I am confident that will take place—the other two nominations will be confirmed by consent.

Following executive session, we expect to consider the House message accompanying H.R. 2642, the 2008 emergency supplemental. As previously announced, the time from 11 a.m. until 12 noon tomorrow will be set aside for tributes to former President Lyndon B. Johnson on the centennial of his birth.

## TEMPORARY EXTENSION OF THE HIGHER EDUCATION ACT OF 1965

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 3035.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3035) to temporarily extend the programs under the Higher Education Act of 1965.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The bill (S. 3035) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3035

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

**SECTION 1. EXTENSION OF HIGHER EDUCATION PROGRAMS.**

(a) EXTENSION OF PROGRAMS.—Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking ''May 31, 2008'' and inserting ''June 30, 2008''.

(b) RULE OF CONSTRUCTION.—Nothing in this section, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Reconciliation Act of 2005 (Public Law 109–171), by the College Cost Reduction and Access Act (Public Law 110–84), or by the Ensuring Continued Access to Student Loans Act of 2008 (Public Law 110–227) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

## SUPPLEMENTAL APPROPRIATIONS

Mr. REID. Mr. President, I just finished a meeting to try to lay out to a number of Senators what we are going to be doing on the supplemental appropriations bill. It is going to be extremely difficult for us to get from where we are today to completing this legislation in a timely fashion. There are some very complicated issues, some very strong feelings by a lot of different Senators.

As highly controversial as is this war and this war funding, we are going to have to work together; otherwise, we are going to walk away from here this week with nothing done. That, I assume, is one alternative. It is not one I think most want, but that is an alternative.

The other problem we have, because of longstanding commitments, including the wedding of one of our Members, is we are going to start losing Senators very quickly. Because of that, there are two Senators who are going to leave sometime Thursday. They will not be here. We have, of course, Presidentials out in the country someplace. We are going to have to try to figure out when they need to be here. Senator KENNEDY is still having tests run to determine when he can return.

So, to make a long story really short, we have a complicated path to completing our work, and we have to try to figure out a way to do the budget in this time period also.

So, Mr. President, I wish I could tell Members to just take it easy, everybody can leave, but I think what we are coming to is we are going to have to finish our work Thursday or this war funding bill will not be completed. That may not be the case; maybe we can work with less than 100 Senators trying to get it done, but it is not an easy chore. It is one that is necessary but difficult.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## DEFENSE SUPPLEMENTAL SPENDING

Mr. MCCONNELL. Mr. President, the supplemental spending request that was sent to Congress last year by the President was unambiguous: the funds were to be spent on forces in the field, on the men and women fighting in Afghanistan and Iraq, and on their families here at home.

Last week, the Democratic leadership of the House showed us what they thought of that request. They took it up, hollowed it out, and filled the shell with a raft of unrelated domestic spending projects and policy proposals that did not include a dime for the troops in the field. House Democrats took a request meant for the troops and used it to fuel their own domestic spending habits. Then they sent this piece of legislation over to the Senate on the eve of Memorial Day and told us to vote for it. The Senate was being asked to vote not on troop funding but on two other amendments. One included unemployment benefits and a Medicaid proposal. The other sought to undermine the constitutional powers of the Commander in Chief by proposing a withdrawal date from Iraq.

Unfortunately, our Democratic friends in the Senate made it even worse. Taking up what they got from the House, they added even more unrelated policy proposals. In the name of combat readiness, Senate Democrats also sought to restrict the ability of our military commanders to deploy forces, ignoring the fact that the surest way to degrade troop readiness is to delay the delivery of funds that are used to prepare and train our forces in the first place.

Taken together, it seems the only issue unaddressed by the Democratic leadership in the House and Senate is the only one that matters: how and when we will fund our forces in the field.

The bottom line is this: Tasked with the responsibility of funding our forces in the field, Democrats in the House and Senate neglected that task in favor of domestic spending and freelance policy proposals that we know in the end will not be signed into law—this despite the fact that the House will soon take up the Defense authorization bill, which is ordinarily the vehicle for the kind of policy proposals our friends on the other side have included in the supplemental spending request. The House has failed in its basic responsibility. It is my hope the Senate will do better.

While some of our friends on the other side seem to be counting on the fact that most Americans are distracted by the ongoing Presidential contest, the families and friends of U.S. soldiers and marines who are fighting overseas are, indeed, paying attention.

The President sent a request to fund these men and women. As long as they remain in harm's way, we have a strict obligation to give them what they need. On this point, there really should not even be a debate. The Senate must pass a bill funding our troops free of restrictions on their ability to win and free of spending unrelated to their mission. And we must try to do it by Memorial Day. In less than a month, the Defense Department will be unable to make payroll for our uniformed Army unless Congress approves the President's supplemental spending request. Less than a month after that, funds for operations and maintenance will also run dry. It may be convenient for those focused on the political calendar to ignore these pressing needs, but ignoring them really does not make them go away.

I hope the Senate will do its duty this week. The majority leader just indicated it is challenging. Of course, it is always challenging to do that. But we need to do our duty this week. Our forces in Baghdad and Ramadi will not be taking a week off for a recess.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I say respectfully to my friend that the logic of his statement is really without foundation. Keep in mind, the complaint he has is the House sent us a bill that did not have war funding in it. Bingo. Why? Because 132 Republicans walked out—did not vote. One hundred thirty-two Republicans in the House did not vote for war funding. Don't blame it on the Democrats. Had 132 Republicans voted, there would have been war funding. But they decided not to vote.

So don't blame the House for sending us only conditional aspects of the war and sending us some other things, like the GI bill of rights. We have funded this war on borrowed money, spending $5,000 a second on this war—borrowed money. The House made a decision. They said: Well, don't you think it is a good idea we spend some money on the troops coming home, as we did in World War II, so they can get an education? This bill, written by JIM WEBB, was adopted by the House overwhelmingly. And they did something else: It is paid for, not like the war. The war is not paid for. The GI bill of rights is paid for, as we have it.

So, Mr. President, I know we have a difficult road ahead of us because we do not have war funding in this bill because the Republicans in the House did not vote for it. Don't blame it on the House Democrats. There were enough of them to get a majority to do it. The Republicans walked out.

But I say, Mr. President, is it any wonder that the House Republicans have lost three special elections in districts that are overwhelmingly Republican? In Illinois, the former Speaker of the House, Dennis Hastert's district—they lost that. They lost a seat in a special election in Louisiana that was a slam dunk Republican district. And then in Mississippi, they lost one. Is it any wonder when they do tricks like this: ''Democrats didn't fund the war''? ''Well, don't check too closely because 132 of us just walked out and didn't vote.''

So I am here, Mr. President. We are going to go to this bill this afternoon. I spoke briefly to the distinguished Republican leader yesterday. We are going to have to try to figure out some way to work together to get votes. At the end of the day, we will see what happens. In the past, war funding has been—after a lot of arm-twisting and cajoling, there have been enough votes

to get that. I don't know if the votes are here this time, but we certainly recognize that we have an issue, and we are going to do the best we can with my friend, the distinguished senior Senator from Kentucky, to see what we can do to get to a point where we have this war funding over with until sometime next June. If we can't get it done, then we are going to have to worry about what we do in the next month, as he said, but hopefully we can complete it this week.

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. MCCONNELL. Mr. President, one additional word. The process for doing this has been offensive, I know, both in the House and in the Senate. It is my understanding that what will happen later this week is the tree will be filled and cloture will be filed. If any amendments are allowed on the floor of the Senate, it will be because my good friend, the majority leader, decided to let us have a vote. The whole process is one that doesn't immediately engender a great level of cooperation.

Having said that, the underlying legislation is important, and hopefully somehow we will find our way through this process this week, but I think it is pretty safe to say that 49 Republicans of the U.S. Senate are going to insist on being an important part of the process. Hopefully, we will be able to sort all that out and work our way through it and get this important piece of legislation out of the Senate and on the way, at least, back to the House or, hopefully, if we are lucky, back to the President for signature.

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 for the transaction of morning business until 12 noon, with Senators permitted to speak for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designee, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes.

The Senator from South Dakota is recognized.

## CARVING OF THE CRAZY HORSE MEMORIAL

Mr. THUNE. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to S. Res. 496.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 496) honoring the 60th anniversary of the commencement of the carving of the Crazy Horse Memorial.

The Senate proceeded to consider the resolution.

Mr. JOHNSON. Mr. President, I wish to speak today about the Crazy Horse Memorial in South Dakota. On June 3, 2008, the Crazy Horse Memorial will celebrate the 60th anniversary of its dedication. Gutzon Borglum, who was the sculptor behind Mount Rushmore, brought Korczak Ziolkowski to South Dakota to work on Mount Rushmore. It was during construction of Mount Rushmore when Lakota Chief Henry Standing Bear contacted Korczak Ziolkowski and stated ''My fellow chiefs and I would like the white man to know the red man has great heroes, too.'' It is believed that this statement led Mr. Ziolkowski to construct this memorial.

On June 3, 1948, this memorial was dedicated and construction has continued ever since. Mr. Ziolkowski worked on this memorial until the conclusion of his own life in 1982, when his wife, Ruth, took up the job that her husband began. The Crazy Horse Memorial Foundation was established and runs entirely on gifts and donations. No government funds have ever been used for construction of this memorial. With no way to predict when completion of this memorial will take place due to cost and weather, construction continues. When it is completed, however, it will be the largest carving on earth, measuring some 641 feet long by 563 feet high. To put that in perspective, it is said that all four heads on Mount Rushmore could fit into Crazy Horse's head.

Today, I wish to honor Korczak Ziolkowski, his wife, and their family for their continued work on this monument. In addition, I would like to honor those involved with the Crazy Horse Memorial Foundation. Most importantly, I wish to honor the memory of the great Lakota warrior to whom this memorial is dedicated, Crazy Horse, as well as all Lakota people for their great many contributions to our history and culture in South Dakota. It is they that this memorial is to honor.

Mr. THUNE. 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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 496) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 496

Whereas sculptor Korczak Ziolkowski, who never received any formal art training but nonetheless won 1st place for sculpture at the New York World's Fair in 1939, came to the Black Hills of South Dakota as an assistant to Gutzon Borglum to help carve Mount Rushmore;

Whereas Lakota Chief Henry Standing Bear contacted Korczak Ziolkowski in 1939 to encourage him to create another mountain memorial, saying in his letter of invitation: ''My fellow chiefs and I would like the white man to know the red man has great heroes, too'';

Whereas Crazy Horse was remembered by his people as a fierce warrior and visionary leader who was committed to preserving the traditional Lakota way of life;

Whereas Korczak Ziolkowski was inspired to honor the culture, tradition, and living heritage of North American Indians, and thus designed a metaphoric tribute to the spirit of Crazy Horse and his people;

Whereas Korczak Ziolkowski was dedicated as well to helping his country preserve freedom, enlisted in the Army, and was wounded in 1944 at Omaha Beach;

Whereas Korczak Ziolkowski returned to South Dakota after World War II in order to find a suitable mountain to carve in order to honor Crazy Horse and his people;

Whereas Korczak Ziolkowski and Chief Standing Bear dedicated the Crazy Horse Memorial on June 3, 1948;

Whereas Korczak Ziolkowski worked until his death in 1982, and his wife, Ruth, and their family have dedicated their lives to carving the mountain and continuing the mission of the Crazy Horse Memorial;

Whereas there is no way to predict when the mountain carving will be completed, owing to the uncertainty of weather, the availability of private funding, and the challenges of mountain engineering;

Whereas, when completed, the Crazy Horse mountain carving will be the largest carving in the world, at 641 feet long by 563 feet high;

Whereas Korczak Ziolkowski's parting words to his wife were, ''You must work on the mountain—but go slowly so you do it right'';

Whereas the Ziolkowski family and the Crazy Horse Memorial Foundation have continued to do it right, have proceeded without government financial support, and remain dedicated to making steady progress on the Memorial's humanitarian goals; and

Whereas the Crazy Horse Memorial will celebrate the 60th anniversary of the dedication of the mountain carving on June 3, 2008: Now, therefore, be it

*Resolved,* That the Senate, on the 60th anniversary of the commencement of the mountain carving of the Crazy Horse Memorial, honors sculptor Korczak Ziolkowski, the Ziolkowski family, and the Crazy Horse Memorial Foundation for their dedication to honoring the culture, tradition, and living heritage of North American Indians and the spirit of Crazy Horse and his people.

Mr. THUNE. Mr. President, the resolution that was adopted by the Senate is S. Res. 496, which I introduced on April 2, 2008, along with my colleague from South Dakota, Senator TIM JOHNSON. The resolution honors the 60th anniversary of the Crazy Horse Memorial.

The Crazy Horse Memorial, located in the Black Hills of South Dakota, honors the culture, the tradition, and the living heritage of Native Americans. Once completed, the memorial will stand more than 22 stories high and be the largest mountain sculpture in the world. Every year, there is an event called the Volksmarch, in which people start at the base and walk up to the very top of the monument. You cannot appreciate the size and the dimension of this great monument from

a distance. It is only when you get up close that the true dimensions of this monument come into full view. I have had that opportunity on the Volksmarch, with my family, to walk up and stand next to this monument and to have an appreciation for its true dimension and for what it means to my State of South Dakota and to the Native American culture.

The sculptor of this monument, Korczak Ziolkowski, had no formal training and originally came to South Dakota to assist Gutzon Borglum in the carving of Mount Rushmore. In 1939, Chief Henry Standing Bear invited him to construct another mountain monument, this one to honor a great Native American hero. However, it was not until June 3, in 1948, that the project was officially dedicated.

Crazy Horse, a great Lakota chief, was selected as the Native American hero worthy of the mountain monument because of his courage in battle, his visionary leadership, and his commitment to the preservation of the traditional Lakota way of life. The memorial was placed in the Black Hills of South Dakota because they are sacred to the Lakota people. While Crazy Horse was never photographed, the completed monument will feature a likeness of him riding a horse and pointing with his left hand out toward the Black Hills.

Ziolkowski, who worked tirelessly and without salary on the Crazy Horse Memorial until his death in 1982, believed in individual initiative and private enterprise and worked to build the memorial without any Federal funding. As my colleagues can see from the photo we have here, the face of Crazy Horse is complete, the rest of the mountain has been roughly blocked out, and efforts are currently focused on carving the horse's head.

While there is no way to predict the date of completion because of weather, financing, and the challenges of carving a mountain, Ziolkowski's wife Ruth, who is an amazingly determined woman, and his family, along with the help of thousands of donors and visitors, continues Ziolkowski's mission of honoring Native Americans through the construction of this monument.

Therefore, today I rise to honor the 60th anniversary of the Crazy Horse Memorial and send my best wishes to all those working to make Korczak Ziolkowski's vision a reality.

I thank the Senate for its adoption of the resolution, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican whip is recognized.

## TAX POLICY

Mr. KYL. Mr. President, every now and then there is an article or an op-ed in the newspaper that you find compelling by its clear logic and you want to share it with your colleagues. I wish to do that today and at the conclusion of my remarks put the full text of this op-ed in the record.

Today's Wall Street Journal carried an op-ed by David Ranson called ''You Can't Soak the Rich.'' I find it compelling because of the proposals by some that we should raise the marginal income tax rates and thereby theoretically increase revenues to the Treasury. What Ranson points out is it is essentially a law of economics that raising tax rates not only does not bring in more revenue to the Treasury based on the historic record, but it can have precisely the opposite effect because it can harm the economy and, in fact, it is the growth in the economy that produces more revenue to the Federal Treasury.

Let me quote a couple of comments from his op-ed. He said:

> No matter what the tax rates have been, in postwar America tax revenues have remained at about 19.5 percent of GDP.

Now, there is another measure. If you go back somewhat less distance, the measure is about 1 percent less than that as a percentage of GDP, but the ratio remains the same and the point he is making remains the same, which is that raising tax rates does not raise revenue. In fact, raising tax rates can hurt the economy, which then reduces tax revenue.

There is a chart in this op-ed that makes the point. The Federal tax yield, which is revenues divided by the gross domestic product, has remained close to 19.5 percent, even as the top tax bracket was brought down from 91 percent to the present 35 percent. One would think that the difference between a 91-percent top marginal rate and 35 percent would represent a dramatic difference in revenues collected. In point of fact, it has not been. He points out why a little bit later in his op-ed. He says:

> The data show that the tax yield has been independent of marginal tax rates over this period, but tax revenue is directly proportional to GDP.

In other words, the strength of the economy.

He goes on:

> So if we want to increase tax revenue, we need to increase GDP.
>
> What happens if we instead raise tax rates? Economists of all persuasions accept that a tax rate hike will reduce GDP, in which case Hauser's Law—

The law he is citing here—

> says it will also lower tax revenue. That's a highly inconvenient truth for redistributive tax policy, and it flies in the face of deeply felt beliefs about social justice. It would surely be unpopular today with those presidential candidates who plan to raise tax rates on the rich—if they knew about it.

He goes on to answer the question I posed earlier: What makes this law work? I am quoting now:

> As Mr. Hauser said: ''Raising taxes encourages taxpayers to shift, hide and underreport income. . . . Higher taxes reduce the incentives to work, produce, invest and save, thereby dampening overall economic activity and job creation.''
>
> Putting it a different way, capital migrates away from regimes in which it is treated harshly, and toward regimes in which it is free to be invested profitably and safely. In this regard, the capital controlled by our richest citizens is especially tax-intolerant.

The point he is making is that if you are wealthy, you have the ability to move your income around, to hire accountants and tax lawyers to find ways to shield your income, and the bottom line is the Government never gets any more of it than if the rate remained at a lower level.

In fact, he points out that revenue collections by the Government have remained almost constant over this 40-year period and that their ratio to the GDP has remained almost constant; the point being that the revenue collected by the Government is most in relation to the state of the economy. It is mostly dependent upon the economy. As the economy grows, revenues to the Federal Treasury grow. As the economy slows, tax revenues slow, and that is exactly what we are seeing right now.

So we should take two important lessons from this. No. 1, in a time of economic downturn, which is what we are in right now, the last thing you would want to do is to raise tax rates because you are going to hurt the economy and you are not going to bring in any additional revenue. Secondly, this speaks to the point my colleague from Arizona, Senator MCCAIN, has been making, which is that, in the long term, what you want to do is reduce tax rates if you can—at least leave them where they are but not raise them—if you want to be fair both to the American family and help the economy grow and get us out of this economic downturn. Incidentally, that is what will produce the most revenue for the Federal Treasury to pay for all that the Congress and the President end up passing in legislation and passing on to American taxpayers.

So I ask unanimous consent to place this op-ed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 20, 2008]

YOU CAN'T SOAK THE RICH

(By David Ranson)

Kurt Hauser is a San Francisco investment economist who, 15 years ago, published fresh and eye-opening data about the federal tax system. His findings imply that there are draconian constraints on the ability of tax-rate increases to generate fresh revenues. I think his discovery deserves to be called Hauser's Law, because it is as central to the economics of taxation as Boyle's Law is to the physics of gases. Yet economists and policy makers are barely aware of it.

Like science, economics advances as verifiable patterns are recognized and codified. But economics is in a far earlier stage of evolution than physics. Unfortunately, it is often poisoned by political wishful thinking, just as medieval science was poisoned by religious doctrine. Taxation is an important example.

The interactions among the myriad participants in a tax system are as impossible to unravel as are those of the molecules in a gas, and the effects of tax policies are speculative and highly contentious. Will increasing tax rates on the rich increase revenues,

as Barack Obama hopes, or hold back the economy, as John McCain fears? Or both?

Mr. Hauser uncovered the means to answer these questions definitively. On this page in 1993, he stated that ''No matter what the tax rates have been, in postwar America tax revenues have remained at about 19.5% of GDP.'' What a pity that his discovery has not been more widely disseminated.

The chart, updating the evidence to 2007, confirms Hauser's Law. The federal tax ''yield'' (revenues divided by GDP) has remained close to 19.5%, even as the top tax bracket was brought down from 91% to the present 35%. This is what scientists call an ''independence theorem,'' and it cuts the Gordian Knot of tax policy debate.

The data show that the tax yield has been independent of marginal tax rates over this period, but tax revenue is directly proportional to GDP. So if we want to increase tax revenue, we need to increase GDP.

What happens if we instead raise tax rates? Economists of all persuasions accept that a tax rate hike will reduce GDP, in which case Hauser's Law says it will also lower tax revenue. That's a highly inconvenient truth for redistributive tax policy, and it flies in the face of deeply felt beliefs about social justice. It would surely be unpopular today with those presidential candidates who plan to raise tax rates on the rich—if they knew about it.

Although Hauser's Law sounds like a restatement of the Laffer Curve (and Mr. Hauser did cite Arthur Laffer in his original article), it has independent validity. Because Mr. Laffer's curve is a theoretical insight, theoreticians find it easy to quibble with. Test cases, where the economy responds to a tax change, always lend themselves to many alternative explanations. Conventional economists, despite immense publicity, have yet to swallow the Laffer Curve. When it is mentioned at all by critics, it is often as an object of scorn.

Because Mr. Hauser's horizontal straight line is a simple fact, it is ultimately far more compelling. It also presents a major opportunity. It seems likely that the tax system could maintain a 19.5% yield with a top bracket even lower than 35%.

What makes Hauser's Law work? For supply-siders there is no mystery. As Mr. Hauser said: ''Raising taxes encourages taxpayers to shift, hide and underreport income. . . . Higher taxes reduce the incentives to work, produce, invest and save, thereby dampening overall economic activity and job creation.''

Putting it a different way, capital migrates away from regimes in which it is treated harshly, and toward regimes in which it is free to be invested profitably and safely. In this regard, the capital controlled by our richest citizens is especially tax-intolerant.

The economics of taxation will be moribund until economists accept and explain Hauser's Law. For progress to be made, they will have to face up to it, reconcile it with other facts, and incorporate it within the body of accepted knowledge. And if this requires overturning existing doctrine, then so be it.

Presidential candidates, instead of disputing how much more tax to impose on whom, would be better advised to come up with plans for increasing GDP while ridding the tax system of its wearying complexity. That would be a formula for success.

Mr. KYL. Mr. President, I urge my colleagues to review the op-ed and apply it to the lessons we have today. In fact, the legislation we will be taking up today increases taxes—increases the tax rate—by applying a 0.5-cent surcharge or surtax on the top marginal rate. This is going to be very destructive. Over 80 percent of the people who report that top marginal rate, report small business income. So we are going to be hurting the small businesses of this country, not the big businesses or the wealthy that the surcharge is intended to hit, and we will end up not increasing Federal revenues but actually decreasing them and hurting the economy in the process.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

## JUDICIAL CONFIRMATIONS

Mr. HATCH. Mr. President, yesterday on the Senate floor the distinguished majority leader mentioned my name and repeated a claim about my service as chairman of the Judiciary Committee, which I once again am compelled to correct. He said: ''Sixty of President Clinton's nominees were denied hearings.''

In a letter to the distinguished minority leader and the distinguished ranking member of the Judiciary Committee dated April 30, 2008, he similarly stated that:

> Senator HATCH exercised the chairman's prerogatives freely during the years in which more than 60 of President Clinton's nominees were denied hearings or floor consideration.

The claim—and it has been repeated in various forms by others—is that all these nominees could have been confirmed but were not because I simply blocked them.

What is not mentioned is President Clinton came within seven of setting an all-time judicial appointment record while I was chairman. He was treated fairly. I had hearings and moved people to the floor that many on our side had real qualms about. It is true that approximately 60 of his judicial nominees were not confirmed, not in 1 year, as the distinguished majority leader said yesterday, but in all 8 years. They were not confirmed for a host of different reasons, most having nothing to do with the chairman's prerogatives.

President Clinton, for example, withdrew a dozen of those nominees himself—actually withdrew them. That was not my prerogative as chairman; it was his prerogative as President. These withdrawn nominees included a nominee to the U.S. District Court whose record as a State court judge in criminal cases was so troubling that prosecutors in her own State, led by a Democrat, opposed her. Instead of certain defeat on the Senate floor, the Republican leader at the time allowed President Clinton to withdraw her nomination. She was not denied a hearing; she had a hearing and was reported to the floor. She was not denied floor consideration; she was spared floor defeat.

The unconfirmed Clinton nominees included an appeals court nominee who, though he had raised millions for the Democratic Party, admitted in his hearing that he knew virtually nothing about such basic areas as criminal or constitutional law. President Clinton wisely withdrew him. These unconfirmed nominees included an appeals court nominee who had lied about his background, making claims that were politically potent but patently false. President Clinton withdrew him. Was he unconfirmed? Yes. Was he blocked by Republicans? No. These and others like them were not what some on the other side of the aisle have called pocket filibusters. They were not, as the distinguished majority leader has said, simply denied consideration at the chairman's prerogative.

The unconfirmed Clinton nominees include many who did not have the support of their home State Senators. Nominees in this situation did not receive hearings under the chairmen before me as well as those who succeeded me, including the current Democrat chairman who will not call them up if a home State Senator opposes them. That is the policy and tradition of the Judiciary Committee, not simply the chairman's prerogative. Nor is it a pocket filibuster. That is a phony term. Yet, these nominees were unconfirmed and are, therefore, lumped into this category. So are nominees who were not confirmed in the Congress during which they were nominated and President Clinton chose not to renominate. That was his choice, not mine. For these and other reasons, the vast majority of President Clinton's unconfirmed nominees did not make it all the way through the confirmation process for reasons having nothing to do with my chairmanship of the committee.

Now, there are always, at the end of every Presidency, those nominees who are put up too late, where you could not get the FBI work done or you could not get the investigatory work done or you couldn't get the ABA report done or there were nominees who had problems in their FBI reports. There were further reasons nominees could not make it at the end of President Clinton's term. I might add that is true of every Presidential term that I recall in my 32 years in the Senate. It is also true that I put through nominees that my side had a lot of angst over because I believed, as I always did in my chairmanship, the President had the power of nomination. We had the power to vote, up or down, against those nominees. So I brought up people who caused a lot of angst on our side because I believed the President deserved that—unlike some on our side who have been very badly mistreated. I will cite Peter Keisler as a perfect illustration.

So I had to come here and set the record straight once again. Some judicial nominees of every President are not eventually confirmed. My friends on the other side of the aisle returned more than 50 unconfirmed judicial nominees to President Bush at the

close of the 102nd Congress. But when the reasons nominees are not confirmed are accurately considered, the claim that some 60 Clinton nominees were simply pocket filibustered or were blocked at the chairman's prerogative is simply not true.

I believe it to be a gross misrepresentation. I don't blame the majority leader. He is a personal friend of mine. He read from a staff-prepared speech. Nevertheless, that speech was wrong.

Let me give you an illustration. These are people sitting right now on the calendar. Peter Keisler has been waiting 691 days for a vote in the Judiciary Committee. By any measure, he is highly competent, decent, and honorable. He has the highest rating from the American Bar Association. Judge Robert Conrad has been waiting 308 days for a Judiciary Committee hearing. He also has the highest ABA rating. This body confirmed him just three years, without a dissenting vote, to the district court, where he is now chief judge. Steve Matthews has been waiting 257 days for a hearing. He too has first-rate qualifications and a positive ABA rating. Many others are still awaiting a vote, as we have been sitting in the Senate not doing very much regarding judicial nominees.

## ELDER JUSTICE ACT

Mr. HATCH. Mr. President, since May is a month to honor and recognize older Americans, I would like to take a few minutes to talk about my strong commitment to having the Elder Justice Act, S. 1070, approved by Congress and signed into law before the conclusion of the 110th Congress.

Emily Dickinson once said, old age comes on suddenly, and not gradually as is thought. As someone who just celebrated a birthday a few months ago, this statement has never seemed more accurate!

Approximately 44 million people in this country are age 60 and above which tells me that caring for older Americans must be a high priority of future Congresses.

In fact, U.S. citizens 60 years of age and above will increase dramatically over the next 30 years more than 76 million baby boomers will be approaching retirement and old age over the next three decades. Let me say that one more time—more than 76 million baby boomers will be approaching retirement and old age over the next three decades.

Earlier this Congress, Senators LINCOLN, SMITH, KOHL and I introduced the Elder Justice Act. Congressmen RAHM EMANUEL and PETER KING introduced a nearly identical bill in the House. Currently, the Senate bill has 28 cosponsors and the House bill has 113 cosponsors.

One person who really deserves a lot of the credit for this bill is our former colleague from Louisiana, Senator John Breaux. He got the ball rolling over here in the Senate. I will never forget him coming to me way back in the 107th Congress and telling me that I needed to work with him on the Elder Justice Act because it would make a tremendous difference for older Americans throughout the country. He and I introduced the Elder Justice Act back in the 107th Congress and ever since then, the bill has been reintroduced each subsequent Congress.

I also want to acknowledge the fine work of the Elder Justice Coalition, led by Bob Blancato, its national coordinator.

To date, the Elder Justice Coalition has close to 550 members and has done an incredible job advocating for the passage of this legislation.

This Congress, for the first time, the Elder Justice Act has been seriously considered by the House. Last week, the House Judiciary Committee considered the Elder Justice Act and it appears that it will be voted out of that committee this week. In the Senate, the legislation has been reported unanimously by the Finance Committee in both the 109th and 108th Congress; however, it has never been approved by the full Senate. As far as I am concerned, this year is going to be different. I will do everything in my power to ensure that this legislation will pass the Senate and be signed into law before the 110th Congress adjourns.

Senator LINCOLN and I are going to work with Finance Committee Chairman MAX BAUCUS and Ranking Member CHUCK GRASSLEY to schedule a markup on this bill sometime this summer.

Over the past couple of years, I worked very closely with Health and Human Services Secretary Mike Leavitt and his staff to address the concerns that the administration has raised regarding our bill. Last Congress, I felt like we had some fruitful discussions and progress was made. Secretary Leavitt is a good friend of mine and he knows how important it is to me, Senator LINCOLN and senior citizens across the country to have this legislation signed into law. The Secretary assured me that he and his staff would continue to work with us on this bill.

So I intend to initiate discussions with the administration once again in the hope that we will be able to come to agreement. And I think we are very close.

I have had many ask why does there appear to be such a dramatic increase in elder abuse in the United States. Because there is so little data on elder abuse, it is difficult to know the answer to that question.

Quite honestly, I believe that more and more people are taking notice.

In the past, there has been no data collection of elder abuse—I find that quite disturbing. The purpose of our legislation is to make changes in the law so we have more precise numbers on how many seniors are being exploited financially, being neglected or being physically or mentally abused.

Findings from the often cited National Elder Abuse Incidence Study suggest that more than 500,000 Americans aged 60 and above were victims of domestic abuse in 1996. Studies show the amount of Federal dollars spent on abuse and neglect of elders is substantially smaller than that spent on child and domestic abuse.

Elder abuse is a profoundly personal tragedy for its victims—let me cite a case from my home state of Utah. In Utah and across the country, elderly Americans are being exploited and essentially being swindled out of thousands of dollars. A local news station in Salt Lake recently had a story that discussed check scams and how seniors are typically the target of these questionable operations.

In Utah alone, the money that people have lost due to these types of scams has quadrupled over the last 3 years. And while many of these operations have addresses in the U.S., they typically originate overseas.

For example, a check has been made out to a Salt Lake City senior for close to $4,000. The senior is told that he has been chosen to be a secret shopper and has the chance to win thousands of dollars. He is told that he may keep $500, no strings attached, but he must wire more than $3,000 back to them in order to get the $500. Because this senior sees the chance to win $500, he sends the check for $3,000 and loses all of his money.

According to the postal inspector, once a person responds to these scams, he or she is put on what is called a sucker's list and continues to be promised that hundreds and even thousands of dollars could be gained if a check is sent. In Utah, 6 to 700 checks are reported to be sent to these organizations each month.

The Elder Justice Act would help the Federal Government collect data on how many senior citizens are being financially exploited, mentally and physically abused and neglected.

This chart illustrates the dramatic difference in dollars spent on elder abuse compared to child abuse and domestic abuse.

Ninety-one percent, or $6.7 billion, is spent on child abuse, 7 percent, or $520 million on domestic abuse and only 2 percent, or $153.5 million, is spent on elder abuse. Considering the high numbers of the population above age 60, it astounds me the small percentage the Government is willing to dedicate to ending elder abuse.

The Elder Justice Act aims to address this serious problem.

Our bill would provide Federal resources to support State and community efforts on the front lines dedicated to fighting elder abuse with scarce resources and fragmented systems.

It directs the Federal Government to provide leadership to the States and takes an important first step by calling on the Federal Government to create an appropriate way to collect relevant data on elder abuse so we have a better handle on how prevalent elder abuse is among our neighbors, our friends, and our relatives.

It assures adequate public-private infrastructure and resources to prevent,

detect, treat, understand, intervene in and, where appropriate, prosecute elder abuse, neglect and exploitation.

With more than 76 million baby boomers retiring over the next three decades, we cannot wait any longer for this legislation to pass. Older Americans deserve nothing less. I know that it is extremely important to folks back home in Utah.

In closing, I urge my colleagues to support this legislation so we can provide older Americans the same protections that we provide to our children and victims of domestic violence. Because we are not aging gradually, our response must be immediate—we cannot afford to wait for another Congress to end without approving this legislation.

Ralph Waldo Emerson once said, men are respectable only as they respect. May we strive to be more respectable people by showing respect to those who deserve it the most: our older Americans.

Thank you, Mr. President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

## OLDER AMERICANS MONTH

Mrs. LINCOLN. Mr. President, each May, our Nation pays tribute to the contribution older Americans have made to our great country as many communities all across our great Nation come together to celebrate Older Americans Month.

Having grown up in eastern Arkansas in a small community, the daughter of a farmer, I was within walking distance of both my grandparents. I learned incredible lessons from them that I still carry with me today. I imagine there are many of my Senate colleagues who can stop and think about a wonderful memory of growing up with grandparents or maybe an older aunt or uncle who lived nearby, perhaps it was a favorite schoolteacher or a mentor in the community or in their neighborhood.

The pride and dedication older Americans have had for our country was impressed upon me from a very early age, from all of those different figures in my life—my grandparents, obviously, but also from wonderful teachers, as well as neighbors, those who shared their stories with me, they shared their values with me, they helped me become the person I am today. Whether it was hearing about my grandfathers' service in World War I—both of them having served as infantrymen in World War I—or maybe it was the jar my grandmother left on the mantelpiece that stored the coins during the Great Depression or the story of my neighbor who, during World War II, flew over ''the hump'' and did tremendous feats in World War II, so many people who have affected my life. Again, I am sure that if any Senator takes the time, they will remember their lives have been affected as well by an individual just like that.

Even though I didn't know it, I was a caregiver at an early age when it was one of my and my cousin's tasks to take dinner, nightly meals over to our grandparents' house. Later in my life, when my grandmother was ill and lived with us in our home and I shared a room with her, that time spent with my grandparents and with others, other elderly people in my community and in my neighborhood—they were priceless for both of us. Not only was I able to give something of my energy and my experiences in the current time, but it was wonderful also for her, my grandmother, who lived with us, because she was able to share her experiences and values with me, and I was able to learn so many of life's lessons from her and from the others in my community.

Today's world is so much different. Even though we no longer live within walking distance of our parents or grandparents, my husband Steve and I make a very conscious effort to ensure that our children spend quality time with their grandparents. It seems appropriate, then, during Older Americans Month that I rise this morning to draw attention to a piece of legislation that I and my good friend and colleague from Utah, Senator HATCH, who has been on the Senate floor earlier this morning, have introduced that seeks to protect millions of older Americans. It is the Elder Justice Act.

I also want to note that Chairman KOHL and ranking member GORDON SMITH of the Senate Special Committee on Aging have been champions of this legislation as well, and I certainly appreciate all they do in bringing about both support as well as knowledge of this piece of legislation.

I have been a cosponsor of the Elder Justice Act since it was originally introduced in 2002, and I helped pass a version of this bill out of the Senate Finance Committee in 2004, in 2005, and again in 2006. Unfortunately, the Elder Justice Act has yet to become law despite the fact that our Nation continues to grow older and despite the fact that the tragedy of elder abuse, neglect, and exploitation continues.

It is hard for any of us to imagine that our elderly loved ones would be victim to those types of actions, the abuse or neglect or exploitation that exists in this country. We have held hearings on elder abuse for almost 25 years. Yet not one single Federal employee works full time on this issue. We are beginning to make progress. I encourage all my colleagues to join me, not only in this month when we celebrate the wonderful heritage of older Americans, but to ensure that we move a piece of legislation that will protect them.

The House of Representatives recently held its first hearing on this issue in 17 years—thanks to the hard work of Congressman RAHM EMMANUEL and PETER KING—and the Elder Justice Act is currently going through the committee markup in that body. In addition to adding cosponsors, we are looking for opportunities to pass this legislation this year in the Senate.

Abuse of our senior citizens can be physical, it can be sexual, it can be psychological, or it can be financial. The perpetrator may be a stranger, it may be an acquaintance, it may be a paid caregiver, it might be a corporation and, sadly, even a spouse or another family member. We have an obligation to the older Americans of this country not to sit around for another 25 years but to come up with the solutions that already exist for so many other Americans. Elder abuse happens everywhere and at all levels of income and in all geographic areas, whether you live in an urban area or out on a county road in rural America. No matter how rich you are, and no matter where you live, no one is immune. When we say no one is immune, it means none of our loved ones are immune from this horrific act.

Congress must make our seniors a priority and pass the Elder Justice Act as soon as possible. This bill represents a consensus agreement developed by the Elder Justice Coalition, a national coalition of 547 members, including 226 organizations and 321 individuals, dedicated to eliminating elder abuse, neglect, and exploitation in this great country of ours. This bill reminds us that Congress has already passed comprehensive bills to address child abuse and violence against women but has continued to ignore the fact that we have no Federal law enacted to date on elder abuse.

We have made great strides. I know, as cochairman of the Senate Caucus on Missing and Exploited Children, we have made great strides in how we can better protect our children from exploitation and from all the different fears and dangers that are out there. Why would we not want to do this for the wonderful elderly people of this country who have given all of us so very much?

Every older American has the right to enjoy his or her golden years free of abuse and neglect. As Americans age—and I know and many of us know from personal experience—they want to maintain their independence and their dignity and their pride. It is very difficult when they become exploited or abused or neglected. It is hard for them to reach out and ask for help and care, particularly of their children. It is not something easy for them to do. It is why we have the responsibility in the Senate to do something about elder abuse.

The Elder Justice Act will enhance our knowledge about abuse of our seniors in all of its terrible forms. It will elevate elder abuse to the national stage. We cannot solve this problem if we do not understand it, we do not know how it occurs, and we do not begin to use the tools we have already to protect the seniors of this country. Too many of our seniors suffer needlessly. Each year anywhere between

500,000 and 5 million seniors in our country are abused. They are abused, neglected, or exploited, and, sadly, most of those abuses go unreported.

This historical problem will only worsen as 77 million baby boomers begin to age. The Elder Justice Act confronts elder abuse in the same way we combat child abuse and violence against women—through law enforcement, public health programs, and social services at all levels of government. We are not talking about reinventing the wheel, we are talking about using what we have learned in the abuse of children and in the abuse of women and applying those tools to one of our greatest blessings, the elderly of this country.

The bill also establishes research projects to assist in the development of future legislation. The Elder Justice Act will take steps to make older Americans safer in their own homes, in nursing home facilities, in neighborhoods all across this country. It enhances the detection of elder abuse, and it helps seniors recover from abuse after it happens. It increases collaboration between Federal agencies and between Federal, State, local, and private entities, law enforcement, long-term care facilities, consumer advocates, and families to prevent and treat elder abuse.

I urge my colleagues, all of them, to remember those individuals in your life, certainly in your communities, and others who have given so much to this country, whether it was somebody years ago who helped to build this great Nation through education as a teacher, perhaps, an educator; maybe it was building our economy in this country by building a great company or a great effort there; perhaps it was a soldier from years past who defended the rights of this country and our freedoms today. Look back and consider the special people in your life, such as an elderly neighbor or a grandparent. I know there is not a day that goes by in my life that I don't think about those people who have so tremendously affected my life, who have taught me values, and who have shared stories with me, who have helped me become who I am. Each one of us needs to stop and think of those individuals.

Maybe it was a teacher in the first grade. Maybe it was a coach. Maybe it was a music instructor. Maybe it was a Sunday school teacher. Maybe it was a police officer. I think of all those different people who have made a difference in my life, and I want to ensure that as a nation we respect their safety and their ability to live in this country with dignity and security.

I hope all my colleagues will consider whomever those special people were in their lives, who helped support their dreams, provided wisdom, perhaps, and advice throughout their development—there are millions out there—and each one of us needs to take the time to remember them. It is time for Congress to pass comprehensive legislation to address elder abuse and protect those in their twilight of life.

I urge my colleagues to take a look in this month of May, when we look in respect and admiration to the older Americans of this country, and provide the kind of law that we have provided for children and for women to protect them from abuse and exploitation.

Mr. President, I yield the floor. I 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.

Ms. KLOBUCHAR. 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.

## ENERGY

Ms. KLOBUCHAR. Mr. President, a few weeks ago, I came here and said that each week I was going to give a talk on the floor about another piece of the puzzle of why it is so important to pass climate change legislation this year; about how we cannot wait as we see tremendous changes to our environment and our way of life. We need to act and we need to act now.

Last summer, I took a trip to Greenland with other members of the Environment and Public Works Committee to see firsthand the effects of global climate change. One of the scientists traveling with us described Greenland as a canary in the coal mine when it comes to global warming.

Greenland has lost an amount of ice in 1 year equal to two times all the ice on the Alps. People in Greenland are planting potatoes in places where they used to run sled dogs on the ice. What we saw on that trip only confirmed for us what the scientific community has now asserted in an overwhelming consensus. Average global temperatures are up 1 degree in the last century. Now, that does not sound like much, but to put it in perspective, they are only up 5 degrees since the height of the Ice Age.

The EPA forecasts an increase of 3 to 8 degrees for the next 100 years. It is up 1 degree in the last century, estimated 3 to 8 degrees in this 100 hundred years. Ice caps are melting, ocean levels are rising, and glaciers are shrinking.

The Intergovernmental Panel on Climate Change has concluded there is irrefutable evidence of climate change on every continent, with risks to several species and the danger of increasing violent weather events.

When I arrived in the Senate a little over a year ago, people were still debating whether climate change was real; was it actually happening? The debate is over, the facts are in, and now we are finally debating solutions.

I am proud to say it is science that has affected our actions and that this shift in our thinking is because there are people now in this Chamber who are willing to look at and talk about the science.

Last year in the Energy bill, we raised fuel economy standards for cars and trucks and other vehicles for the first time in years and years, for the first time in decades. The new standard will boost fuel efficiency by 40 percent and cut millions of tons in carbon emissions. And, most importantly, as we look at how much gas costs, it is going to save the average family, depending on how many children they have, something like $1,000 a year.

So this is not only about environmental issues, this is about economic pocketbook issues as well. In the farm bill agreement the conferees approved last week and this Senate passed, we have important incentives to move farmers toward the next generation of clean, renewable biofuels, using cellulosic crops that can be grown on marginal farmland with minimal chemical input.

This is the next generation of biofuels; using other parts of the corn, looking at switchgrass, prairie grass, things that actually are consistent with conservation and can be good for our environment and can help to wean us off our dependency on foreign oil. Instead of investing in the sultans of Saudi Arabia, we can be investing in the farmers and the workers of this country.

Now it is time for us to take the next crucial step in energy and conservation policy: enact strong, comprehensive climate change legislation, the Lieberman-Warner bill, that will come before the Senate in a few weeks.

I referred a moment ago to our trip to Greenland last summer. But today I wish to discuss a second trip I took recently, that is, around my State, visiting many small towns in the State of Minnesota.

I visited the campus of the University of Minnesota-Morris, where they are building a biomass gasification plant. It turns farm and forest byproducts into gas and produces electricity. Within a year or two, it will meet the heating, cooling, and electricity needs for the entire campus without burning any carbon-emitting fossil fuels. I visited southwestern Minnesota, where I have been many times, where there is a sprawling windmill farm on the rise of land called Buffalo Ridge. You can see towering turbines for miles, and they are now supplying a significant share of Minnesota's power needs—in fact, with the standard enacted on a bipartisan basis by our State legislature, 25 percent by 2025 for renewable energy of all kinds for the provision of electricity. In tiny Starbuck, MN, 10 people left their jobs to join a solar panel factory manufacturing solar panels to make electricity from the Sun. These projects are reducing our dependence on fossil fuels and cutting our emissions of greenhouse gases.

The point I wish to discuss today as part of this week's discussion is that they are creating good jobs. I mention

these examples because when we discuss climate change and solutions, too many people think it has only to do with doing without, cutting back, and doing less. It is true conservation must play a central role in a comprehensive energy policy to clean up our planet and reduce our dependency on foreign oil. This isn't the days of Jimmy Carter putting on a sweater and going on TV and looking glum. People actually see this as an economic benefit, if they conserve, because they are going to save money. It is also true that by adopting a strong, sensible policy toward reducing greenhouse gas pollution, we can open the door to a world of opportunities, which means new jobs.

As we prepare to discuss action on climate change, here is what we must remember. There is a possibility, a strong possibility, an opportunity that we can get more out of this. This means manufacturing a new generation of refrigerators, air-conditioners, and other household appliances that meet the needs of consumers while consuming less electricity. It means designing buildings with ''smart glass'' and rooftop gardens that conserve energy and water. Some people think these rooftop gardens are some kind of landscaper's lark, but they aren't. They keep buildings warmer in the winter and cooler in the summer and capture airborne pollutants that otherwise would enter the air we breathe. JPMorgan, a huge investment bank, recently redesigned its Manhattan headquarters with a rooftop garden and estimates it will save 30 percent on its utility bills.

Since cars and trucks are a major source of our greenhouse gas emissions, this next generation of looking at the world differently means exploiting the full potential of hybrid automotive technology. Hybrid cars and trucks, however, have already shown themselves to be a great success story, on the sales lot and in the engineering laboratory. The old version required you to plug in the car and carry around extra batteries. Because we invested in research and provided some limited Federal incentives, we are not only seeing a better product; we are also seeing an explosion in consumer demand that would have been unthinkable a few years ago.

Now Chevrolet has developed another breakthrough, the Chevy Volt, a battery-powered car which could be on the market in less than 2 years. You will be able to plug the Volt into an ordinary household outlet and then drive up to 40 miles without using a drop of gasoline. Your car isn't going to stop when it finishes up 40 miles. It converts over to fuels and biofuels. The waiting list for hybrid vehicles shows consumers welcome efficient designs and are buying vehicles that will create good jobs for autoworkers and other people in manufacturing.

Taken together, this sort of technology has the potential to create thousands, perhaps millions, of good jobs and spur millions of dollars in productive new investment.

Consider the potential of biomass, burning dedicated crops to produce electricity. The U.S. Department of Energy estimates that a concerted effort to develop dedicated energy crops for biomass powerplants could generate 120,000 new jobs over the next 15 years. Consider the potential of wind energy. Each large utility-scale wind turbine that goes on line generates over $1.5 million in economic activity. Each turbine provides up to $5,000 in lease payments per year for 20 years or more to farmers, ranchers or other landowners.

When we start putting all the pieces of this puzzle together, a whole new vista for the economy opens. The Union of Concerned Scientists estimated last year that merely adopting a strong national renewable energy standard, one important step toward reducing greenhouse gas pollution, would create 185,000 jobs in industries such as wind and solar by the year 2020.

Daniel Kammen, who runs the Renewable and Appropriate Energy Laboratory in California, points out that $1 invested in renewable energy creates three to five more jobs than $1 invested in fossil fuels, as we can see here. That is because renewables create jobs in engineering and manufacturing and because that money is invested here at home, instead of being shipped overseas for foreign oil producers.

This institute estimates that if our country met 20 percent of its electricity needs from wind power, solar, biomass, and other renewables, those industries would employ more than 250,000 people every year, compared to fewer than 100,000 jobs if we continue to get all our electricity from fossil fuels.

This week, the U.S. Department of Energy estimated that by the year 2030, it would be feasible for wind power to supply 20 percent of our country's electricity needs, matching the output of nuclear powerplants.

Finally, the Apollo Alliance estimates that if we made a full-bore national commitment to climate change through energy-conserving technology, building design, more efficient vehicles, and renewable fuels, we could create 3 million new jobs and an additional $1 trillion of economic output in the next decade. This is our opportunity. But it is only that. It is only an opportunity unless we seize it because our country will not mobilize the automobile engineers, the landscape architects, the building designers, the appliance manufacturers, the power companies, unless we send the right signal to the economy as a whole, the signal that our country is committed to technologies that will help us battle climate change.

Consider this: Despite the wind farms and solar energy companies cropping up here and there across the country, the United States is no longer a leader in these clean energy technologies. We rank third in wind power, third in photovoltaic power installed. Ironically, our country has been surpassed by countries that took the technology developed in the United States, and it has allowed foreign competition to leapfrog over American businesses.

Here is my answer: We need leaders. We need American leaders, not followers. The private sector has read the evidence and is waiting for us to show leadership. Last winter, the Environment Committee heard from the chief executives of 10 major corporations, including General Electric, DuPont and Duke Energy. They have formed the United States Climate Action Partnership. They seek a mandatory, market-driven approach to reducing greenhouse gas emissions, an approach they believe will drive development of new greener technology and become an engine for new economic growth and job creation. They are waiting for leadership from Washington. In a few weeks, we will have the opportunity to demonstrate that leadership. My colleagues, Senators LIEBERMAN and WARNER, have written climate change legislation that is bold but practical, forward thinking but pragmatic. They recognize that the time for study is over, the time for hesitation has passed. The time for action is upon us.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

## JIMMY STEWART'S 100TH BIRTHDAY

Mr. CASEY. Mr. President, I rise to pay tribute to a native Pennsylvanian. Today we honor what would have been the 100th birthday of one of Pennsylvania's most famous sons, Jimmy Stewart. The fact that we call him Jimmy tells a lot about who he was, what he meant to our State, what he meant to America. Jimmy Stewart is most famous for his unforgettable roles in movies such as ''Mr. Smith Goes to Washington,'' ''It's a Wonderful Life,'' and on and on, so many great movies to remember him by. But Jimmy Stewart never forgot his Pennsylvania roots.

He was born in Indiana, PA, on May 20, 1908. His family owned the hometown hardware store where the Stewart family could trace their roots in Indiana County back to 1772. Stewart attended Princeton University, where he studied architecture and graduated in 1932. Because of the stock market crash of 1929 and the Great Depression that followed, Jimmy Stewart questioned whether he would find employment as an architect, and he accepted a position in an acting troop. Shortly after joining, Stewart began working on Broadway, which eventually led to screen tests with major motion picture production companies. His work in ''Mr. Smith Goes to Washington,'' in which he played a freshman Senator, earned him his first nomination for an Academy Award. He was also nominated for Oscars for best actor for ''It's

a Wonderful Life,'' released in 1946; ''Harvey,'' released in 1950; and ''Anatomy of a Murder,'' released in 1959. He won his only Academy Award for best actor in 1940 for his role in ''The Philadelphia Story.''

I have to say, in a personal way, that every December, during the holiday season, I think I join a lot of Americans in trying to watch, yet again, ''It's a Wonderful Life.'' The reason I watch it—plenty of reasons—principally is because it is an American story, an American story of struggle, of family love, and the positive impact one person's life can have on an entire community.

We all know Jimmy Stewart served his country in World War II but was initially rejected from service because he was 5 pounds underweight. But he wouldn't let that stop him from serving. He went home to Indiana, added some weight, and enlisted in the Army Air Corps. He got a whole series of commendations for his service in the Army Air Corps. He retired from the Air Force in 1968, at the mandatory retirement age, and received the Distinguished Service Medal. The signature charity event he started, the Jimmy Stewart Relay Marathon Race, held each year since 1982, has raised millions of dollars for the Child and Family Development Center at St. John's Health Center in Santa Monica, CA.

Jimmy Stewart received the Lifetime Achievement Award from the Academy of Motion Picture Arts and Sciences and the Life Achievement Award from the American Film Institute for fundamentally advancing the art of American film. The American Red Cross presented Jimmy Stewart with their humanitarian award for service to his fellow man. On his 74th birthday, his hometown of Indiana unveiled a statue of their native son in front of the Indiana County Courthouse.

Jimmy Stewart passed away on July 2, 1997. He was mourned by fans worldwide. Perhaps the greatest tribute of the American Film Institute was the observation that James Stewart is an actor ''so beloved by the movie going public that they call him Jimmy, just like a member of the family.''

His was truly a remarkable life. In Pennsylvania and across America today, we say happy 100th birthday, Jimmy.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

## ENERGY PRICES

Mr. WHITEHOUSE. Mr. President, first, let me say how pleased I am to follow the distinguished Senator from Pennsylvania, hearing him talk about his native son, to whom I think it is fair to say he bears some resemblance.

But I have another topic today, which is the cost of gasoline in Rhode Island. In Rhode Island today, a gallon of regular unleaded costs $3.84 on average, according to AAA's daily report. That price is nearly 40 cents higher than it was 1 month ago. It is almost 77 cents higher than it was a year ago. I had a Rhode Island visitor to my office last week who runs a little oil company in Bristol. He reported his oil supply costs have gone up 60 cents in 2 weeks. By the way, it is springtime.

When I was home over the weekend, I saw prices for regular gas at $3.89 and super at $4.12. High gas prices have been over all the news in the last several weeks in Rhode Island and across the country. But this problem did not emerge overnight. It has built up over the 7½ years of the Bush administration.

Since President Bush took office in 2001, gas prices in Rhode Island have more than doubled—a price hike of more than $2 for every gallon. Seven years of two oil men in the White House has left Rhode Islanders facing the highest gas prices they have seen since the fuel crisis days of 1981.

The steady and steep rise in the price of gasoline is forcing many working families in Rhode Island to make choices that would have seemed unimaginable only a few months ago, choices that are harsh and cold: A mother walks home from work through pouring rain because she can only afford to spend $10 a week on gasoline; a man cuts down on buying gas so he will have enough to pay for his prescriptions. Families in South County are hungry but have to think twice about the gas to drive to the food pantry to pick up food for their families.

One man told the Providence Journal:

> The food is expensive, the clothes are expensive—I've got medication. I don't know what will happen—every week, everything is more expensive.

For too many families in our Ocean State, when everything is more expensive, some things get left out: Only half a tank of gas this week, less money for groceries, no new clothes for the kids.

Working Rhode Island families do not have an extra $2,000 in their annual family budget to spend on gas, and that is how much more they are paying now than they did in 2001 when Bush took office. Bush-McCain economics have left these families struggling to make ends meet, wondering how they will pay the bills if a child gets sick or the plumbing breaks. They do not have an extra $30 or $40 or $50 to pour into their gas tanks every week. But still gas prices go up, and families already stretched to the limit are stretched even further.

These Rhode Islanders and millions like them all across this country need help, and they need it now. They are looking to us in Congress for answers.

Last week, Congress passed legislation taking a key first step—shutting off the gush of oil flowing into the Strategic Petroleum Reserve. This massive stockpile of crude oil owned by the Federal Government, maintained in the event of a disruption in fuel supplies or other such emergency, has a capacity of 727 million barrels of oil. Right now, the Strategic Petroleum Reserve is about 97 percent full. Yet the Bush administration continues to pump between 70,000 and 80,000 barrels of oil every day into massive underground caverns. Unsurprisingly, the administration actually wants to double the size of the Strategic Petroleum Reserve to 1.5 billion barrels, even as millions of Americans struggle with record fuel prices. Amazing. At a time when American families are cutting back on food and other necessities in order to fill their gas tank, President Bush wants to reduce the supply of oil into the open market, jack up the cost of fuel, and further line the pockets of the big oil companies. With the price of gas hitting nearly $4 a gallon, those 70,000 to 80,000 barrels should flow into the market, not into the ground. And let's not forget that at today's price of over $129 a barrel—a new record price for crude oil as of this morning—pouring oil into the Strategic Petroleum Reserve costs our Government millions of our precious tax dollars every day.

There are a number of things we can do right now to help provide some short-term relief at the pump. I have cosponsored our majority leader Senator REID's Consumer First Energy Act, a plan that gets at some of the immediate root causes of these staggeringly high prices.

First, we must take steps to protect American consumers from market speculation and price gouging. The administration's failure to regulate the oil futures market has left it fertile ground for speculators who game that market to reap high payoffs for themselves, while consumers pay the price.

Commodities traders take advantage of lax margin requirements that allow them to buy oil futures for only 5 to 7 cents on the dollar rather than the 50-percent downpayment required for purchases of stock futures. Many experts have pointed to rampant speculation as one of the principal reasons for the inflated price of crude oil in the market.

The Consumer First Energy Act would prevent traders of U.S. crude oil from routing transactions overseas to evade our limits on speculation, and it would require the Commodity Futures Trading Commission to substantially increase the margin requirement for oil futures trading.

I particularly applaud my colleague from the State of Washington, Senator CANTWELL, for her leadership in calling for an oil and gas market task force to investigate irregularities in the price of energy.

Our bill would also prevent price gouging by giving the President the authority to declare an energy emergency in cases of supply disruption, shortage, or significant price anomalies in the market. Once such an emergency has been declared, it would be unlawful to set an ''unconscionably excessive price'' for gasoline. The Federal Trade Commission would have the authority

to enforce this provision while State attorneys general would have new authority to bring civil actions against price gougers at home.

Outside our borders, we need to make it clear to oil-producing countries that colluding to fix the price of oil will not be tolerated. The Bush administration has failed to stand up to the nations that control the price of crude oil—nations such as Saudi Arabia, Iran, Nigeria, Venezuela, and others that do not have America's best interests at heart. OPEC nations, which produce about a third of the world's oil supply, stubbornly refuse to produce more oil to curb the rising prices, and now OPEC has said the price of a barrel of oil could reach $200 this year.

With the American family now spending 10 percent of their income on gasoline, we cannot afford to let OPEC continue to manipulate world oil markets. Our plan makes it clear that colluding to fix the price of oil is illegal under U.S. law. The Consumer First Energy Act gives the Attorney General of the United States the power to bring an enforcement action against any company or country engaging in such conduct.

Finally, we need to turn the tables on the big oil companies, which now pocket not only recordbreaking profits but huge taxpayer-funded subsidies that they just do not need.

As this chart shows, the dollars we pay at the gas pump flow right into big oil's pockets. Last year alone, the five biggest oil companies—ExxonMobil, Royal Dutch Shell, BP, Chevron, and ConocoPhillips—made $116 billion in profits. That is almost twice the entire budget of the U.S. Department of Transportation. Imagine if we were spending twice as much on our roads and bridges and public transit systems. ExxonMobil alone earned $40.6 billion last year—more than the entire Federal Highway Administration budget for 2007 and almost as much as the profits of the entire American credit card industry. Isn't it telling that as American families have struggled with the highest fuel costs in a generation, the biggest oil companies have celebrated recordbreaking profits? As our Nation slides deeper into recession, the oil companies' profits keep going up.

While the oil companies are gorged with profit, stuffed with profit, choking on profit, the Bush administration and their Republican friends in Congress insist on funneling to them huge tax breaks. With profits exceeding $116 billion last year alone, I cannot think of a single industry that needs extra money less than big oil, especially when that industry still resists making major investments in new technology or renewable fuels.

The Consumer First Energy Act will eliminate $17 billion in tax breaks for oil and gas companies and reallocate those tax dollars to renewable energy and new energy efficiency technology and would also create a 25-percent windfall profits tax on oil companies that do not invest in increased capacity and renewable energy sources. If they will not use their obscene profits to invest in America's energy future, well, we will have to, and we will.

We know this is short-term action. We know we need to liberate ourselves from our dependence on oil with new energy sources and technologies. We know we need something along the lines of a new Manhattan Project or a new Apollo project. It is a matter of national urgency. But the American people need action now. We cannot stand by as millions of families struggle under the weight of skyrocketing gas prices. For the woman walking home from work in the rain, for the man on the bus to his doctor, for the student hoping one day for a hybrid car, for the families going without food because they cannot buy gas, we must take action.

I urge my colleagues to support legislation to ease Americans' pain at the pump.

I yield the floor.

Mr. President, 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. SPECTER. 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.

## EXECUTIVE SESSION

### NOMINATIONS OF MICHAEL G. McGINN TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MINNESOTA, RALPH E. MARTINEZ TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES, AND G. STEVEN AGEE TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH DISTRICT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of Michael G. McGinn, of Minnesota, to be United States Marshal for the District of Minnesota; Ralph E. Martinez, of Florida, to be a Member of the Foreign Claims Settlement Commission of the United States; and G. Steven Agee, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12:30 shall be equally divided and controlled between the chairman and ranking member or their designees.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, the Senate continues to make progress by confirming another lifetime appointment to one of our important Federal circuit courts. The circuit court nomination we consider today is that of Justice G. Steven Agee of Virginia.

His nomination to a long-vacant circuit court seat is the result of a breakthrough with the White House. Even more important, it fills a vacancy listed as a judicial emergency on the U.S. Court of Appeals for the Fourth Circuit. I commend the Senators from Virginia, Senator WARNER and Senator WEBB, for their work in bringing this forward. It was a bipartisan exercise on their part. I thank Senator CARDIN of Maryland for taking the time to chair the hearing on this nomination.

It is interesting that Judge Agee's nomination gives us an opportunity to be productive even in a Presidential election year, where following normal history we tend to be far less productive.

There has been a string of controversial nominations from Virginia. Until recently, President Bush had insisted on confrontation with the Senate by nominating Jim Haynes, who contributed to the torture memos, Claude Allen, and Duncan Getchell. I think he became aware they were not going to go anywhere.

When Republicans come to the Senate to discuss the pace at which we are considering judicial nominations, I am almost amused watching them because something is always wrong. It is sort of like Goldilocks. It is kind of like Goldilocks in the fairly tale—the porridge is too hot; the porridge is too cold. When I schedule hearings and even break into my recess where I should be in Vermont and come back because they are so insistent that they need to have hearings on this, and I come back and hold a hearing for nominees of President Bush, oh, golly, I am moving too quickly. They have actually criticized me for doing that. Of course, if we slow the pace down, well, then we are criticized for moving too slowly. I was thinking of that situation when I was reading ''Goldilocks'' to one of my grandchildren the other night. Of course, ''Goldilocks'' is a child's story, and they should not play childish games here.

One thing has been apparent from the outset of the year: My friends on the Republican side hope that by ignoring their own history—pocket filibustering more than 60 of President Clinton's judicial nominations while they were in the majority—that somehow they can rewrite history.

Democrats, to their credit, have not retaliated. I think of pocket filibustering 60 of President Clinton's nominees. But they say, after voting one of

those 60 out of committee, they allowed him to come to a vote on this floor. This was a very prominent African-American justice of the Missouri Supreme Court, who later became chief justice. It is obvious why they let this African-American justice come to a vote on the floor of the Senate. Every single Republican, including those Republicans who had voted for him in the Senate Judiciary Committee, came on the floor in a humiliating gesture and voted down his confirmation. It was one of the low marks of this body.

As I said, we have not retaliated. But also the Democratic majority has a responsibility not to push through the confirmation process nominations who are there simply to advance a political agenda instead of there to maintain the impartiality of our Federal judiciary.

In fact, in contrast with the Republican Senate majority that more than doubled circuit court vacancies during the Clinton administration, we have reduced vacancies by nearly two-thirds. We have reduced them in nearly every circuit during the Bush administration. With the confirmation of Steven Agee today, the Fourth Circuit will have fewer vacancies than at the end of the Clinton administration, and that, of course, was when the Senate Republican majority pocket filibustered five Fourth Circuit nominees. In fact, they refused to consider any Fourth Circuit nominees during the last 2 years of President Clinton's Presidency.

Today, we will reduce vacancies among the 13 Federal circuit courts throughout the country to 11. That, incidentally, is the lowest number of vacancies in more than a decade. When Republican Senators are ready to allow us to consider and confirm the President's nominations to fill the last two remaining vacancies on the Sixth Circuit, if Republicans will allow us to go forward with President Bush's nominees there, we can reduce the total number of circuit court vacancies to single digits for the first time in decades. So for all the smoke and mirrors on the other side, the fact remains that we have succeeded in lowering circuit court vacancies to a historically low level.

Let's take a moment and go to the charts. These are circuit court vacancies. For most of the time when President Clinton was President, the Republicans were in charge. Look what they did. By their use of pocket filibusters, they pushed the number of vacancies in the circuit courts from 16 up to 32. Were there nominees for those seats? Of course there were, but they were pocket filibustered.

I use one example, one nomination that was pocket filibustered: Well, we don't know if she is really qualified. She is now the dean of the Harvard Law School, the most prestigious law school in this country.

When we came in halfway through the first year of President Bush's term, people thought that maybe the Democrats might retaliate and do the same thing to him. We did just the opposite. We started bringing down the number of circuit court vacancies, and we continued. When I became chairman for the first time, in the summer of 2001, we quickly and dramatically lowered vacancies. We confirmed 100 nominations in only 17 months. We set an all-time record for the Senate being controlled by one party and the Presidency by another. We confirmed 100 nominations in only 17 months. That was with an uncooperative White House. And we reduced vacancies by 45 percent.

Look at the numbers. Look how the vacancies went up when the Republicans were in charge with a Democratic President, and when Democrats were in charge with a Republican President, they came down. It is the Democratic Senate majority that has worked hard to lower them in this Congress. We have gone from more than 110 vacancies to less than 50. We have reversed course from the days when the Republican Senate majority more than doubled circuit vacancies. We have lowered the circuit court vacancies that existed when I became chairman of the Judiciary Committee in the summer of 2001—32 vacancies—we lowered them to 12. Today, we lower it to 11. Of the 178 authorized circuit court judgeships, after today's confirmation, only 11 will remain vacant. We took the vacancy rate Republicans gave us of 18 percent and brought it down to 6 percent. With 166 active appellate judges and 104 senior status judges serving on the Federal courts of appeals, there are 270 circuit court judges. I think that is the most in our history.

In fact, our work has led to a reduction in vacancies in nearly every circuit. Both the Second and Fifth Circuits had circuit-wide emergencies due to the multiple simultaneous vacancies during the Clinton years with Republicans in control of the Senate. Both the Second Circuit and the Fifth Circuit now are without a single vacancy. We have already succeeded in lowering vacancies in the Second Circuit, the Fifth Circuit, the Sixth Circuit, the Eighth Circuit, the Ninth Circuit, the Tenth Circuit, the Eleventh Circuit, the DC Circuit and the Federal Circuit. With the confirmation of Justice Agee, the Fourth Circuit will join that list. Circuits with no current vacancies include the Seventh Circuit, the Eighth Circuit, the Tenth Circuit, the Eleventh Circuit and the Federal Circuit. When we are allowed to proceed with President Bush's nominations of Judge White and Ray Kethledge to the Sixth Circuit, it will join that list of Federal circuits without a single vacancy.

Less than 2 weeks ago, President Bush nominated Judge Glen E. Conrad to the second and final Virginia vacancy on the Fourth Circuit. With the support of Senator WARNER and Senator WEBB, we may still have time this year to proceed to that nomination and resolve another longstanding vacancy, further reducing vacancies on the Fourth Circuit and on Federal circuit courts in general.

I remain determined to prioritize progress and focus the Judiciary Committee on those nominations on which we can make progress and, in particular, on those in which the White House has finally begun to work with the Senate.

However, when I tried to expedite consideration of two Sixth Circuit nominations of President Bush's this month, all I got was criticism from the Republican side of the aisle. In fact, at the hearing on May 7, Republican Senators all but attacked one of the President's nominees. Senator BROWNBACK publicly apologized for his actions at the hearing, and I commend him for doing so. His apology was in the best tradition of the Senate.

Of course, last Wednesday, the same Republicans who were saying hurry up with these nominees sent scores of time-consuming questions to the nominees, all but ensuring the nominees cannot be considered this month. We will not hear them until they answer the questions. We will get the ABA reports.

Disputes over a handful of controversial judicial nominations have wasted valuable time that could be spent on the real priorities of every American. I have sought, instead, to make progress where we can. The result is the significant reduction in judicial vacancies. By turning today to the Agee nomination, we can make additional progress.

The alternative is to risk becoming embroiled in contentious debates for months and thereby foreclose the opportunity to make progress where we can. The most recent controversial Bush judicial nomination took 5½ months of debate after a hearing before Senate action was possible. We also saw what happened during the last several months of the last Congress, which was not even a Presidential election year. There were many hearings on many controversial nominations. That resulted in a great deal of effort and conflict but not in as many confirmations as might have been achieved. I prefer to make progress where we can and to work together to do so.

I am sure there are some who prefer partisan fights designed to energize a political base during an election year, but I do not. I am determined to prioritize progress, not politics, and focus the committee on those nominations on which we can make progress. The Republican Senate majority during the last 5 years of the Clinton administration more than doubled vacancies on our Nation's circuit courts, as they rose from 12 to 26. Those circuit vacancies grew to 32 during the transition to the Bush administration. The statistics are worth repeating: we have been able to reverse that trend and reduce circuit vacancies by almost two-thirds. Today there are fewer circuit court vacancies than at any time since

the 1996 session. In fact, our work has led to a reduction in vacancies in nearly every circuit. We are heading toward reducing circuit court vacancies to single digits for the first time in decades.

I have been speaking during the last several weeks about the progress we are making in repairing the terrible damage done to the confirmation process and about our progress in reducing judicial vacancies.

We can do a number of things. We can work as the White House finally did after three strikes; they finally worked with the Senators from Virginia, and we have a circuit court of appeals judge going through. There are other circuits where they could do the same thing, work with Republican Senators, work with Democratic Senators, and they could get them through. If they want to simply continue and have judges who are obviously nominated to carry out a political agenda, obviously nominated to politicize the Federal court, these people are not going to go through. What a waste of time. Why not realize that the American people do not want judicial nominations rooted in partisan politics? They want Federal judges who understand the importance of an independent judiciary. Our independent courts are a source of America's strength, endurance, and stability. Our judicial system has been the envy of the world. The American people expect the Federal courts to be impartial forums where justice is dispensed without favor to the right or the left or to any political party or faction. The only lifetime appointments in our government, these nominations matter a great deal. The Federal judiciary is the one arm of our government that should never be political or politicized, regardless of who sits in the White House.

With the Agee confirmation today, the sixth so far this year and the second circuit court confirmation, the Senate is ahead of the pace the Republican Senate majority established during the 1996 session, a Presidential election year, in which no judicial nominations were considered or confirmed by the Senate before July. That is right—today we stand six confirmations, including two circuit court confirmations, ahead of the pace Republicans set in the 1996 session. In fact, with the Agee confirmation we are already two circuit court confirmations beyond the total the Republican Senate majority allowed for that entire session, when they refused to proceed on any circuit court nominations.

So today we demonstrate progress about which I have been speaking and on which I have been working. I continue in this Congress and I will continue with the new President in the next Congress to work with Senators from both sides of the aisle to guarantee we have nonpartisan judges.

Justice Agee has 7 years of judicial experience on the State bench as a Justice on the Supreme Court of Virginia and a former judge on the Court of Appeals of Virginia. For more than 20 years prior to his judicial service, Justice Agee worked in private practice in the Commonwealth of Virginia. He was elected by the people of Virginia as a Delegate to the Virginia General Assembly where he served for over a decade. Justice Agee graduated from Bridgewater College with a B.A. and he received his J.D. from the University of Virginia School of Law. He received an L.L.M. degree in taxation from New York University School of Law.

I congratulate Justice Agee and his family on his confirmation today, and I look forward to making further progress by working together on judicial nominations.

The Virginia and Michigan vacancies on the Fourth and Sixth Circuits, respectively, have proven a great challenge. I want to commend Senator WARNER and Senator WEBB, and Senator LEVIN and Senator STABENOW for working to end these impasses. I have urged the President to work with the Virginia and Michigan Senators and, after several years, he finally has. During the last 3 months, our extensive efforts culminated in significant developments that can lead to filling two Virginia vacancies on the Fourth Circuit and two Michigan vacancies on the Sixth Circuit, three of which have been classified as judicial emergencies.

This accomplishment stands in sharp contrast to the actions of Senate Republicans who refused to consider any of the highly qualified nominations to the Fourth Circuit Court of Appeals during the last 3 years of the Clinton administration or to consider any of the highly qualified nominations to the Sixth Circuit Court of Appeals during the last 2 years of the Clinton administration. The Republican Senate majority left open five vacancies on the Fourth Circuit and four on the Sixth Circuit at the end of the Clinton administration.

The Fourth Circuit is a good example of how much time and effort we have wasted on controversial nominations by President Bush. For example, there was the highly controversial and failed nomination of William ''Jim'' Haynes II to the Fourth Circuit. As General Counsel at the Department of Defense, he was the architect of many discredited policies on detainee treatment, military tribunals, and torture. Mr. Haynes never fulfilled the pledge he made to me under oath at his hearing to supply the materials he discussed in an extended opening statement regarding his role in developing these policies and their legal justifications.

The Haynes nomination led the Richmond Times-Dispatch to write an editorial in late 2006 entitled ''No Vacancies,'' about the President's counterproductive approach to nominations in the Fourth Circuit. The editorial criticized the administration for pursuing political fights at the expense of filling vacancies. According to the Times-Dispatch, ''The president erred by renominating . . . and may be squandering his opportunity to fill numerous other vacancies with judges of right reason.''

The Times-Dispatch editorial focused on the renomination of Mr. Haynes, but could just as easily have been written about other controversial Fourth Circuit nominees.

The President insisted on nominating and renominating Terrence Boyle over the course of 6 years to a North Carolina vacancy on the Fourth Circuit. This despite the fact that as a sitting U.S. district judge and while a circuit court nominee, Judge Boyle ruled on multiple cases involving corporations in which he held investments.

The President should have heeded the call of North Carolina Police Benevolent Association, the North Carolina Troopers' Association, the Police Benevolent Associations from South Carolina and Virginia, the National Association of Police Organizations, the Professional Fire Fighters and Paramedics of North Carolina, as well as the advice of Senator JOHN EDWARDS. Law enforcement officers from North Carolina and across the country opposed the nomination. Civil rights groups opposed the nomination. Those knowledgeable and respectful of judicial ethics opposed the nomination. This President persisted for 6 years before withdrawing the Boyle nomination.

I mention these ill-advised nominations because so many Republican partisans seem to have forgotten this recent history and why there are continuing vacancies on the Fourth Circuit. The efforts and years wasted on President Bush's controversial nominations followed in the wake of the Republican Senate majority's refusal to consider any of President Clinton's Fourth Circuit nominees. All four nominees from North Carolina to the Fourth Circuit were blocked from consideration by the Republican Senate majority. These outstanding nominees included U.S. District Court Judge James Beaty, Jr., U.S. Bankruptcy Judge J. Richard Leonard, North Carolina Court of Appeals Judge James Wynn, and Professor Elizabeth Gibson. The failure to proceed on these nominations has yet to be explained. Had either Judge Beaty or Judge Wynn been considered and confirmed, he would have been the first African-American judge appointed to the Fourth Circuit.

In contrast, I worked with Senator EDWARDS to break through the impasse and to confirm Judge Allyson Duncan of North Carolina to the Fourth Circuit when President Bush nominated her. I worked to reduce Federal judicial vacancies in North Carolina by confirming three judges last year Judge Schroeder, Judge Reidinger and Judge Osteen. Previously during the Bush administration, I cooperated in the confirmation of Judge Whitney, Judge Conrad, Judge Dever, Judge McKnight, and Judge Flanagan. That totals nine Federal judges in North Carolina, including a Fourth Circuit judge, during

the Bush Presidency. By contrast, during the entire eight years of the Clinton administration, only one district court judge was allowed to be confirmed in North Carolina.

We have also made progress in South Carolina. Senator GRAHAM follows Senator Thurmond as South Carolina's representative on the Judiciary Committee. Despite the controversy that accompanied the nomination of Judge Dennis Shedd, and my own opposition to it, I presided as chairman when we considered that nomination and when the Senate granted its consent. I also presided over consideration of the nomination of Terry Wooten. More recently, we acted favorably on the nominations of Harvey Floyd and Robert Bryan Harwell.

While I chaired the Senate Judiciary Committee from the summer of 2001 to the end of 2002, I presided over the consideration and confirmation of three Fourth Circuit judges nominated by President Bush. All together, President Bush has already appointed five judges to the Fourth Circuit. By contrast, President Clinton was allowed by Senate Republicans to appoint three and left office with five vacancies existing on that court.

Of course, during the Clinton administration, Republican Senators argued that the Fourth Circuit vacancies did not need to be filled because the Fourth Circuit had the fastest docket time to disposition in the country. If the Agee nomination is confirmed, as I expect it will be, the Fourth Circuit will have fewer vacancies than it did when Republicans claimed no more judges were needed.

Judge Agee will succeed Judge Michael Luttig, who retired a few years ago to take a more lucrative position in the private sector. Judge Luttig was known as a very conservative judge on the Fourth Circuit. He was involved in the Padilla case a few years ago and condemned the shifting legal positions of the Bush administration in that case involving an American citizen. He noted that the Bush administration's maneuvering had consequences ''not only for the public perception of the war on terror but also for the government's credibility before the courts in litigation ancillary to that war.'' Judge Luttig went on to note that the administration's behavior in ''yield[ing] to expediency'' left an impression that ''may ultimately prove to be [at] substantial cost to the government's credibility.'' In those independent observations, Judge Luttig performed a public service.

I have likewise urged the President to work with the Michigan Senators, and, after 7 years, he finally has. Last month, our extensive efforts culminated in a significant development that, unless partisanship interferes, can lead to filling the last two vacancies on the Sixth Circuit before this year ends. This accomplishment stands in sharp contrast to the actions of Senate Republicans who refused to consider any nomination to the Sixth Circuit Court of Appeals during the last 3 years of the Clinton administration. Ultimately, the Republican-led Senate left open four vacancies on that circuit.

Mine has been a different approach and one that has led to significant progress. I am glad to see that progress continue today with our confirmation of the nomination of Justice G. Steven Agee of Virginia to the U.S. Court of Appeals for the Fourth Circuit.

Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, the nomination of Justice Steven Agee is pending for the Court of Appeals for the Fourth Circuit. Justice Agee has an outstanding record; he has been a judge on the Court of Appeals for Virginia for 2 years, from 2001 to 2003, and a Justice on the Supreme Court from 2003 until the present time.

The record of Michael G. McGinn, to be a U.S. Marshal for the district of Minnesota, is also outstanding.

The record of Ralph Eduardo Martinez, to be a Commissioner for the Foreign Claims Settlement Commission, also exceptional, is notable in part because his brother is Senator MEL MARTINEZ.

I ask unanimous consent that their resumes be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MICHAEL G. MCGINN

UNITED STATES MARSHAL, DISTRICT OF MINNESOTA

Birth: 1947; St. Paul, Minnesota.

Legal Residence: Minnesota.

Education: B.A., University of St. Thomas, 1979.

Experience: St. Paul Police Department, St. Paul, Minnesota, 1968–1998: Police Officer, 1968–1975; Sergeant, 1975–1980; Lieutenant, 1980–1984; Captain, 1984–1992; Commander, 1992–1998. Independent Contractor, McGinn & Associates, 1999. State Senator, Minnesota State Senate, 2003–2006; Assistant Minority Leader, 2005–2006.

Selected Activities: Board Member, Boys & Girls Club of St. Paul, 1997–1998. Board Member, St. Paul Police Foundation, 2006–Present. Board Member, Minnesota State Board of Public Defense, 2007–present.

Honors & Awards: Team Achievement Award, City of St. Paul, 1995. Outstanding Legislator, Minneapolis Police Federation, 2004. Seven Department Letters of Commendation. Eight Unit Citations.

RAFAEL (RALPH) EDUARDO MARTINEZ

COMMISSIONER, FOREIGN CLAIMS SETTLEMENT COMMISSION

Birth: 1950; Sagua La Grande, Villa Clara, Cuba.

Legal Residence: Florida.

Education: J.D., Florida State University College of Law, 1976. B.S., University of Florida, 1973.

Employment: Attorney, Gurney, Gurney & Handley, 1976–1981. Shareholder, McEwan, Martinez & Dukes, PA, 1981–Present. Chairman, CNL Bank, 2003–Present.

Selected Activities: U.S. Public Delegate to the 57th UN General Assembly, 2003. Board of Trustees, University of Richmond, 2003–2007.

Honors & Awards: Award of Merit, Orange County Bar Association, 1991, 1992. ''John Sterchi ''Lifetime Achievement Award, Central Florida YMCA, 2000.

G. STEVEN AGEE

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

Birth: 1952, Roanoke, Virginia.

Legal Residence: Virginia.

Education: B.A., Bridgewater College, 1974. J.D., University of Virginia School of Law, 1977. LL.M., New York University School of Law, 1978.

Employment: Associate, Martin, Hopkins & Lemon, P.C., 1977–1979. Associate, Rocovich & Dechow, P.C., 1979–1980. Shareholder, Osterhoudt, Ferguson, Natt, Aheron and Agee, P.C., 1980–2000. Member, Virginia House of Delegates, 1982–1994. Judge, Court of Appeals of Virginia, 2001–2003. Justice, Supreme Court of Virginia, 2003–Present.

Military Service: United States Army Reserve, Judge Advocate General's Corps, 1986–1997.

Selected Activities: Member, Virginia Criminal Sentencing Commission, 1997–2000. Board of Trustees, Bridgewater College, 1988–Present. Member, Salem Rotary Club, 1984–Present; Board of Directors, 1995–1996. Board of Directors, Bradley Free Clinic, 1988–Present. Recipient, Outstanding Legislator Award, Virginia Chamber of Commerce, 1993. Recipient, Outstanding Young Alumnus Award, Bridgewater College, 1986. Member, Virginia State Bar, 1977–Present; Member, Board of Governors, Education of Lawyers Section, 2007–Present. Member, St. Paul's Episcopal Church, 1995–Present; Member of Vestry, 1998–2000.

ABA Rating: Unanimous ''Well Qualified''.

Mr. SPECTER. Mr. President, I will use the balance of my time on the pending issue to discuss the agreement made between the Democratic and Republican leaders to have three circuit judges confirmed before Memorial Day. The concerns, which I expressed at some length yesterday, but will summarize very briefly today, are that there simply has been insufficient time to process the nominees the majority chose according to standard Committee procedures. I refer specifically to the nomination of Michigan Court of Appeals Judge, Helene White, who was nominated on April 15, with only 22 days elapsing between the time of her nomination and her hearing.

The average time between a circuit court nominee's nomination and hearing has been 162 days during the Bush presidency. When a hearing was scheduled for Peter Keisler 33 days after his nomination, there was an objection made by all of the Democratic Senators on the Committee. This happened in 2006. At Mr. Keisler's hearing Senator SCHUMER had this to say:

> Let me reiterate some of the concerns we expressed about proceeding so hastily on this nomination. First, we barely had time to consider the nominee's record. Mr. Keisler was named to the seat 33 days ago, so we are having this hearing with astonishing and inexplicable speed. The average time for a nomination to hearing for the last seven nominees to that court is several times that long.

Well, the nomination of Peter Keisler was much easier with respect to the

pending record than the record for Judge White who has been on the bench for many years.

First, an issue arose with Judge White because her questionnaire was incomplete. For example, she did not provide reversed opinions that had not been published, as required. During the course of the hearing, there was considerable concern about what Judge White had done while sitting on the Michigan court with respect to the soundness of her judicial scholarship. Then, yesterday, an objection was raised by Senator REID that so many questions were submitted for Judge White. However, the fact is, the number of questions is relatively modest by comparison—73 questions for Judge White. Last year, Judge Jennifer Elrod, nominee to the Fifth Circuit, had 108 questions submitted by the Democrats. Last year, Judge Leslie Southwick had 80 questions submitted by Democrats. Grace Becker, a nominee for the Department of Justice, Civil Rights Division, had 250 questions submitted by the Democrats. These are just a few examples. So the number Judge White received is relatively modest in comparison to others.

Next, you have the situation that there is the absence of the report of the American Bar Association, which is still not in on Judge White, and is not expected until the end of the month.

It is unprecedented to have a hearing on a circuit judge without having the ABA report in hand—absolutely unprecedented.

Yesterday, I spoke at some length about the importance of a court of appeals judge. The courts of appeals are the last appeal before the Supreme Court, meaning that in virtually all of their cases, their decisions are final. If there is a 2-to-1 decision and Judge White is one of the two in the majority, then that is the law, and it has very profound effects. So, it is a very serious obligation of the Senate, under our constitutional responsibility, to advise and consent, and to be sure we take adequate time for deliberation on the matter.

The concern that I expressed yesterday, and will comment on very briefly today, is that there were other nominees waiting who could have been processed in this time without this rush to judgment and without this unprecedented practice. For example, Peter Keisler has had a hearing and has been waiting over 690 days for a committee vote. He could have been processed without this rush to judgment. Judge Conrad has been waiting for 308 days for a hearing and could have been processed without this rush to judgment. Steven Matthews has been waiting 257 days and could have been processed without this rush to judgment.

There were ample nominees available. The majority did not have to proceed with Judge White's nomination. Yesterday, the Senator from Nevada commented that nobody presumed to tell ARLEN SPECTER, when I was chairman of the Judiciary Committee, what the scheduling should be or what the order of business should be. But, as I pointed out at some length yesterday, the White House wanted to have the hearing on Chief Justice Roberts starting in August of 2005. I consulted with Senator LEAHY in advance. He objected to it. I thought he was right. I, frankly, thought he was right in advance of consulting him, but I still consulted him. The hearing didn't start until September. Similarly, the White House wanted to have the hearing of Justice Alito concluded before Christmas. I consulted with Senator LEAHY again, and Justice Alito's hearing started in January. Later, the President told me personally that he thought my judgment was right.

The point I raise is—there was always consultation when I was chairman. But, on these matters, regrettably, there has been none. It is still my hope that we will be able to find some way through this morass. Senator LEAHY and I have had a very good record of working on a bipartisan basis. It is my hope that we will establish a protocol for consideration of judicial nominees that so many days after a nomination, there will be a hearing, then so many days later, there will be action by the Judiciary Committee, and then so many days later, there will be floor action. That protocol would prevent this morass, which has engulfed this Senate. I look forward to working with Senator LEAHY to accomplish that.

On the state of the record, I feel constrained to say that the facts speak for themselves. Processing Judge White in this manner, breaking all of the precedents and rules, is simply not the way to conduct the business of the Senate. The deal could have been completed with the other nominees who are waiting in the wings. That is the way the Senate ought to function.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I yield myself 3 minutes.

First, let me express my support for Judge Agee's confirmation. I had the opportunity to chair Judge Agee's confirmation hearing. I thank Senator WARNER and Senator WEBB for the manner in which they worked with the White House to get an appointment that could go through the confirmation process, and one which I hope my colleagues will support.

I support Judge Agee because of his experience. I am pleased he has legislative experience. I think that will help him on the court. He respects the rule of law and precedents, and he believes in the independence of the judiciary. He has expressed concerns at times with political interference within the judicial branch of Government. I think he is well qualified to be confirmed to the circuit court.

Let me comment very briefly on the comment made by my colleague, Senator SPECTER. Let me point out that Judge White was first appointed on January 7, 1997. She then waited 4 years for action in this body and received none because of being held up by the Republicans. So when we say we are ''rushing to judgment,'' I think waiting 4 years without any action is not rushing to judgment. It seems as though the majority leadership is being criticized at times for moving too fast and also too slow. You cannot have it both ways.

In regard to circuit court appointments, there have been three I have opposed—two because of lack of experience, and one because of his record. I was joined by other Members who opposed those nominations. None of us sought to delay those confirmation votes. In fact, on one, the Republican leadership asked that we hold the confirmation vote in committee until they could get some more support.

So I think you should be judged by the record. Let me point out the record very clearly. If you look at the record on vacancies in circuit courts, starting with President Clinton, there was 17. At the end of his term, it grew to 32. The record by the Democrats has been consistent to reduce that so that we now have 12 vacancies. I think the record speaks for itself.

Obviously, we want to get as many judges confirmed as possible. I hope we can work in a bipartisan manner to make sure these vacancies are filled. If the White House would work with the local Senators and with us, I think we can get more confirmations to our circuit courts.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized.

## LEGISLATIVE SESSION

Mr. SCHUMER. Mr. President, I ask unanimous consent the Senate resume legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## FAIR CREDIT REPORTING ACT AMENDMENTS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4008, which was received from the House.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4008) 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.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the bill be

read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 4008) was ordered to a third reading, was read the third time, and passed.

Mr. SCHUMER. Mr. President, I am glad we have just passed H.R. 4008. I thank all of my colleagues and Representative MAHONEY in the House, who authored the Credit and Debt Card Receipt Clarification Act. I introduced an identical bill on the Senate side, which was S. 2978. The House passed this bill last week by the unanimous vote of 407 to 0.

H.R. 4008 is a narrow, commonsense bill that will smooth the transition to new rules for printing credit card receipts under the Fair and Accurate Credit Transaction Act, or FACTA.

FACTA says the credit card receipts can only display one of two things: either the last five digits of the credit card account number or the expiration date.

Unfortunately, the law was not as clear as it could have been, and many companies misunderstood this requirement. They redacted account numbers in order to comply with FACTA but mistakenly left expiration dates in place.

But unlike the State laws after which it is modeled, FACTA is tied to a statutory damages provision that sparked the filing of hundreds of class action lawsuits against companies whose sole error was printing expiration dates on receipts.

Let's be clear. These lawsuits are not alleging that consumers were harmed in any way. I will repeat that. The lawsuits are not alleging that consumers were harmed in any way. In fact, experts on identity theft will tell you that printing the expiration date doesn't present any risk of fraud or identity theft, as long as the account number is truncated.

Yet companies are facing sky-high liability of up to $1,000 per receipt. Some of them are large retail businesses; most of them are small mom-and-pop stores. The damages in these cases are so huge that judges have refused to certify class actions because the lawsuits could actually destroy the companies—small and large.

The long list of defendants in these cases includes many major corporations—we have all heard of the hotels, restaurant chains, et cetera—as well as little mom-and-pop stores.

It is fair to say that these lawsuits will actually hurt consumers because companies will be forced to raise prices, or even close stores, in order to cover the cost of legal fees and expensive settlements. This is at a time when our economy and businesses—particularly those dealing with retail—are already struggling to rebound from tough times.

So the bill is a win-win proposition for everyone. It stops destructive lawsuits against companies that made a harmless error in the past, but it also ensures that consumers can still sue in any case where they were actually harmed.

Going forward, companies will still have to meet the same strict rules Congress originally passed in fact. I am glad the Senate was able to take quick action on this important bill.

## EXECUTIVE SESSION

Mr. SCHUMER. Mr. President, I now ask unanimous consent that the Senate resume executive session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Florida.

Mr. MARTINEZ. Mr. President, I wish to speak on the executive business of the Senate. I am proud today to speak on behalf of my brother, Ralph Martinez, who has been nominated by the President.

The ACTING PRESIDENT pro tempore. The minority has no time remaining.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that I be allowed 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, my brother, Ralph Martinez, has been nominated by the President to be a member of the Foreign Claims Settlement Commission of the United States.

I am extremely proud of Ralph. He is someone, such as myself, who has adopted this country as his own and who, after the struggles of all immigrants, succeeded in life. He is the proud father of three wonderful children and has raised a wonderful family. He also has excelled in the practice of law in central Florida. I am delighted he is going to have an opportunity to serve this Nation in this very important capacity.

I am also delighted to thank Leader REID and Leader MCCONNELL for expediting his confirmation, as well as Chairman LEAHY and Ranking Member SPECTER for their courtesies throughout this process for Ralph Martinez.

I know he will serve this Nation well. I am proud to second his nomination and urge the Senate to confirm him swiftly.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Will the Senator withhold?

Mr. MARTINEZ. Yes.

## RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

## EXECUTIVE SESSION

## NOMINATION OF MICHAEL G. McGINN TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MINNESOTA, RALPH E. MARTINEZ TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES, AND G. STEVEN AGEE TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH DISTRICT—Continued

The PRESIDING OFFICER. Under the previous order, there will be 15 minutes equally divided and controlled between the senior Senator from Virginia, Mr. WARNER, and the junior Senator from Virginia, Mr. WEBB, or their designees.

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I will take the time allotted on the Democratic side to Senator WEBB.

Mr. President, we have heard the sad news about our friend TED KENNEDY. Those of us who stood by his side know that there is no better ally and no more determined fighter. Now, as TED KENNEDY faces another great fight, we know he will bring the same courage and determination to the battle. We also know TED has spent his entire life caring for those in need. It is time for those of us who love TED and his family to care for them and join in prayer to give them strength.

Mr. President, at 2:30 we will consider the nomination of Steven Agee of Virginia to serve on the U.S. Court of Appeals for the Fourth Circuit. It is a lifetime appointment. He is a consensus nominee. Both Senators WARNER and WEBB support him. Of the 11 appellate court nominees pending before the Senate, only 6 can claim the same home State Senator support. That is one of the reasons some of them have been delayed. If we work more toward bipartisan consensus, more nominations would be approved.

Also, it is difficult to hear criticisms that these nominations have been delayed. The Republican minority has delayed so many bills and so many matters in this Congress, they have set a new record for filibusters and delay. That is a fact.

The Senate has confirmed 303 judges for lifetime appointments during the Bush Presidency. President Bush has had 86 percent of his judicial nominees confirmed; President Clinton, only 75 percent. When it comes to circuit court nominees, President Bush has even had a higher confirmation rate than President Clinton—71 percent to 57 percent. There has been no mistreatment here when it comes to the nominees sent to us by the Bush White House. Under

President Clinton, 61 judicial nominees were not even given the courtesy of a hearing and a vote.

One of the problems that faces the analysis on the Republican side is that there have been fewer judicial vacancies. President Clinton had 377 judges confirmed; President Reagan, 382, but at the present time, with the 303 already confirmed, if every vacancy were filled—every one of them—then President Bush would have fewer than President Clinton or President Reagan had confirmed. In other words, the fact that President Bush will have appointed fewer judges than his predecessors is a function of math, not political mischief.

Another complaint we have heard from my Republican colleagues is that we are moving on Sixth Circuit nominee Helene White ahead of three circuit court nominees whom they would prefer. Senator LEAHY, chairman of the Judiciary Committee, and the majority leader have already addressed this point, but I think the record should be abundantly clear. Helene White was originally nominated in January 1997 and was pending as a Clinton nominee for 1,532 days—over 4 years—until March 2001. You can even argue that she has been pending for over 11 years. So in terms of a place in line, she certainly deserves consideration for her patience.

I hope these battles will be resolved and resolved soon, but most importantly I hope they are resolved with good men and women who come to these lifetime appointments with the appropriate background and appropriate temperament to serve this Nation well. I hope the Senate will join on a bipartisan basis in approving this afternoon's pending nomination.

I reserve the remainder of my time.

Mr. WEBB. Mr. President, today it is my distinct pleasure to offer my support—along with my colleague, Senator WARNER—for the nomination of Justice G. Steven Agee to be a judge on the U.S. Court of Appeals for the Fourth Circuit.

Justice Agee is regarded as a jurist of superior intellect and judicial temperament who exhibits the highest degree of integrity and professionalism. After graduating law school, Justice Agee began his legal career as an associate with Martin, Hopkins & Lemon, 1977 to 1979. In 1979, Justice Agee joined Rocovich, Dechow, Parvin & Wilson, P.C., where he did additional work as an associate. From 1980 to 2000 Justice Agee was a shareholder and director with Osterhoudt, Ferguson, Natt, Aheron & Agee. In 2001, Justice Agee began serving as a judge on the Court of Appeals of Virginia and has been a justice on the Supreme Court of Virginia since 2003.

Justice Agee has unparalleled support from the entire legal community in the Commonwealth of Virginia. Justice Agee served for 12 years in the Virginia House of Delegates—1982 to 1994—and served as an appointed member of the Virginia Criminal Sentencing Commission, 1997 to 2000. The ABA Standing Committee on the Federal Judiciary has rated Justice Agee ''well qualified'' to sit on the U.S. Court of Appeals for the Fourth Circuit. He is active in myriad community and civic organizations. Justice Agee received his B.A., magna cum laude, from Bridgewater College in 1974, his J.D. from the University of Virginia School of Law in 1977, and his L.L.M. in Taxation from New York University School of Law in 1978. He is married to Nancy Howell Agee, the chief operating officer and executive vice president of Carilion Clinic, and together they have one child.

I am acutely aware of the vitally important role that the Constitution assigns to the Senate in the advise and consent process related to Federal judges. Judgeships on our Nation's Circuit Courts of Appeal are critical to the American system of jurisprudence. Senator WARNER and I undertook a careful and deliberative process to find the most qualified nominees. Our collaborative process involved a thorough records review and rigorous interviews. We are of the opinion that Justice Agee not only met our high standards for selection but exceeded them. Justice Agee was on the joint list of recommended nominees that we submitted to President Bush last year. We are pleased that President Bush has chosen to respect our diligent bipartisan work.

I want to thank you for the opportunity to make these remarks about Justice Agee today and for the expeditious way the Senate has moved his nomination through the process during the 110th Congress. Again, it is with pride that I join Senator WARNER in commending Justice Agee to each of my colleagues in the Senate, and I ask my fellow Senators to vote to confirm his nomination to the U.S. Court of Appeals for the Fourth Circuit.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, how much time remains that is controlled by the Senator from Vermont?

The PRESIDING OFFICER. The Senator has 3 minutes 40 seconds remaining.

Mr. LEAHY. Mr. President, I yield myself 30 seconds.

I would note, in all these numbers, we Democrats have worked very hard to erase what was done by the Republicans when there was a Democratic President. They pocket filibustered over 60 of President Clinton's nominees. They let one go through—actually voted for him in committee, one of the most distinguished African-American jurists in this country. Then, in lockstep, every single Republican voted against him—a humiliation for him. He went on to become chief justice of the Missouri Supreme Court.

We have not done that.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. WARNER. Mr. President, I rise to express my strong support for an extraordinary nominee to the federal bench. I welcome the opportunity today to vote in favor of confirmation for the Honorable G. Steven Agee to a seat on the U.S. Court of Appeals for the Fourth Circuit.

Justice Agee currently serves with distinction on the Supreme Court of Virginia. It was my privilege to introduce him to the Senate Judiciary Committee on May 1, and, as I expressed to the committee, Justice Agee's qualifications to serve on the Fourth Circuit are as impressive as any circuit court nominee for whom I have voted in my 30 years in the Senate.

Further, I am pleased to note that the American Bar Association concurs with my assessment of this nominee. The ABA gave Justice Agee its highest recommendation: unanimously well-qualified.

Justice Agee's nomination is a product of a collaborative process between the administration and Virginia's two U.S. Senators. In early 2007, Senator WEBB and I personally, extensively interviewed more than a dozen individuals to serve on the Fourth Circuit, and ultimately, in June 2007, we submitted to the President a list of five individuals that both of us would strongly support for confirmation. Justice Agee was one of those five individuals.

A magna cum laude graduate of Bridgewater College in Virginia, Steve Agee subsequently earned his law degree from the University of Virginia School of Law and an L.L.M. in Taxation from New York University. For the past 30 years, he has been engaged in the Virginia legal community as either a practicing lawyer or as a jurist.

In addition to his remarkable legal career, Justice Agee has been actively engaged in public service through the military, elected office, the state bench, and other civic and volunteer causes.

For 11 years during his career in private practice, he served in the U.S. Army Reserve, Judge Advocate General Corps, completing his service at the rank of major in 1997.

From 1982 to 1994, Steve Agee was a member of the Virginia House of Delegates, representing the city of Salem; the Counties of Craig, Montgomery, and Roanoke; and the towns of Christiansburg, New Castle, and Vinton to Virginia's General Assembly.

In 2000, the Virginia General Assembly unanimously confirmed Steve Agee to the Virginia Court of Appeals. In January 2003, the General Assembly once again unanimously confirmed Judge Agee—this time to one of seven seats on the Virginia Supreme Court.

For many years, he has been a member of the Board of Trustees for Bridgewater College; a member of the Board of Directors for the Bradley Free Clinic of Roanoke; a member of the Salem Rotary Club; and he has also contributed his time to the Western Virginia Foundation for the Arts and Sciences

and the Governor's Regional Economic Development Council for the New Century Region.

Justice Agee is obviously a very accomplished American. I appreciate the Senate Judiciary Committee's prompt consideration of this nominee, as the seat to which he has been nominated is designated as a judicial emergency by the Administrative Office of the United States Courts.

I am confident that Justice Steve Agee will serve on the Fourth Circuit with distinction, and I urge my colleagues to join me in voting in favor of his confirmation today.

I see my colleague. I would like to add just one more word, if I may.

We just received the news with regard to a dearly beloved Member of this Chamber, Senator KENNEDY of Massachusetts. It has been my privilege to know the Kennedy family for many years. In 1949, when I went to the University of Virginia Law School, his brother Bobby was there. I first met TEDDY KENNEDY in conjunction with the things we did in those days at Virginia Law School. We have been very close friends all these ensuing years.

I send forth my prayers for his recovery. You know, as Churchill once said in the darkest days of the Battle of Britain: Never, never, never give in. Those are the words that I know to be in TED KENNEDY's mind now. He will take on this challenge. How many times have we been privileged, in this Chamber, to listen to our colleague speak from that back row? He really doesn't need the microphone; his voice resonates to the rafters in this Chamber. That great strength that propels his voice to reverberate throughout the Senate Chamber will be the same strength that he will draw upon again in his recovery, for which we all pray.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, just before entering the Chamber, I heard the devastating news about Senator KENNEDY's diagnosis with a malignant brain tumor. I have been there. A few years back, I was diagnosed with a malignant brain tumor and given 3 to 6 weeks to live.

I note in the press release that it says:

> How well patients fare depends on what specific tumor type is determined by further testing.

The diagnosis for me, for a malignant brain tumor, turned out to be incorrect.

I note Senator KENNEDY will be receiving chemotherapy and radiation. I know something about chemotherapy myself. I am in the middle of it right now for Hodgkin's.

But Senator KENNEDY is a real fighter. We all know that. I am betting on Senator KENNEDY. He has been such a champion on so many causes—civil rights, health, education, labor reform, and the judiciary, where he served as chairman of the Senate Judiciary Committee with great distinction.

It would be my hope that what has happened today would provide some motivation for both parties to find a bipartisan way to cross the aisle and to stop the bickering which has characterized the confirmation process for so many years. Senator KENNEDY has been an example, a shining example. He has crossed the aisle and sponsored so many legislative enactments. I have had the opportunity to cosponsor the Kennedy-Specter bill, for example, on hate crimes and the civil rights bill that has been so often cited.

I have said all I had to say about the current matter. I spoke at length yesterday and again today on Justice Agee. There is no doubt he is well qualified—the other two nominees are as well.

When you cite the statistics, you can cite them both ways. You can cite them in all directions. When you talk about fault, it is equal; the blame is on both sides. The conduct of both parties in this Chamber has been disgraceful in the last 20 years—both sides, first one side and then the other, and each time it exacerbates.

I worked very closely with Senator LEAHY over the years, and we have had some real bipartisan agreements. My hope is that he and I can get together again and find a way to solve this partisan morass and to establish a timetable that once a nomination comes in, so many days later, there is a hearing; so many days later, it comes out of committee; and so many days later, it comes to the floor.

In the middle of the battle over this so-called deal, which I have spoken on at length yesterday and today, the news of what has happened with Senator KENNEDY perhaps will give us some motivation to follow Senator KENNEDY's lead.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I rise principally to associate myself with the remarks of Senator WARNER, our senior Senator from Virginia, and to recommend to this body the qualifications of Steven Agee for this position and to emphasize that I believe Senator WARNER and I have been able to accomplish some things in the last year and a half that I hope we can sort of spread out in a broader way to the body here. We found the issues on which we can work together in terms of governing this country in a responsible way. The judicial nominees are one of them. We have worked not only closely together, we worked in the same room, interviewing people who would be potential judges, recommending them jointly to the White House, and supporting them thereafter.

I highly recommend this candidate.

I also would like to take a moment and associate myself with the remarks of others who expressed their concern about Senator KENNEDY. He is truly a lion of the Senate.

Incidentally, I wish to also express my profound respect for the senior Senator from Pennsylvania for the way he has addressed his own health challenges over the years and the example he has set for all of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, may I say to my distinguished colleague, the junior Senator from Virginia, and my partner, I thank him so much for the way in which, from the moment he has arrived at the Senate, we have worked together on behalf of the interests of our Nation and our State. I think this is a very clear manifestation of how two Senators of different parties can come together and find that candidate they judge to be eminently qualified to serve—not only the State of Virginia but the other States served by the Fourth Circuit. As we know, circuit court opinions are binding on a wide realm of cases throughout the Nation.

I thank my colleague from Virginia for his participation with me as a full partner in bringing this nomination to the floor.

Mr. WEBB. I thank the Senator. I thank him also for the leadership and example he has set for this body over the 30 years.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. One and one half minute remains for Senators to speak.

Mr. LEAHY. Mr. President, I sat here, discussing with the distinguished ranking member, Senator SPECTER, health matters. Senator SPECTER is a longtime friend. He has gone through some terrible health issues. We were discussing that. I will not go further into that because it was a private conversation, except that he knows how much I pray for his well-being and his continued health.

I would also say I thank Senator WARNER and Senator DURBIN and Senator SPECTER and others for what they said about Senator KENNEDY.

We in New England especially feel extraordinarily close to Senator KENNEDY. I have known him for more than a third of a century. We have all heard bad news on the Senate floor. This is one of the most difficult things I have heard in my 34 years here. I said to the people in my office, this is one of the worst days I have spent in the Senate, to hear this news.

Marcella and I will keep not only Senator KENNEDY but his wonderful family in our prayers and will continue to pray for a full recovery.

The PRESIDING OFFICER. There is 22 seconds remaining under the control of the minority.

Mr. GREGG. I yield back the time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

The question is, Will the Senate advise and consent to the nomination of G. Steven Agee, of Virginia, to be U.S. circuit judge for the Fourth Circuit?

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 136 Ex.]

YEAS—96

| | | |
|---|---|---|
| Akaka | Dole | McConnell |
| Alexander | Domenici | Menendez |
| Allard | Dorgan | Mikulski |
| Barrasso | Durbin | Murkowski |
| Baucus | Ensign | Murray |
| Bayh | Enzi | Nelson (FL) |
| Bennett | Feingold | Nelson (NE) |
| Biden | Feinstein | Pryor |
| Bingaman | Graham | Reed |
| Bond | Grassley | Reid |
| Boxer | Gregg | Roberts |
| Brown | Hagel | Rockefeller |
| Brownback | Harkin | Salazar |
| Bunning | Hatch | Sanders |
| Burr | Hutchison | Schumer |
| Byrd | Inhofe | Sessions |
| Cantwell | Inouye | Shelby |
| Cardin | Isakson | Smith |
| Carper | Johnson | Snowe |
| Casey | Kerry | Specter |
| Chambliss | Klobuchar | Stabenow |
| Coburn | Kohl | Stevens |
| Cochran | Kyl | Sununu |
| Coleman | Landrieu | Tester |
| Collins | Lautenberg | Thune |
| Conrad | Leahy | Vitter |
| Corker | Levin | Voinovich |
| Cornyn | Lieberman | Warner |
| Craig | Lincoln | Webb |
| Crapo | Lugar | Whitehouse |
| DeMint | Martinez | Wicker |
| Dodd | McCaskill | Wyden |

NOT VOTING—4

| | |
|---|---|
| Clinton | McCain |
| Kennedy | Obama |

The nomination was confirmed.

NOMINATIONS OF MICHAEL G. MCGINN AND RALPH E. MARTINEZ

The PRESIDING OFFICER. Under the previous order, Calendar Nos. 537 and 538 are confirmed, and the motion to reconsider is considered made and laid upon the table.

Under the previous order, the President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

Who seeks recognition?

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

Mr. ENZI. I ask unanimous consent that the order for the quorum call be rescinded.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue the call of the roll.

The assistant legislative clerk continued with the call of the roll.

Mr. ENZI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NATIONAL DAY OF THE AMERICAN COWBOY

Mr. ENZI. Mr. President, I rise to talk about one of the great icons of the American West, the cowboy. The cowboy is an enduring symbol of strong character, honesty, integrity, respect, and patriotism. I am proud to carry on a tradition started by my late colleague and friend, Senator Craig Thomas, by sponsoring S. Res. 483 which honors the men and women called cowboys, designating July 26, 2008, as the national day of the American cowboy. I am an accountant and one of the few elected officials from Wyoming who isn't known for riding a horse. But when anyone mentions my home State, the first image that comes to mind is a cowboy and a horse.

For many of us in the Senate, no one fits that image as well as my friend Craig Thomas. As he went through his leukemia treatments and still worked, he showed us what it was to cowboy up, to focus around pain, and to do the job at hand. Having lived in Wyoming most of my life, I have gotten to know the best cowboys in our country, and Craig surely showed us what it meant to be a cowboy.

When Senator Thomas first began the tradition of designating a National Day of the American Cowboy in 2005, he told us ''Cowboys come in any age, race, marital status, and gender.'' He knew the cowboy spirit was not about getting dressed in cowboy boots and a cowboy hat. He said:

> Trying to define a cowboy is like trying to rope the wind, but you certainly recognize one when you see one.

We all recognized the cowboy spirit in Craig. It is about strength of character, sound family values, courage, respect, and good common sense.

Since it was first established in 2005, the National Day of the American Cowboy has been celebrated at rodeos across the Nation, including Cheyenne Frontier Days, known as the ''daddy of 'em all.''

Senator Thomas would find me remiss if I did not invite all of you to Cheyenne Frontier Days at the end of July—or call my office to know about other rodeos in our State.

Sadly, Senator Thomas passed away after finishing the resolution for the National Day of the American Cowboy last year. But I am proud to continue the tradition he started to recognize the accomplishments and contributions of all American cowboys.

The cowboy way of life has been passed down for generations, since the first cowboys settled the American West. They were true pioneers who came west to settle an untamed frontier. Many of the cow towns that sprung up around the cattle business when the West was being settled are still there now. They continue to live their western heritage.

The first cowboys relied on hard work and persistence and loyalty to make their living in a tough country. Today's cowboys have not changed all that much from when the first wranglers and ranch hands started herding cattle on the Great Plains. Today's cowboys continue to rope and ride across the United States. There are about 720,000 ranchers in our Nation. They live and work in every State to manage nearly 100 million cattle. They are an integral part of Wyoming and many other Western States, and they undoubtedly improve our way of life.

Now, you can be assured that cowboys work hard, but they also play hard. Rodeo is a sport that tests skill with a rope or challenges a cowboy's ability to stay on the back of a bucking rough stock for 8 long seconds. One of the best parts of watching a rodeo is seeing the amazing partnership between the cowboy and the horse. Rodeos across the Nation, from big events such as Cheyenne Frontier Days and the National Finals Rodeo in Las Vegas, to weekly jackpots in rural communities such as Kaycee or Cody, WY, attract more than 27 million fans annually, making rodeo one of the most watched sports in America. The Professional Bull Riders circuit, with its TV coverage, has expanded the audience dramatically.

The cowboy legend still lives in our culture and our imaginations. John Wayne made cowboys larger than life in movies such as ''How the West Was Won'' and ''She Wore a Yellow Ribbon,'' and ''The Cowboys.'' Gene Autry, Roy Rogers, and Dale Evans entertained millions with their music, television, and movies, and Louis L'Amour's cowboy stories are read across the country. Audiences today continue to enjoy western novels, cowboy movies, and country music.

We look up to cowboys because they are examples of honesty, integrity, character, patriotism, and self-reliance. Cowboys have a strong work ethic, they are compassionate, and they are good stewards of the land. We look to cowboys as role models for how to live up to the best American qualities.

Craig Thomas told us that those of us from the West could always feel at home in Wyoming because we know it is, and always will be, cowboy country. I am proud to be from a State that continues to live the cowboy tradition every day. Their contributions have helped shape what it means to be an American and have created a high standard we can all strive to meet.

Senator Thomas left some big cowboy boots to fill, and I am proud to be able to continue his tradition of recognizing the many contributions cowboys have made to our country as we designate July 26 as National Day of the American Cowboy for 2008.

I thank Senator Thomas for living the legend and involving us and America.

I have a unanimous consent request to read.

Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to S. Res. 482.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 482) designating July 26, 2008, as ''National Day of the American Cowboy.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. ENZI. 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. 482) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 482

Whereas pioneering men and women, recognized as ''cowboys'', helped establish the American West;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy spirit exemplifies strength of character, sound family values, and good common sense;

Whereas the cowboy archetype transcends ethnicity, gender, geographic boundaries, and political affiliations;

Whereas the cowboy is an excellent steward of the land and its creatures, who lives off of the land and works to protect and enhance the environment;

Whereas cowboy traditions have been a part of American culture for generations;

Whereas the cowboy continues to be an important part of the economy through the work of approximately 727,000 ranchers in all 50 of the United States that contribute to the economic well-being of nearly every county in the Nation;

Whereas annual attendance at professional and working ranch rodeo events exceeds 27,000,000 fans and rodeo is the 7th most-watched sport in the Nation;

Whereas membership and participation in rodeo and other organizations that promote and encompass the livelihood of a cowboy span every generation and transcend race and gender;

Whereas the cowboy is a central figure in literature, film, and music and occupies a central place in the public imagination;

Whereas the cowboy is an American icon; and

Whereas the ongoing contributions made by cowboys and cowgirls to their communities should be recognized and encouraged: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates July 26, 2008, as ''National Day of the American Cowboy''; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. ENZI. Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

## SENATOR TED KENNEDY

Mr. REID. Mr. President, first of all, let me say this, before we get into Senate business. I made some remarks outside the Senate Chamber, as I always do, following our Tuesday caucus. I had with me Senator CHRIS DODD and Senator JOHN KERRY. The purpose of our being there was to talk about Senator KENNEDY; and we did that.

Amidst the politics and partisanship that takes place in the Senate, the casual observer may not realize how the Senate is a family. We are 100 men and women who work hard during the day, each of us doing our very best to make the country a better place. We argue, we debate, but we approach each other with deep respect and friendship.

That is why, in the heat of battle, I always refer to my Republican counterpart as my friend. That is just not something we do for protocol. That is because MITCH MCCONNELL is my friend. We say that as we proceed through our debates.

But just as we, as Senators, celebrate joyous occasions—birthdays, weddings, new children and grandchildren—we also face hardship together.

Today, we learned the concerning news about our friend, an American icon, an American legend, Senator TED KENNEDY. I know I speak for every Senator that our thoughts and prayers are with TED and his family.

I had a conversation on the floor with Senator MCCONNELL. He told me during the Republican caucus today they paused to say a prayer for Senator KENNEDY, as we did in our caucus.

One of Senator KENNEDY's brothers was killed in combat in World War II. Of course, we all know his brother, President Kennedy, was assassinated. We all know Attorney General Robert Kennedy, Senator Robert Kennedy, was assassinated.

As I said outside, the thing I remember and will always remember about Senator TED KENNEDY is the speech he gave at his brother's funeral. I was not a Member of Congress at that time, but I watched on national television the speech he gave. It was remarkable what he said and how he delivered it. I will never forget that.

But in addition to that, we know one thing—all of us who know TED KENNEDY—he is a fighter. We have heard this lion roar on the Senate floor on so many occasions. His work ethic is unsurpassed. His effectiveness is legendary. The challenge Senator KENNEDY now faces will not be easy, but I think no one is more prepared to fight and beat it.

I spoke at 1 o'clock to Vicki, his wonderful wife, and she said he has approached this like he does everything: with determination that he is going to beat it. She said he has a bounce in his step today that he has not had in a long time.

So he is in good spirits. He is full of energy. If TED happens to be watching on C–SPAN, I want him to know all his brothers and sisters in the Senate are thinking of him, cheering, and praying for him.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, the Republican conference, at noon today, paused for a prayer for our friend and colleague, TED KENNEDY. As the majority leader has indicated, we are, in spite of our political differences, one large family.

Senator KENNEDY enjoys great respect and admiration on this side of the aisle. He is, indeed, one of the most important figures to ever serve in this body in our history, and Republican Senators recognize that as well.

On a personal basis, he came down to the University of Louisville, at my request, a couple years ago to speak to students and the general public on the campus. It was a speech of Presidential quality. He knew I had been an intern in the office of Senator John Sherman Cooper, who represented my State in the Senate for almost 20 years and who was a fast friend of his brother, President Kennedy, and of his. He brought down with him to U of L that day a framed picture of his brother with Senator Cooper, carefully inscribed at the bottom with the most appropriate inscription you can imagine. He did not miss a thing.

Our prayers go out to Vicki and to the family.

On behalf of every member of the Republican conference of the Senate, I say to you, TED, you enjoy our admiration and our respect, and our wishes for a speedy recovery.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

## MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2008

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 2642, the supplemental appropriations bill.

The PRESIDING OFFICER. The clerk will report the message.

The assistant legislative clerk read as follows:

H.R. 2642

*Resolved*, That the House agree to the amendment of the Senate to the bill (H.R. 2642) entitled ''An Act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes'', with the following House amendments to Senate amendment:

**(1)** Page 60 of the Senate engrossed amendment, after line 3, insert the following:

*TITLE X—POLICY REGARDING OPERATIONS IN IRAQ*

*SENSE OF CONGRESS REGARDING UNITED STATES MILITARY PERSONNEL*

*SEC. 10001. It is the sense of the Congress that the performance of United States military personnel should be commended, their courage and*

*sacrifice have been exceptional, and when they come home, their service should be recognized appropriately.*

UNITS DEPLOYED FOR COMBAT TO BE FULLY MISSION CAPABLE

*SEC. 10002. (a) The Congress finds that it is the policy of the Department of Defense that units should not be deployed for combat unless they are rated ''fully mission capable''.*

*(b) None of the funds made available in this or any other Act may be used to deploy any unit of the Armed Forces to Iraq unless the President has certified in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate at least 15 days in advance of the deployment that the unit is fully mission capable in advance of entry into Iraq.*

*(c) For purposes of subsection (b), the term ''fully mission capable'' means capable of performing assigned mission essential tasks to the prescribed standards under the conditions expected in the theater of operation, consistent with the guidelines set forth in the DoD Directive 7730.65, Subject: Department of Defense Readiness Reporting System; the Interim Force Allocation Guidance to the Global Force Management Board, dated February 6, 2008; and Army Regulation 220–1, Subject: Unit Status Reporting, dated December 19, 2006.*

*(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the deployment to Iraq of a unit that is not assessed mission capable is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's deployment is necessary despite the unit commander's assessment that the unit is not mission capable, may waive the limitations prescribed in subsection (b) on a unit-by-unit basis.*

TIME LIMIT ON COMBAT DEPLOYMENTS

*SEC. 10003. (a) The Congress finds that it is the policy of the Department of Defense that Army, Army Reserve, and National Guard units should not be deployed for combat beyond 365 days and that Marine Corps and Marine Corps Reserve units should not be deployed for combat beyond 210 days.*

*(b) None of the funds made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of extending the deployment for Operation Iraqi Freedom of—*

*(1) any unit of the Army, Army Reserve, or Army National Guard beyond 365 days; or*

*(2) any unit of the Marine Corps or Marine Corps Reserve beyond 210 days.*

*(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq as of January 9, 2007.*

*(d) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis if the President certifies in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the extension of a unit's deployment in Iraq beyond the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a report, in classified and unclassified form, detailing the particular reason or reasons why the unit's extended deployment is necessary.*

DWELL TIME BETWEEN COMBAT DEPLOYMENTS

*SEC. 10004. (a) The Congress finds that it is the policy of the Department of Defense that an Army, Army Reserve, or National Guard unit should not be redeployed for combat if the unit has been deployed within the previous 365 consecutive days and that a Marine Corps or Marine Corps Reserve unit should not be redeployed for combat if the unit has been deployed within the previous 210 days.*

*(b) None of the funds made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of deploying for Operation Iraqi Freedom of—*

*(1) any unit of the Army, Army Reserve, or Army National Guard if such unit has been deployed within the previous 365 consecutive days; or*

*(2) any unit of the Marine Corps or Marine Corps Reserve if such unit has been deployed within the previous 210 consecutive days.*

*(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq as of January 9, 2007.*

*(d) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis if the President certifies in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the redeployment of a unit to Iraq in advance of the expiration of the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a report, in classified and unclassified form, detailing the particular reason or reasons why the unit's early redeployment is necessary.*

LIMITATION ON INTERROGATION TECHNIQUES

*SEC. 10005. (a) No individual in the custody or under the effective control of an element of the intelligence community or instrumentality thereof, regardless of nationality or physical location, shall be subject to any treatment or technique of interrogation not authorized by the United States Army Field Manual on Human Intelligence Collector Operations.*

*(b) In this section, the term ''instrumentality'', with respect to an element of the intelligence community, means a contractor or subcontractor at any tier of the element of the intelligence community.*

REGISTRATION WITH THE INTERNATIONAL COMMITTEE OF THE RED CROSS

*SEC. 10006. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to detain any individual who is in the custody or under the effective control of an element of the intelligence community or an instrumentality thereof unless the International Committee of the Red Cross is provided notification of the detention of and access to such person in a timely manner and consistent with the practices of the Armed Forces of the United States.*

*(b) For purposes of this section, the term ''instrumentality'', with respect to an element of the intelligence community, means a contractor or subcontractor at any tier of the element of the intelligence community.*

*(c) Nothing in this section shall be construed to create or otherwise imply the authority to detain, or to limit or otherwise affect any other rights or obligations which may arise under the Geneva Conventions or other laws, or to state all of the situations under which notification to and access for the International Committee of the Red Cross is required or allowed.*

PROHIBITION OF PERMANENT BASES IN IRAQ

*SEC. 10007. None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended by the United States Government for a purpose as follows:*

*(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.*

*(2) To exercise United States control over any oil resource of Iraq.*

LIMITATION ON DEFENSE AGREEMENTS WITH THE GOVERNMENT OF IRAQ

*SEC. 10008. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to negotiate, enter into, or implement any agreement with the Government of Iraq that includes security assurances for mutual defense, unless the agreement—*

*(1) is in the form of a treaty requiring the advice and consent of the Senate (or is intended to take that form in the case of an agreement under negotiation); or*

*(2) is specifically authorized by a law enacted after the date of enactment of this Act.*

*(b) For purposes of this section, an agreement shall be considered to include security assurances for mutual defense if it includes provisions addressing any of the following:*

*(1) A binding commitment to deploy United States Armed Forces in defense of Iraq, or of any government or faction in Iraq, against any foreign or domestic threat.*

*(2) The number of United States Armed Forces personnel to be deployed to, or stationed in, Iraq.*

*(3) The mission of United States Armed Forces deployed to Iraq.*

*(4) The duration of the presence of United States Armed Forces in Iraq.*

PROHIBITION ON AGREEMENTS SUBJECTING ARMED FORCES TO IRAQI CRIMINAL JURISDICTION

*SEC. 10009. None of the funds appropriated or otherwise made available in this or any other Act may be used to negotiate, enter into, or implement an agreement with the Government of Iraq that would subject members of the Armed Forces of the United States to the jurisdiction of Iraq criminal courts or punishment under Iraq law.*

REQUIREMENT FOR MATCHING FUNDS FROM GOVERNMENT OF IRAQ

*SEC. 10010. (a) Notwithstanding any other provision of law, funds appropriated or otherwise made available in this or any other Act for assistance for Iraq, including training, capacity building, and construction and repair of infrastructure, shall be available only to the extent that the Government of Iraq matches such assistance on a dollar-for-dollar basis.*

*(b) subsection (a) shall not apply to—*

*(1) grants and cooperative agreements for programs to promote democracy and human rights;*

*(2) the Community Action Program and other direct assistance to non-governmental organizations;*

*(3) humanitarian demining;*

*(4) assistance for refugees, internally displaced persons, and civilian victims of military operations;*

*(5) intelligence or intelligence-related activities; or*

*(6) projects with an estimated cost of less than $750,000 undertaken through the Commander's Emergency Response Program.*

*(c) The Secretary of State and the Secretary of Defense shall certify to the Committees on Appropriations of the House of Representatives and Senate, prior to the initial obligation by their respective Departments of funds covered by the limitation in subsection (a), that the Government of Iraq has committed to obligate matching funds on a dollar-for-dollar basis. The Secretary of State shall submit a report to the Committees on Appropriations not later than September 30, 2009 detailing the amounts of funds obligated and expended by the Government of Iraq to meet the requirements of this section.*

*(d) Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the amounts provided by the Government of Iraq since June 30, 2004, to assist Iraqi refugees in Syria, Jordan, and elsewhere, and the amount of such assistance the Government of Iraq plans to provide in fiscal year 2008. The Secretary shall work expeditiously with the Government of Iraq to establish an account within its annual budget sufficient to, at a minimum, match United States contributions on a dollar-for-dollar basis to organizations and programs for the purpose of assisting Iraqi refugees.*

*(e) As part of the report required by section 609 of division L of the Consolidated Appropriations Act, 2008 (Public Law 110–161), the Secretary of Defense shall submit to Congress a report on the most recent annual budget for the Government of Iraq, including—*

*(1) a description of amounts budgeted for support of Iraqi security and police forces and an assessment of how planned funding will impact the training, equipping and overall readiness of those forces;*

*(2) an assessment of the capacity of the Government of Iraq to implement the budget as planned, including reports on year-to-year spend rates, if available; and*

*(3) a description of any budget surplus or deficit, if applicable.*

*PARTIAL REIMBURSEMENT FROM IRAQ FOR FUEL COSTS*

*SEC. 10011. (a) None of the funds made available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' for the Office of the Secretary of Defense or Washington Headquarters Services may be obligated or expended until the agreement described in subsection (b)(1) is complete and the report required by subsection (b)(2) has been transmitted to Congress, except that the limitation in this subsection may be waived if the President determines and certifies to the Committees on Appropriations of the House of Representatives and Senate that such waiver is in the national security interests of the United States.*

*(b) Not later than 90 days after enactment of this Act, the President shall—*

*(1) complete an agreement with the Government of Iraq to subsidize fuel costs for United States Armed Forces operating in Iraq so the price of fuel per gallon to those forces is equal to the discounted price per gallon at which the Government of Iraq is providing fuel for domestic Iraqi consumption; and*

*(2) transmit a report to the Committees on Appropriations on the details and terms of that agreement.*

*(c) Amounts received from the Government of Iraq under an agreement described in subsection (b)(1) shall be credited to the appropriations or funds that incurred obligations for the fuel costs being subsidized, as determined by the Secretary of Defense.*

*TIMETABLE FOR REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ*

*SEC. 10012. (a) Notwithstanding any other provision of law, funds appropriated or otherwise made available in this Act may be used to plan and execute a safe and orderly redeployment of United States Armed Forces from Iraq.*

*(b) Within 30 days after enactment of this Act, the President shall commence an immediate and orderly redeployment of United States Armed Forces from Iraq, with a goal of completing such redeployment within 18 months. The President shall endeavor to begin such redeployment with units of the Armed Forces that have been deployed in excess of 365 days, except to the extent those units are needed to provide for the safe withdrawal of other units of the Armed Forces or to protect United States and Coalition personnel and infrastructure.*

*(c) After completion of the redeployment required by subsection (b), members of the United States Armed Forces may be deployed to, or maintained in, Iraq only to the extent necessary to carry out the following missions:*

*(1) Protecting the diplomatic facilities, Armed Forces, and citizens of the United States in Iraq.*

*(2) Conducting limited training of, equipping, and providing logistical and intelligence support to, Iraqi security forces.*

*(3) Engaging in targeted counterterrorism operations against al-Qaeda, groups affiliated with al-Qaeda, and other terrorist organizations in Iraq.*

*(d) Not later than July 1, 2008, and every 90 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the following:*

*(1) The current plan for and the status of the reduction of United States Armed Forces in Iraq and the transition of the Armed Forces in Iraq to a limited presence whose missions do not exceed the missions specified in subsection (c), including the associated force reductions and adjustments and expectations with respect to timelines and the force levels anticipated to perform those missions.*

*(2) A comprehensive current description of efforts to prepare for the reduction and transition of United States Armed Forces in Iraq in accordance with this section and to limit any destabilizing consequences of such reduction and transition, including a description of efforts to work with the United Nations and countries in the region toward that objective.*

*(e) Not later than 45 days after enactment of this Act, the Secretary of State shall provide to the Committees on Appropriations of the House of Representatives and Senate a strategy for civilian-led post-conflict stabilization and reconstruction assistance for Iraq. The strategy (which may be provided in classified form if necessary) shall include—*

*(1) the plans and timetable for transfer of all responsibility for United States post-conflict stabilization and reconstruction assistance from the Department of Defense to the Department of State and the United States Agency for International Development; and*

*(2) the staff, security and resource requirements for United States diplomatic efforts and assistance programs in Iraq.*

## *TITLE XI—REFORMS RELATED TO WAR PROFITEERING AND CONTRACTORS*

### *CHAPTER 1—ADJUSTMENT OF WARTIME STATUTE OF LIMITATIONS*

*ADJUSTMENT OF WARTIME STATUTE OF LIMITATIONS*

*SEC. 11101. Section 3287 of title 18, United States Code, is amended—*

*(1) by inserting ''or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)),'' after ''is at war'';*

*(2) by inserting ''or directly connected with or related to the authorized use of the Armed Forces'' after ''prosecution of the war'';*

*(3) by striking ''three years'' and inserting ''5 years'';*

*(4) by striking ''proclaimed by the President'' and inserting ''proclaimed by a Presidential proclamation, with notice to Congress,''; and*

*(5) by adding at the end the following: ''For purposes of applying such definitions in this section, the term 'war' includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).''.*

### *CHAPTER 2—WAR PROFITEERING AND FRAUD*

*WAR PROFITEERING AND FRAUD*

*SEC. 11201. (a) PROHIBITION ON WAR PROFITEERING.—*

*(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:*

***''§ 1041. War profiteering and fraud***

*''(a) PROHIBITION.—Whoever, in any matter involving a contract with, or the provision of goods or services to, the United States or a provisional authority, in connection with a mission of the United States Government overseas, knowingly—*

*''(1)(A) executes or attempts to execute a scheme or artifice to defraud the United States or that authority; or*

*''(B) materially overvalues any good or service with the intent to defraud the United States or that authority;*

*shall be fined not more than $1,000,000 or imprisoned not more than 20 years, or both; or*

*''(2) in connection with the contract or the provision of those goods or services—*

*''(A) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;*

*''(B) makes any materially false, fictitious, or fraudulent statements or representations; or*

*''(C) makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;*

*shall be fined not more than $1,000,000 or imprisoned not more than 10 years, or both.*

*''(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.*

*''(c) VENUE.—A prosecution for an offense under this section may be brought—*

*''(1) as authorized by chapter 211 of this title;*

*''(2) in any district where any act in furtherance of the offense took place; or*

*''(3) in any district where any party to the contract or provider of goods or services is located.''.*

*(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of such title is amended by adding at the end the following:*

*''1041. War profiteering and fraud.''.*

*(b) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking ''or 1030'' and inserting ''1030, or 1041''.*

*(c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''section 1041 (relating to war profiteering and fraud),'' after ''liquidating agent of financial institution),''.*

*(d) RICO.—Section 1961(1) of title 18, United States Code, is amended by inserting ''section 1041 (relating to war profiteering and fraud),'' after ''in connection with access devices),''.*

### *CHAPTER 3—MILITARY EXTRATERRITORIAL JURISDICTION*

*SHORT TITLE*

*SEC. 11301. This chapter may be cited as the ''MEJA Expansion and Enforcement Act of 2008''.*

*LEGAL STATUS OF CONTRACT PERSONNEL*

*SEC. 11302. (a) CLARIFICATION OF MILITARY EXTRATERRITORIAL JURISDICTION ACT.—*

*(1) INCLUSION OF FEDERAL EMPLOYEES AND CONTRACTORS.—Section 3261(a) of title 18, United States Code, is amended—*

*(A) in paragraph (1), by striking ''or'' at the end;*

*(B) in paragraph (2), by striking the comma at the end and inserting a semicolon; and*

*(C) by inserting after paragraph (2) the following new paragraphs:*

*''(3) while employed by any Department or agency of the United States other than the Armed Forces in a foreign country in which the Armed Forces are conducting a qualifying military operation; or*

*''(4) while employed as a security officer or security contractor by any Department or agency of the United States other than the Armed Forces,''.*

*(2) DEFINITIONS.—Section 3267 of title 18, United States Code, is amended—*

*(A) in paragraph (1), by striking subparagraph (A) and inserting the following new subparagraph:*

*''(A) employed by or performing services under a contract with or grant from the Department of Defense (including a nonappropriated fund instrumentality of the Department) as—*

*''(i) a civilian employee (including an employee from any other Executive agency on temporary assignment to the Department of Defense);*

*''(ii) a contractor (including a subcontractor at any tier); or*

*''(iii) an employee of a contractor (including a subcontractor at any tier);''; and*

*(B) by adding at the end the following new paragraphs:*

*''(5) The term 'employed by any Department or agency of the United States other than the Armed Forces' means—*

''(A) employed by or performing services under a contract with or grant from any Department or agency of the United States, or any provisional authority funded in whole or substantial part or created by the United States Government, other than the Department of Defense as—

''(i) a civilian employee;

''(ii) a contractor (including a subcontractor at any tier); or

''(iii) an employee of a contractor (including a subcontractor at any tier);

''(B) present or residing outside the United States in connection with such employment; and

''(C) not a national of or ordinarily a resident in the host nation.

''(6) The term 'employed as a security officer or security contractor by any Department or agency of the United States other than the Armed Forces' means—

''(A) employed by or performing services under a contract with or grant from any Department or agency of the United States, or any provisional authority funded in whole or substantial part or created by the United States Government, other than the Department of Defense as—

''(i) a civilian employee;

''(ii) a contractor (including a subcontractor at any tier); or

''(iii) an employee of a contractor (including a subcontractor at any tier);

''(B) authorized in the course of such employment—

''(i) to provide physical protection to or security for persons, places, buildings, facilities, supplies, or means of transportation;

''(ii) to carry or possess a firearm or dangerous weapon, as defined by section 930(g)(2) of this chapter;

''(iii) to use force against another; or

''(iv) to supervise individuals performing the activities described in clause (i), (ii) or (iii);

''(C) present or residing outside the United States in connection with such employment; and

''(D) not a national of or ordinarily resident in the host nation.

''(7) The term 'qualifying military operation' means—

''(A) a military operation covered by a declaration of war or an authorization of the use of military force by Congress;

''(B) a contingency operation (as defined in section 101 of title 10); or

''(C) any other military operation outside of the United States, including a humanitarian assistance or peace keeping operation, provided such operation is conducted pursuant to an order from or approved by the Secretary of Defense.''.

(b) DEPARTMENT OF JUSTICE INSPECTOR GENERAL REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Justice, in consultation with the Inspectors General of the Department of Defense, the Department of State, the United States Agency for International Development, the Department of Agriculture, the Department of Energy, and other appropriate Federal departments and agencies, shall submit to Congress a report in accordance with this subsection.

(2) CONTENT OF REPORT.—The report under paragraph (1) shall include, for the period beginning on October 1, 2001, and ending on the date of the report—

(A) unless the description pertains to nonpublic information that relates to an ongoing investigation or criminal or civil proceeding under seal, a description of any alleged violations of section 3261 of title 18, United States Code, reported to the Inspector Generals identified in paragraph (1) or the Department of Justice, including—

(i) the date of the complaint and the type of offense alleged;

(ii) whether any investigation was opened or declined based on the complaint;

(iii) whether the investigation was closed, and if so, when it was closed;

(iv) whether a criminal or civil case was filed as a result of the investigation, and if so, when it was filed; and

(v) any charges or complaints filed in those cases; and

(B) unless the description pertains to nonpublic information that relates to an ongoing investigation or criminal or civil proceeding under seal, and with appropriate safeguards for the protection of national security information, a description of any shooting or escalation of force incidents in Iraq or Afghanistan involving alleged misconduct by persons employed as a security officer or security contractor by any Department or agency of the United States, and any official action taken against such persons.

(3) FORM OF REPORT.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex as appropriate.

INVESTIGATIVE UNITS FOR CONTRACTOR OVERSIGHT

SEC. 11303. (a) ESTABLISHMENT OF INVESTIGATIVE UNITS FOR CONTRACTOR OVERSIGHT.—

(1) IN GENERAL.—The Attorney General, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the heads of any other Federal departments or agencies responsible for employing private security contractors or contractors (or subcontractors at any tier) in a foreign country where the Armed Forces are conducting a qualifying military operation—

(A) shall assign adequate personnel and resources through the creation of Investigative Units for Contractor Oversight to investigate allegations of criminal violations under paragraphs (3) and (4) of section 3261(a) of title 18, United States Code (as amended by section 11302(a) of this chapter); and

(B) may authorize the overseas deployment of law enforcement agents and other Department of Justice personnel for that purpose.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall limit any existing authority of the Attorney General or any Federal law enforcement agency to investigate violations of Federal law or deploy personnel overseas.

(b) REFERRAL FOR PROSECUTION.—Upon conclusion of an investigation of an alleged violation of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, an Investigative Unit for Contractor Oversight may refer the matter to the Attorney General for further action, as appropriate in the discretion of the Attorney General.

(c) RESPONSIBILITIES OF THE ATTORNEY GENERAL.—

(1) INVESTIGATION.—The Attorney General shall have the principal authority for the enforcement of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, and shall have the authority to initiate, conduct, and supervise investigations of any alleged violations of such sections 3261(a)(3) and 3261(a)(4).

(2) ASSISTANCE ON REQUEST OF THE ATTORNEY GENERAL.—Notwithstanding any statute, rule, or regulation to the contrary, the Attorney General may request assistance from the Secretary of Defense, the Secretary of State, or the head of any other Executive agency to enforce this chapter. This requested assistance may include the assignment of additional personnel and resources to an Investigative Unit for Contractor Oversight established by the Attorney General under subsection (a).

(3) ANNUAL REPORT.—Not later than one year after the date of enactment of this Act, and annually thereafter, the Attorney General, in consultation with the Secretary of Defense and the Secretary of State, shall submit to Congress a report containing—

(A) the number of violations of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, received, investigated, and referred for prosecution by Federal law enforcement authorities during the previous year;

(B) the number and location of Investigative Units for Contractor Oversight deployed to investigate violations of such sections 3261(a)(3) and 3261(a)(4) during the previous year; and

(C) any recommended changes to Federal law that the Attorney General considers necessary to enforce this chapter and the amendments made by this chapter and chapter 212 of title 18, United States Code.

REMOVAL PROCEDURES FOR NON-DEPARTMENT OF DEFENSE EMPLOYEES AND CONTRACTORS

SEC. 11304. (a) ATTORNEY GENERAL REGULATIONS.—Section 3266 of title 18, United States Code, is amended by adding at the end the following:

''(d) The Attorney General, after consultation with the Secretary of Defense, the Secretary of State, and the Director of National Intelligence, may prescribe regulations governing the investigation, apprehension, detention, delivery, and removal of persons described in sections 3261(a)(3) and 3261(a)(4) and describing the notice due, if any, foreign nationals potentially subject to the criminal jurisdiction of the United States under those sections.''.

(b) CLARIFYING AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Chapter 212 of title 18, United States Code, is amended—

(A) in section 3261(a)—

(i) by inserting ''against the United States'' after ''offense'' the first time it appears; and

(ii) by inserting ''within the United States or'' after ''had been engaged in'';

(B) in section 3262—

(i) in subsection (a), by striking ''section 3261(a)'' the first place it appears and inserting ''section 3261(a)(1) or 3261(a)(2)'';

(ii) by redesignating subsection (b) as subsection (c); and

(iii) by inserting after subsection (a) the following new subsection (b):

''(b) The Attorney General may designate and authorize any person serving in a law enforcement position in the Department of Justice, the Department of Defense, the Department State, or any other Executive agency to arrest, in accordance with applicable international agreements, outside the United States any person described in section 3261(a) if there is probable cause to believe that such person violated section 3261(a).'';

(C) in section 3263(a), by striking ''section 3261(a)'' the first place it appears and inserting ''section 3261(a)(1) or 3261(a)(2)'';

(D) in section 3264(a), by inserting ''described in section 3261(a)(1) or 3261(a)(2)'' before ''arrested'';

(E) section 3265(a)(1) by inserting ''described in section 3261(a)(1) or 3261(a)(2)'' before ''arrested''; and

(F) in section 3266(a), by striking ''under this chapter'' and inserting ''described in section 3261(a)(1) or 3261(a)(2)''.

(2) ADDITIONAL AMENDMENT.—Section 7(9) of title 18, United States Code, is amended by striking ''section 3261(a)'' and inserting ''section 3261(a)(1) or 3261(a)(2)''.

RULES OF CONSTRUCTION

SEC. 11305. (a) IN GENERAL.—Nothing in this chapter or the amendments made by this chapter shall apply to authorized and otherwise lawful intelligence activities carried out by or at the direction of the United States.

(b) DEFENSES.—Nothing in this section shall be construed to limit or extinguish any defense or protection otherwise available to any person or entity from suit, civil or criminal liability, or damages, or to provide immunity from prosecution for any criminal offense by the proper authorities.

(c) EXISTING EXTRATERRITORIAL JURISDICTION.—Nothing in this chapter or the amendments made by this chapter shall be construed to limit or affect the extraterritorial jurisdiction related to any Federal statute not amended by this chapter.

DEFINITION

SEC. 11306. For purposes of this chapter and the amendments made by this chapter, the term ''Executive agency'' has the meaning given in section 105 of title 5, United States Code.

EFFECTIVE DATE

SEC. 11307. (a) IMMEDIATE EFFECTIVENESS.—The provisions of this chapter shall enter into effect immediately upon the enactment of this Act.

(b) IMPLEMENTATION.—The Attorney General and the head of any other Federal department or agency to which this chapter applies shall have 90 days after the date of the enactment of this Act to ensure compliance with the provisions of this chapter.

**(2)**Page 1 of the Senate engrossed amendment, strike line 1 and all that follows through the end of line 21 on page 59, and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I—MILITARY CONSTRUCTION, VETERANS AFFAIRS, INTERNATIONAL AFFAIRS, AND OTHER SECURITY-RELATED MATTERS

CHAPTER 1—AGRICULTURE

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for ''Public Law 480 Title II Grants'', $850,000,000, to remain available until expended.

For an additional amount for ''Public Law 480 Title II Grants'', $395,000,000, to become available on October 1, 2008, and to remain available until expended.

CHAPTER 2—COMMERCE, JUSTICE, AND SCIENCE

DEPARTMENT OF JUSTICE

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $4,000,000, to remain available until September 30, 2009.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'', $1,648,000, to remain available until September 30, 2009.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for ''Salaries and Expenses, United States Attorneys'', $5,000,000, to remain available until September 30, 2009.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $18,621,000, to remain available until September 30, 2009.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $92,169,000, to remain available until September 30, 2009.

For an additional amount for ''Salaries and Expenses'', $82,600,000, to become available on October 1, 2008, and to remain available until September 30, 2009.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $12,166,000, to remain available until September 30, 2009.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $4,000,000, to remain available until September 30, 2009.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $9,100,000, to remain available until September 30, 2009.

CHAPTER 3—MILITARY CONSTRUCTION AND VETERANS AFFAIRS

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $1,432,700,000, to remain available until September 30, 2009: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds provided under this heading, not to exceed $73,400,000 shall be available for study, planning, design, and architect and engineer services: Provided further, That of the funds made available under this heading, $72,000,000 shall not be obligated or expended until after that date on which the Secretary of Defense submits a detailed spending plan, including a 1391 form for each facilities replacement project, to the Committees on Appropriations of the House of Representatives and Senate: Provided further, That of the funds provided under this heading, $533,700,000 shall not be obligated or expended until the Secretary of Defense certifies that none of the funds are to be used for the purpose of providing facilities for the permanent basing of United States military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $423,357,000, to remain available until September 30, 2009: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds provided under this heading, not to exceed $15,843,000 shall be available for study, planning, design, and architect and engineer services.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $409,627,000, to remain available until September 30, 2009: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds provided under this heading, not to exceed $36,427,000 shall be available for study, planning, design, and architect and engineer services: Provided further, That of the funds provided under this heading, $58,300,000 shall not be obligated or expended until the Secretary of Defense certifies that none of the funds are to be used for the purpose of providing facilities for the permanent basing of United States military personnel in Iraq.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for ''Military Construction, Defense-Wide'', $1,009,600,000, to remain available until September 30, 2009: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds provided, $982,000,000 shall be for medical treatment facilities construction (including planning and design) and shall remain available until September 30, 2012.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Family Housing Construction, Navy and Marine Corps,'' $11,766,000, to remain available until September 30, 2009: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $1,354,634,000, to remain available until expended: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for ''General Operating Expenses'', $100,000,000, to remain available until September 30, 2009.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for ''Information Technology Systems'', $20,000,000, to remain available until September 30, 2009.

GENERAL PROVISION, THIS CHAPTER

SEC. 1301. None of the funds appropriated in this or any other Act may be used to terminate, reorganize, or relocate the Armed Forces Institute of Pathology until the President has established, as required by section 722 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 199; 10 U.S.C. 176 note), a Joint Pathology Center.

CHAPTER 4—DEPARTMENT OF STATE AND FOREIGN OPERATIONS

SUBCHAPTER A—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'', $1,606,808,000, to remain available until September 30, 2009, of which $210,508,000 for worldwide security protection is available until expended: Provided, That not more than $1,295,000,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq: Provided further, That of the funds appropriated under this heading, not more than $30,000,000 shall be available to establish and implement a coordinated civilian response capacity at the United States Department of State.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of Inspector General'', $7,500,000, to remain available until September 30, 2009: Provided, That $2,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'', $76,700,000, to remain available until expended, for facilities in Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for ''Contributions to International Organizations'', $53,000,000 to remain available until September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'',

*$333,600,000, to remain available until September 30, 2009, for the United Nations–African Union Hybrid Mission in Darfur.*

*BILATERAL ECONOMIC ASSISTANCE*

*FUNDS APPROPRIATED TO THE PRESIDENT*

*INTERNATIONAL DISASTER ASSISTANCE*

*For an additional amount for ''International Disaster Assistance'', $200,000,000, to remain available until expended.*

*OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT*

*For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $142,000,000, to remain available until September 30, 2009: Provided, That of the funds appropriated under this heading, not more than $20,000,000 shall be available to establish and implement a coordinated civilian response capacity at the United States Agency for International Development.*

*OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL*

*For an additional amount for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', $4,000,000, to remain available until September 30, 2009.*

*OTHER BILATERAL ECONOMIC ASSISTANCE*

*ECONOMIC SUPPORT FUND*

*For an additional amount for ''Economic Support Fund'', $1,747,000,000, to remain available until September 30, 2009, of which not more than $440,000,000 may be made available for assistance for Iraq, $150,000,000 shall be made available for assistance for Jordan to meet the needs of Iraqi refugees, and up to $53,000,000 may be available for energy-related assistance for North Korea, notwithstanding any other provision of law: Provided, That not more than $100,000,000 of the funds appropriated under this heading shall be made available for assistance for the West Bank and none of such funds shall be for cash transfer assistance: Provided further, That of the funds appropriated under this heading, $1,000,000 shall be made available for the Office of the United Nations High Commissioner for Human Rights in Mexico: Provided further, That the funds made available under this heading for energy-related assistance for North Korea may be made available to support the goals of the Six Party Talks Agreements after the Secretary of State determines and reports to the Committees on Appropriations that North Korea is continuing to fulfill its commitments under such agreements.*

*DEPARTMENT OF STATE*

*DEMOCRACY FUND*

*For an additional amount for ''Democracy Fund'', $75,000,000, to remain available until September 30, 2009, for democracy programs in Iraq.*

*INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT*

*For an additional amount for ''International Narcotics Control and Law Enforcement'', $419,300,000, to remain available until September 30, 2009: Provided, That not more than $25,000,000 of the funds appropriated by this subchapter shall be made available for security assistance for the West Bank.*

*MIGRATION AND REFUGEE ASSISTANCE*

*For an additional amount for ''Migration and Refugee Assistance'', $300,000,000, to remain available until expended.*

*UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND*

*For an additional amount for ''United States Emergency Refugee and Migration Assistance Fund'', $25,000,000, to remain available until expended.*

*NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS*

*For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $11,200,000, to remain available until September 30, 2009.*

*MILITARY ASSISTANCE*

*FUNDS APPROPRIATED TO THE PRESIDENT*

*FOREIGN MILITARY FINANCING PROGRAM*

*For an additional amount for ''Foreign Military Financing Program'', $72,500,000, to remain available until September 30, 2009, of which up to $66,500,000 shall be made available for assistance for Mexico.*

*SUBCHAPTER B—BRIDGE FUND SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009*

*DEPARTMENT OF STATE*

*ADMINISTRATION OF FOREIGN AFFAIRS*

*DIPLOMATIC AND CONSULAR PROGRAMS*

*For an additional amount for ''Diplomatic and Consular Programs'', $737,900,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: Provided, That of the funds appropriated under this heading, $78,400,000 is for worldwide security protection and shall remain available until expended: Provided further, That not more than $581,500,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq.*

*OFFICE OF INSPECTOR GENERAL*

*(INCLUDING TRANSFERS OF FUNDS)*

*For an additional amount for ''Office of Inspector General'', $57,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: Provided, That $46,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight and up to $5,000,000 shall be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.*

*EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE*

*For an additional amount for ''Embassy Security, Construction, and Maintenance,'' $41,300,000, which shall become available on October 1, 2008 and remain available until expended, for facilities in Afghanistan.*

*INTERNATIONAL ORGANIZATIONS*

*CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS*

*For an additional amount for ''Contributions to International Organizations'', $75,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.*

*CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES*

*For an additional amount for ''Contributions for International Peacekeeping Activities'', $150,500,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.*

*RELATED AGENCY*

*BROADCASTING BOARD OF GOVERNORS*

*INTERNATIONAL BROADCASTING OPERATIONS*

*For an additional amount for ''International Broadcasting Operations'', $8,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.*

*BILATERAL ECONOMIC ASSISTANCE*

*FUNDS APPROPRIATED TO THE PRESIDENT*

*GLOBAL HEALTH AND CHILD SURVIVAL*

*For an additional amount for ''Global Health and Child Survival'', $75,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, for programs to combat avian influenza.*

*DEVELOPMENT ASSISTANCE*

*For an additional amount for ''Development Assistance'', $200,000,000, for assistance for developing countries to address the international food crisis notwithstanding any other provision of law, which shall become available on October 1, 2008 and remain available through September 30, 2010: Provided, That such assistance should be carried out consistent with the purposes of section 103(a)(1) of the Foreign Assistance Act of 1961: Provided further, That not more than $50,000,000 should be made available for local or regional purchase and distribution of food: Provided further, That the Secretary of State shall submit to the Committees on Appropriations not later than 45 days after enactment of this Act, and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of such funds to alleviate hunger and malnutrition, including a list of those countries facing significant food shortages.*

*INTERNATIONAL DISASTER ASSISTANCE*

*For an additional amount for ''International Disaster Assistance'', $200,000,000, which shall become available on October 1, 2008 and remain available until expended.*

*OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT*

*For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $93,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.*

*OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL*

*For an additional amount for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', $1,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.*

*OTHER BILATERAL ECONOMIC ASSISTANCE*

*ECONOMIC SUPPORT FUND*

*For an additional amount for ''Economic Support Fund,'' $1,147,300,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which not more than $100,000,000 may be made available for assistance for Iraq, $100,000,000 shall be made available for assistance for Jordan, and $15,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law: Provided, That not more than $150,000,000 of the funds appropriated under this heading in this subchapter shall be made available for assistance for the West Bank.*

*DEPARTMENT OF STATE*

*INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT*

*For an additional amount for ''International Narcotics Control and Law Enforcement'', $204,500,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: Provided, That not more than $50,000,000 of the funds made available by this subchapter shall be made available for security assistance for the West Bank and up to $53,500,000 shall be made available for assistance for Mexico.*

*MIGRATION AND REFUGEE ASSISTANCE*

*For an additional amount for ''Migration and Refugee Assistance'', $350,000,000, which shall become available on October 1, 2008 and remain available until expended.*

*NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS*

*For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $4,500,000, for humanitarian demining assistance for Iraq, which shall become available on October 1, 2008 and remain available through September 30, 2009.*

*MILITARY ASSISTANCE*

*FUNDS APPROPRIATED TO THE PRESIDENT*

*FOREIGN MILITARY FINANCING PROGRAM*

*For an additional amount for ''Foreign Military Financing Program'', $170,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which $100,000,000 shall be made available for assistance for Jordan and up to $50,000,000 shall be made available for assistance for Mexico: Provided, That section 3802(c) of title III, chapter 8 of Public Law 110–28 shall apply to funds made available under this heading for assistance for Lebanon.*

*PEACEKEEPING OPERATIONS*

*For an additional amount for ''Peacekeeping Operations'', $85,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.*

*SUBCHAPTER C—GENERAL PROVISIONS, THIS CHAPTER*

*EXTENSION OF AUTHORITIES*

*SEC. 1401. Funds appropriated by this chapter may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).*

*AFGHANISTAN*

*SEC. 1402 (a) ASSISTANCE FOR WOMEN AND GIRLS.—Funds appropriated by this chapter under the heading ''Economic Support Fund'' that are available for assistance for Afghanistan shall be made available, to the maximum extent practicable, through local Afghan provincial and municipal governments and Afghan civil society organizations and in a manner that emphasizes the participation of Afghan women and directly improves the economic, social and political status of Afghan women and girls.*

*(b) HIGHER EDUCATION.—Of the funds appropriated by this chapter under the heading ''Economic Support Fund'' that are made available for education programs in Afghanistan, not less than 50 percent shall be made available to support higher education and vocational training programs in law, accounting, engineering, public administration, and other disciplines necessary to rebuild the country, in which the participation of women is emphasized.*

*(c) CIVILIAN ASSISTANCE.—Of the funds appropriated by this chapter under the heading ''Economic Support Fund'' that are available for assistance for Afghanistan, not less than $2,000,000 shall be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund.*

*(d) ANTICORRUPTION.—Not later than 90 days after enactment of this Act, the Secretary of State shall—*

*(1) submit a report to the Committees on Appropriations on actions being taken by the Government of Afghanistan to combat corruption within the national and provincial governments, including to remove and prosecute officials who have committed corrupt acts;*

*(2) submit a list to the Committees on Appropriations, in classified form if necessary, of senior Afghan officials who the Secretary has credible evidence to believe have committed corrupt acts; and*

*(3) certify and report to the Committees on Appropriations that effective mechanisms are in place to ensure that assistance to national government ministries and provincial governments will be properly accounted for.*

*WEST BANK*

*SEC. 1403. Not later than 90 days after the date of enactment of this Act, and 180 days thereafter, the Secretary of State shall submit to the Committees on Appropriations a report on assistance provided by the United States for the training of Palestinian security forces, including detailed descriptions of the training, curriculum, and equipment provided; an assessment of the training and the performance of forces after training has been completed; and a description of the assistance that has been pledged and provided to Palestinian security forces by other donors: Provided, That not later than 90 days after the date of enactment of this Act, the Secretary of State shall report to the Committees on Appropriations, in classified form if necessary, on the security strategy of the Palestinian Authority.*

*MEXICO*

*SEC. 1404. (a) ASSISTANCE FOR MEXICO.—Of the funds appropriated under the headings ''International Narcotics Control and Law Enforcement'', ''Foreign Military Financing Program'', and ''Economic Support Fund'' in this chapter, not more than $296,500,000 of the funds appropriated in subchapter A and $103,500,000 of the funds appropriated in subchapter B shall be made available for assistance for Mexico, only to combat drug trafficking and related violent crime, and for judicial reform, institution building, and rule of law activities, of which not less than $73,500,000 shall be used for judicial reform, institution building, and rule of law activities: Provided, That none of the funds made available under this section shall be made available for budget support or as cash payments: Provided further, That none of the funds made available under this section shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that relevant members and units of the Mexican armed forces and police forces that may receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.*

*(b) ALLOCATION OF FUNDS.—25 percent of the funds made available by this chapter for assistance for Mexico under the headings ''International Narcotics Control and Law Enforcement'' and ''Foreign Military Financing Program'' shall be withheld from obligation until the Secretary of State reports to the Committees on Appropriations on the requirements described in subsection (c).*

*(c) REQUIREMENTS.—The requirements referred to in subsection (b) are the following:*

*(1) The Government of Mexico is—*

*(A) improving the transparency and accountability of Federal police forces and engaging with state and municipal authorities to improve the transparency and accountability of state and municipal police forces through mechanisms such as police complaints commissions;*

*(B) ensuring meaningful engagement with civil society to monitor efforts to combat drug trafficking and related violent crime, judicial reform, institution building, and rule of law activities to ensure due process and the protection of freedom of expression, association, and assembly in accordance with Mexican and international law; and*

*(C) ensuring that, in accordance with applicable Mexican law, the Mexican armed forces and the Federal police forces are cooperating with civilian prosecutors and judicial authorities in investigating and prosecuting in the civilian justice system those individuals, including military personnel, who have been credibly alleged under Mexican law to have committed violations of internationally recognized human rights, and, consistent with Mexican and international law, is vigorously enforcing the prohibition on the use of testimony obtained through torture or other ill-treatment.*

*(2) The Federal Public Security Secretary and the Minister of Defense, respectively, in accordance with applicable Mexican law, are suspending or placing on administrative duty, those members of the Federal police and armed forces who have been credibly alleged under Mexican law, to have committed violations of internationally recognized human rights or participated in corrupt acts and have established policies that reward respect for human rights, in particular regarding the use of force.*

*(3) The Attorney General and other relevant authorities of the Mexican Government are investigating and prosecuting members of the Mexican armed forces and police forces who have been credibly alleged under Mexican law to have committed violations of internationally recognized human rights.*

*(d) EXCEPTION.—Notwithstanding subsections (b) and (c), of the funds appropriated by subchapter A for assistance for Mexico under the heading ''International Narcotics Control and Law Enforcement'', $3,000,000 shall be made available for technical and other assistance to enable the Government of Mexico to implement a unified national registry encompassing Federal, state, and municipal police officials, and $5,000,000 may be made available to the Bureau of Alcohol, Tobacco, Firearms and Explosives to deploy special agents in Mexico to support Mexican law enforcement agencies in tracing seized firearms and investigating firearms trafficking cases: Provided, That section 484(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291c(a)) shall not apply with respect to assistance for Mexico made available by this chapter.*

*(e) REPORT.—The report required in subsection (b) shall include a description of actions taken with respect to each requirement specified in subsection (c) and the cases or issues brought to the attention of the Secretary of State for which the response or action taken has been inadequate.*

*(f) VETTING.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report, in classified form if necessary, detailing the procedures used to vet Mexican armed forces and police forces for eligibility to receive assistance under this section.*

*(g) NOTIFICATION.—Funds made available for Mexico by this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).*

*(h) SPENDING PLAN.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for Mexico by this chapter, which shall include a strategy for combating drug trafficking and related violent crime, judicial reform, institution building, and rule of law activities, with concrete goals, actions to be taken, budget proposals, and anticipated results.*

*(i) CONSULTATION.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter until September 30, 2010, the Secretary of State shall consult with Mexican and internationally recognized human rights organizations on progress in meeting the requirements described in subsection (c).*

*CENTRAL AMERICA*

*SEC. 1405. (a) ASSISTANCE FOR THE COUNTRIES OF CENTRAL AMERICA.—Of the funds appropriated in subchapter A under the headings ''International Narcotics Control and Law Enforcement'', ''Foreign Military Financing Program'', ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', and ''Economic Support Fund'', $61,500,000 shall be made available for assistance for the countries of Central America, Haiti, and the Dominican Republic only to combat drug trafficking and related violent crime, and for judicial reform, institution building, rule of law activities, and maritime security: Provided, That of the funds appropriated under the heading ''Economic Support Fund'', $15,000,000 shall be made available*

*through the United States Agency for International Development for an Economic and Social Development Fund for the countries of Central America: Provided further, That of the funds appropriated under the heading ''International Narcotics Control and Law Enforcement'', $2,500,000 shall be made available for assistance for Haiti and $2,500,000 shall be made available for assistance for the Dominican Republic: Provided further, That none of the funds shall be made available for budget support or as cash payments: Provided further, That none of the funds shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that Federal and municipal police forces and the armed forces of the countries of Central America that may receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.*

*(b) ALLOCATION OF FUNDS.—(1) Up to 75 percent of the funds appropriated under the headings ''International Narcotics Control and Law Enforcement'' and ''Foreign Military Financing Program'' in subchapter A that are available for assistance for the countries of Central America may be obligated prior to the certification and report by the Secretary of State required in paragraph (2).*

*(2) The balance of the funds may be obligated not less than 120 days after the date of the enactment of this Act if, before such obligation, the Secretary of State determines and reports to the Committees on Appropriations that the requirements in subsection (c) have been met.*

*(c) REQUIREMENTS.—The requirements referred to in subsection (b)(2) are the following:*

*(1) The International Law Enforcement Academy (ILEA) in San Salvador, El Salvador is establishing a vetting procedure for police and other public security officials attending programs at the ILEA.*

*(2) The countries of Central America are—*

*(A) vetting members and units of Federal and municipal police forces and the armed forces that may receive assistance to ensure such members and units have not been involved in human rights violations or corrupt acts;*

*(B) strengthening law enforcement capabilities, developing effective systems information exchange, improving demand reduction, and expanding public education, prevention, and treatment programs;*

*(C) improving controls on chemical precursors;*

*(D) adopting and implementing reforms that improve the capacity and protect the independence of the judiciary;*

*(E) reforming criminal procedures to ensure due process and training Federal and municipal police leadership in modern policing to curb police abuses;*

*(F) targeting organizational structures and financial and other assets of drug cartels;*

*(G) taking steps to curb corruption in law enforcement agencies; and*

*(H) suspending, prosecuting, and punishing members of the police forces who have been credibly alleged to have committed violations of human rights and corrupt acts, and establishing policies for members of such forces that reward respect for human rights, in particular regarding the use of force.*

*(d) REPORT.—The report required in subsection (b)(2) shall include actions taken with respect to each requirement and the cases or issues brought to the attention of the Secretary for which the response or action taken has been inadequate.*

*(e) VETTING.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations, in classified form if necessary, detailing the procedures used by the Government of the United States to vet the Federal and municipal police and the armed forces of the countries of Central America for eligibility to receive assistance under this section.*

*(f) NOTIFICATION.—Funds made available for the countries of Central America in subchapter A shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).*

*(g) SPENDING PLAN.—Not later than 45 days after enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for the countries of Central America, Haiti and the Dominican Republic in subchapter A, which shall include a strategy for combating drug trafficking and related violent crime, judicial reform, institution building, and rule of law activities, with concrete goals, actions to be taken, budget proposals and anticipated results.*

*(h) CONSULTATION.—Not later than 90 days after the date of enactment of this Act and every 120 days thereafter until September 30, 2010, the Secretary of State shall consult with internationally recognized human rights organizations, and human rights organizations in the countries of Central America receiving assistance pursuant to this section, on progress in meeting the requirements described in subsection (c).*

*(i) DEFINITION.—For the purposes of this section, the term ''countries of Central America'' means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.*

*BUYING POWER MAINTENANCE ACCOUNT*

*(INCLUDING TRANSFER OF FUNDS)*

*SEC. 1406. (a) Of the funds appropriated under the heading ''Diplomatic and Consular Programs'' and allocated by section 3810 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28), $26,000,000 shall be transferred to and merged with funds in the ''Buying Power Maintenance Account'': Provided, That of the funds made available by this chapter up to an additional $74,000,000 may be transferred to and merged with the ''Buying Power Maintenance Account'', subject to the regular notification procedures of the Committees on Appropriations and in accordance with the procedures in section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706). Any funds transferred pursuant to this section shall be available, without fiscal year limitation, pursuant to section 24 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696).*

*(b) Section 24(b)(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)(7)) is amended by amending subparagraph (D) to read as follows:*

*''(D) The authorities contained in this paragraph may be exercised only with respect to funds appropriated or otherwise made available after fiscal year 2008.''.*

*RESCISSIONS*

*SEC. 1407. (a) WORLD FOOD PROGRAM.—(1) For an additional amount for a contribution to the World Food Program to assist farmers in countries affected by food shortages to increase crop yields, notwithstanding any other provision of law, $20,000,000, to remain available until expended.*

*(2) Of the funds appropriated under the heading ''Andean Counterdrug Initiative'' in prior Acts making appropriations for foreign operations, export financing, and related programs, $20,000,000 are rescinded.*

*(b) SUDAN.—(1) For an additional amount for ''International Narcotics Control and Law Enforcement'', $10,000,000, for assistance for Sudan to support formed police units, to remain available until September 30, 2009, and subject to prior consultation with the Committees on Appropriations.*

*(2) Of the funds appropriated under the heading ''International Narcotics Control and Law Enforcement'' in prior Acts making appropriations for foreign operations, export financing, and related programs, $10,000,000 are rescinded.*

*(c) Section 8002 of this Act shall not apply to this section.*

*ALLOCATIONS*

*SEC. 1408. (a) Funds provided in this chapter for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the explanatory statement printed in the Congressional Record accompanying this Act:*

*''Diplomatic and Consular Programs''*

*''Economic Support Fund''.*

*(b) Any proposed increases or decreases to the amounts contained in such tables in the explanatory statement printed in the Congressional Record accompanying this Act shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.*

*REPROGRAMMING AUTHORITY*

*SEC. 1409. Notwithstanding any other provision of law, to include minimum funding requirements or funding directives, funds made available under the headings ''Development Assistance'' and ''Economic Support Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs may be made available to address critical food shortages, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.*

*SPENDING PLAN AND NOTIFICATION PROCEDURES*

*SEC. 1410. (a) SUBCHAPTER A SPENDING PLAN.—Not later than 45 days after the enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in subchapter A, except for funds appropriated under the headings ''International Disaster Assistance'', ''Migration and Refugee Assistance'', and ''United States Emergency Refugee and Migration Assistance Fund''.*

*(b) SUBCHAPTER B SPENDING PLAN.—The Secretary of State shall submit to the Committees on Appropriations not later than November 1, 2008, and prior to the initial obligation of funds, a detailed spending plan for funds appropriated or otherwise made available in subchapter B, except for funds appropriated under the headings ''International Disaster Assistance'', ''Migration and Refugee Assistance'', and ''United States Emergency Refugee and Migration Assistance Fund''.*

*(c) NOTIFICATION.—Funds made available in this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.*

*TERMS AND CONDITIONS*

*SEC. 1411. Unless otherwise provided for in this Act, funds appropriated or otherwise made available by this chapter shall be available under the authorities and conditions provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), except that section 699K of such Act shall not apply to funds in this chapter.*

## *TITLE II—DOMESTIC MATTERS*

## *CHAPTER 1—COMMERCE, JUSTICE, AND SCIENCE*

### *DEPARTMENT OF COMMERCE*

*BUREAU OF THE CENSUS*

*PERIODIC CENSUSES AND PROGRAMS*

*(INCLUDING TRANSFER OF FUNDS)*

*For an additional amount for ''Periodic Censuses and Programs'', $210,000,000, to remain available until expended, for necessary expenses related to the 2010 Decennial Census: Provided, That not less than $3,000,000 shall be transferred to the ''Office of Inspector General'' at the Department of Commerce for necessary expenses associated with oversight activities of the 2010 Decennial Census: Provided further, That not less than $1,000,000 shall be used only for a*

*reimbursable agreement with the Defense Contract Management Agency to provide continuing contract management oversight of the 2010 Decennial Census.*

*DEPARTMENT OF JUSTICE*

*FEDERAL PRISON SYSTEM*

*SALARIES AND EXPENSES*

*For an additional amount for ''Salaries and Expenses'', $178,000,000, to remain available until September 30, 2008.*

*CHAPTER 2—ENERGY AND WATER DEVELOPMENT*

*DEPARTMENT OF DEFENSE—CIVIL*

*DEPARTMENT OF THE ARMY*

*CORPS OF ENGINEERS—CIVIL*

*CONSTRUCTION*

*For an additional amount for ''Construction'', for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $2,835,000,000, to remain available until expended: Provided, That such sums shall not be available until October 1, 2008: Provided further, That the Secretary of the Army is directed to use $1,997,000,000 of the funds provided herein to modify authorized projects in southeast Louisiana to provide hurricane, storm and flood damage reduction in the greater New Orleans and surrounding areas to the levels of protection necessary to achieve the certification required for participation in the National Flood Insurance Program under the base flood elevations current at the time of enactment of this Act, and shall use $1,077,000,000 of those funds for the Lake Pontchartrain and Vicinity project and $920,000,000 of those funds for the West Bank and Vicinity project: Provided further, That, in addition, $838,000,000 of the funds provided herein shall be for elements of Southeast Louisiana Urban Drainage project within the geographic perimeter of the West Bank and Vicinity and Lake Pontchartrain and Vicinity projects, to provide for interior drainage of runoff from rainfall with a ten percent annual exceedance probability: Provided further, That the amounts provided herein shall be subject to a 65 percent Federal / 35 percent non-Federal cost share for the specified purposes: Provided further, That beginning not later than 60 days after the date of enactment of this Act, the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide monthly reports to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds.*

*FLOOD CONTROL AND COASTAL EMERGENCIES*

*For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $2,926,000,000, to remain available until expended: Provided, That such sums shall not be available until October 1, 2008: Provided further, That funds provided herein shall be used to reduce the risk of hurricane and storm damages to the greater New Orleans metropolitan area, at full Federal expense, for the following: $704,000,000 shall be used to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; $90,000,000 shall be used for stormproofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; $459,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $53,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; $456,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; $412,000,000 shall be used for reinforcing or replacing flood walls, as necessary, in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve the performance of the systems; $393,000,000 shall be used for repair and restoration of authorized protections and floodwalls; and $359,000,000 shall be used to complete the authorized protection for the Lake Pontchartrain and Vicinity Project and for the West Bank and Vicinity Project: Provided further, That beginning not later than 60 days after the date of enactment of this Act, the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide monthly reports to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds: Provided further, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Assistant Secretary of the Army for Civil Works requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of completed elements and to hold and save the United States free from damages due to the construction, operation, and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: Provided further, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that is necessary to accomplish the established goals is authorized, subject to the approval of the House and Senate Committees on Appropriations.*

*CHAPTER 3—LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION*

*DEPARTMENT OF LABOR*

*EMPLOYMENT AND TRAINING ADMINISTRATION*

*STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS*

*For an additional amount for ''State Unemployment Insurance and Employment Service Operations'' for grants to the States for the administration of State unemployment insurance, $110,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, to be used for unemployment insurance workloads experienced by the States through September 30, 2008, which shall be available for Federal obligation through December 31, 2008.*

*CHAPTER 4—LEGISLATIVE BRANCH*

*HOUSE OF REPRESENTATIVES*

*PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS*

*For payment to Annette Lantos, widow of Tom Lantos, late a Representative from the State of California, $169,300: Provided, That section 8002 shall not apply to this appropriation.*

*TITLE III—VETERANS EDUCATIONAL ASSISTANCE*

*SHORT TITLE*

*SEC. 3001. This title may be cited as the ''Post-9/11 Veterans Educational Assistance Act of 2008''.*

*FINDINGS*

*SEC. 3002. Congress makes the following findings:*

*(1) On September 11, 2001, terrorists attacked the United States, and the brave members of the Armed Forces of the United States were called to the defense of the Nation.*

*(2) Service on active duty in the Armed Forces has been especially arduous for the members of the Armed Forces since September 11, 2001.*

*(3) The United States has a proud history of offering educational assistance to millions of veterans, as demonstrated by the many ''G.I. Bills'' enacted since World War II. Educational assistance for veterans helps reduce the costs of war, assist veterans in readjusting to civilian life after wartime service, and boost the United States economy, and has a positive effect on recruitment for the Armed Forces.*

*(4) The current educational assistance program for veterans is outmoded and designed for peacetime service in the Armed Forces.*

*(5) The people of the United States greatly value military service and recognize the difficult challenges involved in readjusting to civilian life after wartime service in the Armed Forces.*

*(6) It is in the national interest for the United States to provide veterans who serve on active duty in the Armed Forces after September 11, 2001, with enhanced educational assistance benefits that are worthy of such service and are commensurate with the educational assistance benefits provided by a grateful Nation to veterans of World War II.*

*EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WHO SERVE AFTER SEPTEMBER 11, 2001*

*SEC. 3003. (a) EDUCATIONAL ASSISTANCE AUTHORIZED.—*

*(1) IN GENERAL.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:*

***''CHAPTER 33—POST–9/11 EDUCATIONAL ASSISTANCE***

*''SUBCHAPTER I—DEFINITIONS*

*''Sec.*
*''3301. Definitions.*
*''SUBCHAPTER II—EDUCATIONAL ASSISTANCE*
*''3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement.*
*''3312. Educational assistance: duration.*
*''3313. Educational assistance: amount; payment.*
*''3314. Tutorial assistance.*
*''3315. Licensure and certification tests.*
*''3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service.*
*''3317. Public-private contributions for additional educational assistance.*
*''SUBCHAPTER III—ADMINISTRATIVE PROVISIONS*
*''3321. Time limitation for use of and eligibility for entitlement.*
*''3322. Bar to duplication of educational assistance benefits.*
*''3323. Administration.*
*''3324. Allocation of administration and costs.*

*''SUBCHAPTER I—DEFINITIONS*

***''§ 3301. Definitions***

*''In this chapter:*

*''(1) The term 'active duty' has the meanings as follows (subject to the limitations specified in sections 3002(6) and 3311(b) of this title):*

*''(A) In the case of members of the regular components of the Armed Forces, the meaning given such term in section 101(21)(A) of this title.*

*''(B) In the case of members of the reserve components of the Armed Forces, service on active duty under a call or order to active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10.*

*''(2) The term 'entry level and skill training' means the following:*

*''(A) In the case of members of the Army, Basic Combat Training and Advanced Individual Training.*

*''(B) In the case of members of the Navy, Recruit Training (or Boot Camp) and Skill Training (or so-called 'A' School).*

*''(C) In the case of members of the Air Force, Basic Military Training and Technical Training.*

*''(D) In the case of members of the Marine Corps, Recruit Training and Marine Corps Training (or School of Infantry Training).*

*''(E) In the case of members of the Coast Guard, Basic Training.*

*''(3) The term 'program of education' has the meaning the meaning given such term in section*

*3002 of this title, except to the extent otherwise provided in section 3313 of this title.*

*''(4) The term 'Secretary of Defense' has the meaning given such term in section 3002 of this title.*

*''SUBCHAPTER II—EDUCATIONAL ASSISTANCE*

***"§ 3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement***

*''(a) ENTITLEMENT.—Subject to subsections (d) and (e), each individual described in subsection (b) is entitled to educational assistance under this chapter.*

*''(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual as follows:*

*''(1) An individual who—*

*''(A) commencing on or after September 11, 2001, serves an aggregate of at least 36 months on active duty in the Armed Forces (including service on active duty in entry level and skill training); and*

*''(B) after completion of service described in subparagraph (A)—*

*''(i) continues on active duty; or*

*''(ii) is discharged or released from active duty as described in subsection (c).*

*''(2) An individual who—*

*''(A) commencing on or after September 11, 2001, serves at least 30 continuous days on active duty in the Armed Forces; and*

*''(B) after completion of service described in subparagraph (A), is discharged or released from active duty in the Armed Forces for a service-connected disability.*

*''(3) An individual who—*

*''(A) commencing on or after September 11, 2001, serves an aggregate of at least 30 months, but less than 36 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and*

*''(B) after completion of service described in subparagraph (A)—*

*''(i) continues on active duty for an aggregate of less than 36 months; or*

*''(ii) before completion of service on active duty of an aggregate of 36 months, is discharged or released from active duty as described in subsection (c).*

*''(4) An individual who—*

*''(A) commencing on or after September 11, 2001, serves an aggregate of at least 24 months, but less than 30 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and*

*''(B) after completion of service described in subparagraph (A)—*

*''(i) continues on active duty for an aggregate of less than 30 months; or*

*''(ii) before completion of service on active duty of an aggregate of 30 months, is discharged or released from active duty as described in subsection (c).*

*''(5) An individual who—*

*''(A) commencing on or after September 11, 2001, serves an aggregate of at least 18 months, but less than 24 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and*

*''(B) after completion of service described in subparagraph (A)—*

*''(i) continues on active duty for an aggregate of less than 24 months; or*

*''(ii) before completion of service on active duty of an aggregate of 24 months, is discharged or released from active duty as described in subsection (c).*

*''(6) An individual who—*

*''(A) commencing on or after September 11, 2001, serves an aggregate of at least 12 months, but less than 18 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and*

*''(B) after completion of service described in subparagraph (A)—*

*''(i) continues on active duty for an aggregate of less than 18 months; or*

*''(ii) before completion of service on active duty of an aggregate of 18 months, is discharged or released from active duty as described in subsection (c).*

*''(7) An individual who—*

*''(A) commencing on or after September 11, 2001, serves an aggregate of at least 6 months, but less than 12 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and*

*''(B) after completion of service described in subparagraph (A)—*

*''(i) continues on active duty for an aggregate of less than 12 months; or*

*''(ii) before completion of service on active duty of an aggregate of 12 months, is discharged or released from active duty as described in subsection (c).*

*''(8) An individual who—*

*''(A) commencing on or after September 11, 2001, serves an aggregate of at least 90 days, but less than 6 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and*

*''(B) after completion of service described in subparagraph (A)—*

*''(i) continues on active duty for an aggregate of less than 6 months; or*

*''(ii) before completion of service on active duty of an aggregate of 6 months, is discharged or released from active duty as described in subsection (c).*

*''(c) COVERED DISCHARGES AND RELEASES.—A discharge or release from active duty of an individual described in this subsection is a discharge or release as follows:*

*''(1) A discharge from active duty in the Armed Forces with an honorable discharge.*

*''(2) A release after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list.*

*''(3) A release from active duty in the Armed Forces for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.*

*''(4) A discharge or release from active duty in the Armed Forces for—*

*''(A) a medical condition which preexisted the service of the individual as described in the applicable paragraph of subsection (b) and which the Secretary determines is not service-connected;*

*''(B) hardship; or*

*''(C) a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary concerned in accordance with regulations prescribed by the Secretary of Defense.*

*''(d) PROHIBITION ON TREATMENT OF CERTAIN SERVICE AS PERIOD OF ACTIVE DUTY.—The following periods of service shall not be considered a part of the period of active duty on which an individual's entitlement to educational assistance under this chapter is based:*

*''(1) A period of service on active duty of an officer pursuant to an agreement under section 2107(b) of title 10.*

*''(2) A period of service on active duty of an officer pursuant to an agreement under section 4348, 6959, or 9348 of title 10.*

*''(3) A period of service that is terminated because of a defective enlistment and induction based on—*

*''(A) the individual's being a minor for purposes of service in the Armed Forces;*

*''(B) an erroneous enlistment or induction; or*

*''(C) a defective enlistment agreement.*

*''(e) TREATMENT OF INDIVIDUALS ENTITLED UNDER MULTIPLE PROVISIONS.—In the event an individual entitled to educational assistance under this chapter is entitled by reason of both paragraphs (4) and (5) of subsection (b), the individual shall be treated as being entitled to educational assistance under this chapter by reason of paragraph (5) of such subsection.*

***"§ 3312. Educational assistance: duration***

*''(a) IN GENERAL.—Subject to section 3695 of this title and except as provided in subsections (b) and (c), an individual entitled to educational assistance under this chapter is entitled to a number of months of educational assistance under section 3313 of this title equal to 36 months.*

*''(b) CONTINUING RECEIPT.—The receipt of educational assistance under section 3313 of this title by an individual entitled to educational assistance under this chapter is subject to the provisions of section 3321(b)(2) of this title.*

*''(c) DISCONTINUATION OF EDUCATION FOR ACTIVE DUTY.—(1) Any payment of educational assistance described in paragraph (2) shall not—*

*''(A) be charged against any entitlement to educational assistance of the individual concerned under this chapter; or*

*''(B) be counted against the aggregate period for which section 3695 of this title limits the individual's receipt of educational assistance under this chapter.*

*''(2) Subject to paragraph (3), the payment of educational assistance described in this paragraph is the payment of such assistance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—*

*''(A)(i) in the case of an individual not serving on active duty, had to discontinue such course pursuit as a result of being called or ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; or*

*''(ii) in the case of an individual serving on active duty, had to discontinue such course pursuit as a result of being ordered to a new duty location or assignment or to perform an increased amount of work; and*

*''(B) failed to receive credit or lost training time toward completion of the individual's approved education, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A), the individual's course pursuit.*

*''(3) The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses from which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (2)(B).*

***"§ 3313. Educational assistance: amount; payment***

*''(a) PAYMENT.—The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education (other than a program covered by subsections (e) and (f)) the amounts specified in subsection (c) to meet the expenses of such individual's subsistence, tuition, fees, and other educational costs for pursuit of such program of education.*

*''(b) APPROVED PROGRAMS OF EDUCATION.—A program of education is an approved program of education for purposes of this chapter if the program of education is offered by an institution of higher learning (as that term is defined in section 3452(f) of this title) and is approved for purposes of chapter 30 of this title (including approval by the State approving agency concerned).*

*''(c) AMOUNT OF EDUCATIONAL ASSISTANCE.—The amounts payable under this subsection for pursuit of an approved program of education are amounts as follows:*

*''(1) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(1) or 3311(b)(2) of this title, amounts as follows:*

''(A) An amount equal to the established charges for the program of education, except that the amount payable under this subparagraph may not exceed the maximum amount of established charges regularly charged in-State students for full-time pursuit of approved programs of education for undergraduates by the public institution of higher education offering approved programs of education for undergraduates in the State in which the individual is enrolled that has the highest rate of regularly-charged established charges for such programs of education among all public institutions of higher education in such State offering such programs of education.

''(B) A monthly stipend in an amount as follows:

''(i) For each month the individual pursues the program of education, other than a program of education offered through distance learning, a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher education at which the individual is enrolled.

''(ii) For the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with respect to such quarter, semester, or term in the amount equal to—

''(I) $1,000, multiplied by

''(II) the fraction which is the portion of a complete academic year under the program of education that such quarter, semester, or term constitutes.

''(2) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(3) of this title, amounts equal to 90 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(3) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(4) of this title, amounts equal to 80 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(4) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(5) of this title, amounts equal to 70 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(5) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(6) of this title, amounts equal to 60 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(6) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(7) of this title, amounts equal to 50 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(7) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(8) of this title, amounts equal to 40 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(d) FREQUENCY OF PAYMENT.—(1) Payment of the amounts payable under subsection (c)(1)(A), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(2) Payment of the amount payable under subsection (c)(1)(B), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made on a monthly basis.

''(3) The Secretary shall prescribe in regulations methods for determining the number of months (including fractions thereof) of entitlement of an individual to educational assistance this chapter that are chargeable under this chapter for an advance payment of amounts under paragraphs (1) and (2) for pursuit of a program of education on a quarter, semester, term, or other basis.

''(e) PROGRAMS OF EDUCATION PURSUED ON ACTIVE DUTY.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education while on active duty.

''(2) The amount of educational assistance payable under this chapter to an individual pursuing a program of education while on active duty is the lesser of—

''(A) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

''(B) the amount of the charges of the educational institution as elected by the individual in the manner specified in section 3014(b)(1) of this title.

''(3) Payment of the amount payable under paragraph (2) for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

''(f) PROGRAMS OF EDUCATION PURSUED ON HALF-TIME BASIS OR LESS.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education on half-time basis or less.

''(2) The educational assistance payable under this chapter to an individual pursuing a program of education on half-time basis or less is the amounts as follows:

''(A) The amount equal to the lesser of—

''(i) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

''(ii) the maximum amount that would be payable to the individual for the program of education under paragraph (1)(A) of subsection (c), or under the provisions of paragraphs (2) through (7) of subsection (c) applicable to the individual, for the program of education if the individual were entitled to amounts for the program of education under subsection (c) rather than this subsection.

''(B) A stipend in an amount equal to the amount of the appropriately reduced amount of the lump sum amount for books, supplies, equipment, and other educational costs otherwise payable to the individual under subsection (c).

''(3) Payment of the amounts payable to an individual under paragraph (2) for pursuit of a program of education on half-time basis or less shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at a percentage of a month equal to—

''(A) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

''(B) the number of course hours for full-time pursuit of such program of education.

''(g) PAYMENT OF ESTABLISHED CHARGES TO EDUCATIONAL INSTITUTIONS.—Amounts payable under subsections (c)(1)(A) (and of similar amounts payable under paragraphs (2) through (7) of subsection (c)), (e)(2) and (f)(2)(A) shall be paid directly to the educational institution concerned.

''(h) ESTABLISHED CHARGES DEFINED.—(1) In this section, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.

''(2) Established charges shall be determined for purposes of this subsection on the following basis:

''(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

''(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

**''§ 3314. Tutorial assistance**

''(a) IN GENERAL.—Subject to subsection (b), an individual entitled to educational assistance under this chapter shall also be entitled to benefits provided an eligible veteran under section 3492 of this title.

''(b) CONDITIONS.—(1) The provision of benefits under subsection (a) shall be subject to the conditions applicable to an eligible veteran under section 3492 of this title.

''(2) In addition to the conditions specified in paragraph (1), benefits may not be provided to an individual under subsection (a) unless the professor or other individual teaching, leading, or giving the course for which such benefits are provided certifies that—

''(A) such benefits are essential to correct a deficiency of the individual in such course; and

''(B) such course is required as a part of, or is prerequisite or indispensable to the satisfactory pursuit of, an approved program of education.

''(c) AMOUNT.—(1) The amount of benefits described in subsection (a) that are payable under this section may not exceed $100 per month, for a maximum of 12 months, or until a maximum of $1,200 is utilized.

''(2) The amount provided an individual under this subsection is in addition to the amounts of educational assistance paid the individual under section 3313 of this title.

''(d) NO CHARGE AGAINST ENTITLEMENT.—Any benefits provided an individual under subsection (a) are in addition to any other educational assistance benefits provided the individual under this chapter.

**''§ 3315. Licensure and certification tests**

''(a) IN GENERAL.—An individual entitled to educational assistance under this chapter shall also be entitled to payment for one licensing or certification test described in section 3452(b) of this title.

''(b) LIMITATION ON AMOUNT.—The amount payable under subsection (a) for a licensing or certification test may not exceed the lesser of—

''(1) $2,000; or

''(2) the fee charged for the test.

''(c) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under subsection (a) is in addition to any other educational assistance benefits provided the individual under this chapter.

**''§ 3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service**

''(a) INCREASED ASSISTANCE FOR MEMBERS WITH CRITICAL SKILLS OR SPECIALTY.—(1) In the case of an individual who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

''(2) The amount of the increase in educational assistance authorized by paragraph (1) may not exceed the amount equal to the monthly amount of increased basic educational assistance providable under section 3015(d)(1) of this title at the time of the increase under paragraph (1).

''(b) SUPPLEMENTAL ASSISTANCE FOR ADDITIONAL SERVICE.—(1) The Secretary concerned may provide for the payment to an individual entitled to educational assistance under this chapter of supplemental educational assistance for additional service authorized by subchapter III of chapter 30 of this title. The amount so payable shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

''(2) Eligibility for supplement educational assistance under this subsection shall be determined in accordance with the provisions of subchapter III of chapter 30 of this title, except that any reference in such provisions to eligibility for basic educational assistance under a provision of subchapter II of chapter 30 of this title shall be treated as a reference to eligibility for educational assistance under the appropriate provision of this chapter.

''(3) The amount of supplemental educational assistance payable under this subsection shall be the amount equal to the monthly amount of supplemental educational payable under section 3022 of this title.

''(c) REGULATIONS.—The Secretaries concerned shall administer this section in accordance with such regulations as the Secretary of Defense shall prescribe.

**''§ 3317. Public-private contributions for additional educational assistance**

''(a) ESTABLISHMENT OF PROGRAM.—In instances where the educational assistance provided pursuant to section 3313(c)(1)(A) does not cover the full cost of established charges (as specified in section 3313 of this title), the Secretary shall carry out a program under which colleges and universities can, voluntarily, enter into an agreement with the Secretary to cover a portion of those established charges not otherwise covered under section 3313(c)(1)(A), which contributions shall be matched by equivalent contributions toward such costs by the Secretary. The program shall only apply to covered individuals described in paragraphs (1) and (2) of section 3311(b).

''(b) DESIGNATION OF PROGRAM.—The program under this section shall be known as the 'Yellow Ribbon G.I. Education Enhancement Program'.

''(c) AGREEMENTS.—The Secretary shall enter into an agreement with each college or university seeking to participate in the program under this section. Each agreement shall specify the following:

''(1) The manner (whether by direct grant, scholarship, or otherwise) of the contributions to be made by the college or university concerned.

''(2) The maximum amount of the contribution to be made by the college or university concerned with respect to any particular individual in any given academic year.

''(3) The maximum number of individuals for whom the college or university concerned will make contributions in any given academic year.

''(4) Such other matters as the Secretary and the college or university concerned jointly consider appropriate.

''(d) MATCHING CONTRIBUTIONS.—(1) In instances where the educational assistance provided an individual under section 3313(c)(1)(A) of this title does not cover the full cost of tuition and mandatory fees at a college or university, the Secretary shall provide up to 50 percent of the remaining costs for tuition and mandatory fees if the college or university voluntarily enters into an agreement with the Secretary to match an equal percentage of any of the remaining costs for such tuition and fees.

''(2) Amounts available to the Secretary under section 3324(b) of this title for payment of the costs of this chapter shall be available to the Secretary for purposes of paragraph (1).

''(e) OUTREACH.—The Secretary shall make available on the Internet website of the Department available to the public a current list of the colleges and universities participating in the program under this section. The list shall specify, for each college or university so listed, appropriate information on the agreement between the Secretary and such college or university under subsection (c).

''SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

**''§ 3321. Time limitation for use of and eligibility for entitlement**

''(a) IN GENERAL.—Except as provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such individual's entitlement expires at the end of the 15-year period beginning on the date of such individual's last discharge or release from active duty.

''(b) EXCEPTIONS.—(1) Subsections (b), (c), and (d) of section 3031 of this title shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply under section 3031 of this title with respect to the running of the 10-year period described in section 3031(a) of this title.

''(2) Section 3031(f) of this title shall apply with respect to the termination of an individual's entitlement to educational assistance under this chapter in the same manner as such section applies to the termination of an individual's entitlement to educational assistance under chapter 30 of this title, except that, in the administration of such section for purposes of this chapter, the reference to section 3013 of this title shall be deemed to be a reference to 3312 of this title.

''(3) For purposes of subsection (a), an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service, unless the individual is discharged or released as described in section 3311(b)(2) of this title.

**''§ 3322. Bar to duplication of educational assistance benefits**

''(a) IN GENERAL.—An individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note) may not receive assistance under two or more such programs concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter or provisions to receive educational assistance.

''(b) INAPPLICABILITY OF SERVICE TREATED UNDER EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period of service counted for purposes of repayment of an education loan under chapter 109 of title 10 may not be counted as a period of service for entitlement to educational assistance under this chapter.

''(c) SERVICE IN SELECTED RESERVE.—An individual who serves in the Selected Reserve may receive credit for such service under only one of this chapter, chapter 30 of this title, and chapters 1606 and 1607 of title 10, and shall elect (in such form and manner as the Secretary may prescribe) under which chapter such service is to be credited.

''(d) ADDITIONAL COORDINATION MATTERS.—In the case of an individual entitled to educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980, or making contributions toward entitlement to educational assistance under chapter 30 of this title, as of August 1, 2009, coordination of entitlement to educational assistance under this chapter, on the one hand, and such chapters or provisions, on the other, shall be governed by the provisions of section 3003(c) of the Post-9/11 Veterans Educational Assistance Act of 2008.

**''§ 3323. Administration**

''(a) IN GENERAL.—(1) Except as otherwise provided in this chapter, the provisions specified in section 3034(a)(1) of this title shall apply to the provision of educational assistance under this chapter.

''(2) In applying the provisions referred to in paragraph (1) to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such provisions to the term 'eligible veteran' shall be deemed to refer to an individual entitled to educational assistance under this chapter.

''(3) In applying section 3474 of this title to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such section 3474 to the term 'educational assistance allowance' shall be deemed to refer to educational assistance payable under section 3313 of this title.

''(4) In applying section 3482(g) of this title to an individual entitled to educational assistance under this chapter for purposes of this section—

''(A) the first reference to the term 'educational assistance allowance' in such section 3482(g) shall be deemed to refer to educational assistance payable under section 3313 of this title; and

''(B) the first sentence of paragraph (1) of such section 3482(g) shall be applied as if such sentence ended with 'equipment'.

''(b) INFORMATION ON BENEFITS.—(1) The Secretary of Veterans Affairs shall provide the information described in paragraph (2) to each member of the Armed Forces at such times as the Secretary of Veterans Affairs and the Secretary of Defense shall jointly prescribe in regulations.

''(2) The information described in this paragraph is information on benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of educational assistance under this chapter, including application forms for such assistance under section 5102 of this title.

''(3) The Secretary of Veterans Affairs shall furnish the information and forms described in paragraph (2), and other educational materials on educational assistance under this chapter, to educational institutions, training establishments, military education personnel, and such other persons and entities as the Secretary considers appropriate.

''(c) REGULATIONS.—(1) The Secretary shall prescribe regulations for the administration of this chapter.

''(2) Any regulations prescribed by the Secretary of Defense for purposes of this chapter shall apply uniformly across the Armed Forces.

***"§ 3324. Allocation of administration and costs***

*''(a) ADMINISTRATION.—Except as otherwise provided in this chapter, the Secretary shall administer the provision of educational assistance under this chapter.*

*''(b) COSTS.—Payments for entitlement to educational assistance earned under this chapter shall be made from funds appropriated to, or otherwise made available to, the Department of Veterans Affairs for the payment of readjustment benefits.''.*

*(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 32 the following new item:*

***''33. Post-9/11 Educational Assistance 3301''.***

*(b) CONFORMING AMENDMENTS.—*

*(1) AMENDMENTS RELATING TO DUPLICATION OF BENEFITS.—*

*(A) Section 3033 of title 38, United States Code, is amended—*

*(i) in subsection (a)(1), by inserting ''33,'' after ''32,''; and*

*(ii) in subsection (c), by striking ''both the program established by this chapter and the program established by chapter 106 of title 10'' and inserting ''two or more of the programs established by this chapter, chapter 33 of this title, and chapters 1606 and 1607 of title 10''.*

*(B) Paragraph (4) of section 3695(a) of such title is amended to read as follows:*

*''(4) Chapters 30, 32, 33, 34, 35, and 36 of this title.''.*

*(C) Section 16163(e) of title 10, United States Code, is amended by inserting ''33,'' after ''32,''.*

*(2) ADDITIONAL CONFORMING AMENDMENTS.—*

*(A) Title 38, United States Code, is further amended by inserting ''33,'' after ''32,'' each place it appears in the following provisions:*

*(i) In subsections (b) and (e)(1) of section 3485.*

*(ii) In section 3688(b).*

*(iii) In subsections (a)(1), (c)(1), (c)(1)(G), (d), and (e)(2) of section 3689.*

*(iv) In section 3690( b)(3)(A).*

*(v) In subsections (a) and (b) of section 3692.*

*(vi) In section 3697(a).*

*(B) Section 3697A(b)(1) of such title is amended by striking ''or 32'' and inserting ''32, or 33''.*

*(c) APPLICABILITY TO INDIVIDUALS UNDER MONTGOMERY GI BILL PROGRAM.—*

*(1) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPATION IN POST-9/11 EDUCATIONAL ASSISTANCE.—An individual may elect to receive educational assistance under chapter 33 of title 38, United States Code (as added by subsection (a)), if such individual—*

*(A) as of August 1, 2009—*

*(i) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, and has used, but retains unused, entitlement under that chapter;*

*(ii) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, and has used, but retains unused, entitlement under the applicable chapter;*

*(iii) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, but has not used any entitlement under that chapter;*

*(iv) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, but has not used any entitlement under such chapter;*

*(v) is a member of the Armed Forces who is eligible for receipt of basic educational assistance under chapter 30 of title 38, United States Code, and is making contributions toward such assistance under section 3011(b) or 3012(c) of such title; or*

*(vi) is a member of the Armed Forces who is not entitled to basic educational assistance under chapter 30 of title 38, United States Code, by reason of an election under section 3011(c)(1) or 3012(d)(1) of such title; and*

*(B) as of the date of the individual's election under this paragraph, meets the requirements for entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added).*

*(2) CESSATION OF CONTRIBUTIONS TOWARD GI BILL.—Effective as of the first month beginning on or after the date of an election under paragraph (1) of an individual described by subparagraph (A)(v) of that paragraph, the obligation of the individual to make contributions under section 3011(b) or 3012(c) of title 38, United States Code, as applicable, shall cease, and the requirements of such section shall be deemed to be no longer applicable to the individual.*

*(3) REVOCATION OF REMAINING TRANSFERRED ENTITLEMENT.—*

*(A) ELECTION TO REVOKE.—If, on the date an individual described in subparagraph (A)(i) or (A)(iii) of paragraph (1) makes an election under that paragraph, a transfer of the entitlement of the individual to basic educational assistance under section 3020 of title 38, United States Code, is in effect and a number of months of the entitlement so transferred remain unutilized, the individual may elect to revoke all or a portion of the entitlement so transferred that remains unutilized.*

*(B) AVAILABILITY OF REVOKED ENTITLEMENT.—Any entitlement revoked by an individual under this paragraph shall no longer be available to the dependent to whom transferred, but shall be available to the individual instead for educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of this subsection.*

*(C) AVAILABILITY OF UNREVOKED ENTITLEMENT.—Any entitlement described in subparagraph (A) that is not revoked by an individual in accordance with that subparagraph shall remain available to the dependent or dependents concerned in accordance with the current transfer of such entitlement under section 3020 of title 38, United States Code.*

*(4) POST-9/11 EDUCATIONAL ASSISTANCE.—*

*(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in paragraph (5), an individual making an election under paragraph (1) shall be entitled to educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of such chapter, instead of basic educational assistance under chapter 30 of title 38, United States Code, or educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, as applicable.*

*(B) LIMITATION ON ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual making an election under paragraph (1) who is described by subparagraph (A)(i) of that paragraph, the number of months of entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), shall be the number of months equal to—*

*(i) the number of months of unused entitlement of the individual under chapter 30 of title 38, United States Code, as of the date of the election, plus*

*(ii) the number of months, if any, of entitlement revoked by the individual under paragraph (3)(A).*

*(5) CONTINUING ENTITLEMENT TO EDUCATIONAL ASSISTANCE NOT AVAILABLE UNDER 9/11 ASSISTANCE PROGRAM.—*

*(A) IN GENERAL.—In the event educational assistance to which an individual making an election under paragraph (1) would be entitled under chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable, is not authorized to be available to the individual under the provisions of chapter 33 of title 38, United States Code (as so added), the individual shall remain entitled to such educational assistance in accordance with the provisions of the applicable chapter.*

*(B) CHARGE FOR USE OF ENTITLEMENT.—The utilization by an individual of entitlement under subparagraph (A) shall be chargeable against the entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), at the rate of one month of entitlement under such chapter 33 for each month of entitlement utilized by the individual under subparagraph (A) (as determined as if such entitlement were utilized under the provisions of chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable).*

*(6) ADDITIONAL POST-9/11 ASSISTANCE FOR MEMBERS HAVING MADE CONTRIBUTIONS TOWARD GI BILL.—*

*(A) ADDITIONAL ASSISTANCE.—In the case of an individual making an election under paragraph (1) who is described by clause (i), (iii), or (v) of subparagraph (A) of that paragraph, the amount of educational assistance payable to the individual under chapter 33 of title 38, United States Code (as so added), as a monthly stipend payable under paragraph (1)(B) of section 3313(c) of such title (as so added), or under paragraphs (2) through (7) of that section (as applicable), shall be the amount otherwise payable as a monthly stipend under the applicable paragraph increased by the amount equal to—*

*(i) the total amount of contributions toward basic educational assistance made by the individual under section 3011(b) or 3012(c) of title 38, United States Code, as of the date of the election, multiplied by*

*(ii) the fraction—*

*(I) the numerator of which is—*

*(aa) the number of months of entitlement to basic educational assistance under chapter 30 of title 38, United States Code, remaining to the individual at the time of the election; plus*

*(bb) the number of months, if any, of entitlement under such chapter 30 revoked by the individual under paragraph (3)(A); and*

*(II) the denominator of which is 36 months.*

*(B) MONTHS OF REMAINING ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual covered by subparagraph (A) who is described by paragraph (1)(A)(v), the number of months of entitlement to basic educational assistance remaining to the individual for purposes of subparagraph (A)(ii)(I)(aa) shall be 36 months.*

*(C) TIMING OF PAYMENT.—The amount payable with respect to an individual under subparagraph (A) shall be paid to the individual together with the last payment of the monthly stipend payable to the individual under paragraph (1)(B) of section 3313(c) of title 38, United States Code (as so added), or under paragraphs (2) through (7) of that section (as applicable), before the exhaustion of the individual's entitlement to educational assistance under chapter 33 of such title (as so added).*

*(7) CONTINUING ENTITLEMENT TO ADDITIONAL ASSISTANCE FOR CRITICAL SKILLS OR SPECIALITY AND ADDITIONAL SERVICE.—An individual making an election under paragraph (1)(A) who, at the time of the election, is entitled to increased educational assistance under section 3015(d) of title 38, United States Code, or section 16131(i) of title 10, United States Code, or supplemental educational assistance under subchapter III of chapter 30 of title 38, United States Code, shall remain entitled to such increased educational assistance or supplemental educational assistance in the utilization of entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added), in an amount equal to the quarter, semester, or term, as applicable, equivalent of the monthly amount of such increased educational assistance or supplemental educational assistance payable with respect to the individual at the time of the election.*

*(8) IRREVOCABILITY OF ELECTIONS.—An election under paragraph (1) or (3)(A) is irrevocable.*

*(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on August 1, 2009.*

INCREASE IN AMOUNTS OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL

SEC. 3004. (a) EDUCATIONAL ASSISTANCE BASED ON THREE-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (a)(1) of section 3015 of title 38, United States Code, is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

''(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,321; and''; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(b) EDUCATIONAL ASSISTANCE BASED ON TWO-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (b)(1) of such section is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

''(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,073; and''; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(c) MODIFICATION OF MECHANISM FOR COST-OF-LIVING ADJUSTMENTS.—Subsection (h)(1) of such section is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

''(A) the average cost of undergraduate tuition in the United States, as determined by the National Center for Education Statistics, for the last academic year preceding the beginning of the fiscal year for which the increase is made, exceeds

''(B) the average cost of undergraduate tuition in the United States, as so determined, for the academic year preceding the academic year described in subparagraph (A).''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on August 1, 2008.

(2) NO COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2009.—The adjustment required by subsection (h) of section 3015 of title 38, United States Code (as amended by this section), in rates of basic educational assistance payable under subsections (a) and (b) of such section (as so amended) shall not be made for fiscal year 2009.

MODIFICATION OF AMOUNT AVAILABLE FOR REIMBURSEMENT OF STATE AND LOCAL AGENCIES ADMINISTERING VETERANS EDUCATION BENEFITS

SEC. 3005. Section 3674(a)(4) of title 38, United States Code, is amended by striking ''may not exceed'' and all that follows through the end and inserting ''shall be $19,000,000.''.

## TITLE IV—EMERGENCY UNEMPLOYMENT COMPENSATION

FEDERAL-STATE AGREEMENTS

SEC. 4001. (a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the ''Secretary''). Any State which is a party to an agreement under this title may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before May 1, 2007);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (except as provided under subsection (e)); and

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this title—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except where otherwise inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an emergency unemployment compensation account is established under section 4002 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of emergency unemployment compensation prior to extended compensation to individuals who otherwise meet the requirements of this section.

EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT

SEC. 4002. (a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) SPECIAL RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, if, at the time that the individual's account is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), then, such account shall be augmented by an amount equal to the amount originally established in such account (as determined under subsection (b)(1)).

(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970;

(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

(i) were applied by substituting ''4'' for ''5'' each place it appears; and

(ii) did not include the requirement under paragraph (1)(A); or

(C) such a period would then be in effect for such State under such Act if—

(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

(ii) such section 203(f)—

(I) were applied by substituting `6.0' for `6.5' in paragraph (1)(A)(i); and

(II) did not include the requirement under paragraph (1)(A)(ii).

PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION

SEC. 4003. (a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this title an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this title in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

FINANCING PROVISIONS

SEC. 4004. (a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for the making of payments to States having agreements entered into under this title.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the Government Accountability Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this title.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year

*limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—*

*(1) compensation payable under chapter 85 of title 5, United States Code; and*

*(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.*

*Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.*

*FRAUD AND OVERPAYMENTS*

*SEC. 4005. (a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this title to which such individual was not entitled, such individual—*

*(1) shall be ineligible for further emergency unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and*

*(2) shall be subject to prosecution under section 1001 of title 18, United States Code.*

*(b) REPAYMENT.—In the case of individuals who have received amounts of emergency unemployment compensation under this title to which they were not entitled, the State shall require such individuals to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—*

*(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual; and*

*(2) such repayment would be contrary to equity and good conscience.*

*(c) RECOVERY BY STATE AGENCY.—*

*(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the emergency unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.*

*(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.*

*(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.*

*DEFINITIONS*

*SEC. 4006. In this title, the terms ''compensation'', ''regular compensation'', ''extended compensation'', ''benefit year'', ''base period'', ''State'', ''State agency'', ''State law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).*

*APPLICABILITY*

*SEC. 4007. (a) IN GENERAL.—Except as provided in subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—*

*(1) beginning after the date on which such agreement is entered into; and*

*(2) ending on or before March 31, 2009.*

*(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—*

*(1) IN GENERAL.—Subject to paragraphs (2) and (3), in the case of an individual who has amounts remaining in an account established under section 4002 as of the last day of the last week (as determined in accordance with the applicable State law) ending on or before March 31, 2009, emergency unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such last day for which the individual meets the eligibility requirements of this title.*

*(2) LIMIT ON AUGMENTATION.—If the account of an individual is exhausted after the last day of such last week (as so determined), then section 4002(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).*

*(3) LIMIT ON COMPENSATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after June 30, 2009.*

*TITLE V—MEDICAID PROVISIONS*

*SEC. 5001. (a) MORATORIA ON CERTAIN MEDICAID REGULATIONS.—*

*(1) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–28.—Section 7002(a)(1) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) is amended—*

*(A) by striking ''prior to the date that is 1 year after the date of enactment of this Act'' and inserting ''prior to April 1, 2009'';*

*(B) in subparagraph (A), by inserting after ''Federal Regulations)'' the following: ''or in the final regulation, relating to such parts, published on May 29, 2007 (72 Federal Register 29748)''; and*

*(C) in subparagraph (C), by inserting before the period at the end the following: '', including the proposed regulation published on May 23, 2007 (72 Federal Register 28930)''.*

*(2) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–173.—Section 206 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) is amended—*

*(A) by striking ''June 30, 2008'' and inserting ''April 1, 2009'';*

*(B) by inserting '', including the proposed regulation published on August 13, 2007 (72 Federal Register 45201),'' after ''rehabilitation services''; and*

*(C) by inserting '', including the final regulation published on December 28, 2007 (72 Federal Register 73635),'' after ''school-based transportation''.*

*(3) ADDITIONAL MORATORIA.—*

*(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to a provision described in subparagraph (B), (C), or (D) if such restrictions are more restrictive in any aspect than those applied to the respective provision as of the date specified in subparagraph (E) for such provision.*

*(B) PORTION OF INTERIM FINAL REGULATION RELATING TO MEDICAID TREATMENT OF OPTIONAL CASE MANAGEMENT SERVICES.—*

*(i) IN GENERAL.—Subject to clause (ii), the provision described in this subparagraph is the interim final regulation relating to optional State plan case management services under the Medicaid program published on December 4, 2007 (72 Federal Register 68077) in its entirety.*

*(ii) EXCEPTION.—The provision described in this subparagraph does not include the portion of such regulation as relates directly to implementing section 1915(g)(2)(A)(ii) of the Social Security Act, as amended by section 6052 of the Deficit Reduction Act of 2005 (Public Law 109–171), through the definition of case management services and targeted case management services contained in proposed section 440.169 of title 42, Code of Federal Regulations, but only to the extent that such portion is not more restrictive than the policies set forth in the Dear State Medicaid Director letter on case management issued on January 19, 2001 (SMDL #01–013), and with respect to community transition case management, the Dear State Medicaid Director letter issued on July 25, 2000 (Olmstead Update 3).*

*(C) PROPOSED REGULATION RELATING TO REDEFINITION OF MEDICAID OUTPATIENT HOSPITAL SERVICES.—The provision described in this subparagraph is the proposed regulation relating to clarification of outpatient clinic and hospital facility services definition and upper payment limit under the Medicaid program published on September 28, 2007 (72 Federal Register 55158) in its entirety.*

*(D) PORTION OF PROPOSED REGULATION RELATING TO MEDICAID ALLOWABLE PROVIDER TAXES.—*

*(i) IN GENERAL.—Subject to clause (ii), the provision described in this subparagraph is the final regulation relating to health-care-related taxes under the Medicaid program published on February 22, 2008 (73 Federal Register 9685) in its entirety.*

*(ii) EXCEPTION.—The provision described in this subparagraph does not include the portions of such regulation as relate to the following:*

*(I) REDUCTION IN THRESHOLD.—The reduction from 6 percent to 5.5 percent in the threshold applied under section 433.68(f)(3)(i) of title 42, Code of Federal Regulations, for determining whether or not there is an indirect guarantee to hold a taxpayer harmless, as required to carry out section 1903(w)(4)(C)(ii) of the Social Security Act, as added by section 403 of the Medicare Improvement and Extension Act of 2006 (division B of Public Law 109–432).*

*(II) CHANGE IN DEFINITION OF MANAGED CARE.—The change in the definition of managed care as proposed in the revision of section 433.56(a)(8) of title 42, Code of Federal Regulations, as required to carry out section 1903(w)(7)(A)(viii) of the Social Security Act, as amended by section 6051 of the Deficit Reduction Act of 2005 (Public Law 109–171).*

*(E) DATE SPECIFIED.—The date specified in this subparagraph for the provision described in—*

*(i) subparagraph (B) is December 3, 2007;*

*(ii) subparagraph (C) is September 27, 2007; or*

*(iii) subparagraph (D) is February 21, 2008.*

*(b) FUNDS TO REDUCE MEDICAID FRAUD AND ABUSE.—*

*(1) IN GENERAL.—For purposes of reducing fraud and abuse in the Medicaid program under title XIX of the Social Security Act—*

*(A) there is appropriated to the Secretary of Health and Human Services, out of any money in the Treasury not otherwise appropriated, $25,000,000, for fiscal year 2009; and*

*(B) there is authorized to be appropriated to the Secretary $25,000,000 for fiscal year 2010 and each subsequent fiscal year.*

*Amounts appropriated under this section shall remain available for expenditure until expended and shall be in addition to any other amounts appropriated or made available to the Secretary for such purposes with respect to the Medicaid program.*

*(2) ANNUAL REPORT.—Not later than September 30 of 2009 and of each subsequent year, the Secretary of Health and Human Services shall submit to the Committee on Energy and*

*Commerce of the House of Representatives and the Committee on Finance of the Senate a report on the activities (and the results of such activities) funded under paragraph (1) to reduce waste, fraud, and abuse in the Medicaid program under title XIX of the Social Security Act during the previous 12 month period, including the amount of funds appropriated under such paragraph for each such activity and an estimate of the savings to the Medicaid program resulting from each such activity.*

*(c) STUDY AND REPORTS TO CONGRESS.—*

*(1) SECRETARIAL REPORT IDENTIFYING PROBLEMS.—Not later than July 1, 2008, the Secretary of Health and Human Services shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report that—*

*(A) outlines the specific problems the Medicaid regulations referred to in the amendments made by paragraphs (1) and (2) of subsection (a) and in the provisions described in subparagraph (B) through (D) of paragraph (3) of such subsection were intended to address;*

*(B) detailing how these regulations were designed to address these specific problems; and*

*(C) cites the legal authority for such regulations.*

*(2) INDEPENDENT COMPREHENSIVE STUDY AND REPORT.—*

*(A) IN GENERAL.—Not later than July 1, 2008, the Secretary of Health and Human Services shall enter into a contract with an independent organization for the purpose of—*

*(i) producing a comprehensive report on the prevalence of the problems outlined in the report submitted under paragraph (1);*

*(ii) identifying strategies in existence to address these problems; and*

*(iii) assessing the impact of each regulation referred to in such paragraph on each State and the District of Columbia.*

*(B) ADDITIONAL MATTER.—The report under subparagraph (A) shall also include—*

*(i) an identification of which claims for items and services (including administrative activities) under title XIX of the Social Security Act are not processed through systems described in section 1903(r) of such Act;*

*(ii) an examination of the reasons why these claims for such items and services are not processed through such systems; and*

*(iii) recommendations on actions by the Federal government and the States that can make claims for such items and services more accurate and complete consistent with such title.*

*(C) DEADLINE.—The report under subparagraph (A) shall be submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate not later than March 1, 2009.*

*(D) COOPERATION OF STATES.—If the Secretary of Health and Human Services determines that a State or the District of Columbia has not cooperated with the independent organization for purposes of the report under this paragraph, the Secretary shall reduce the amount paid to the State or District under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) by $25,000 for each day on which the Secretary determines such State or District has not so cooperated. Such reduction shall be made through a process that permits the State or District to challenge the Secretary's determination.*

*(3) FUNDING.—*

*(A) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary without further appropriation, $5,000,000 to carry out this subsection.*

*(B) AVAILABILITY; AMOUNTS IN ADDITION TO OTHER AMOUNTS APPROPRIATED FOR SUCH ACTIVITIES.—Amounts appropriated pursuant to subparagraph (A) shall—*

*(i) remain available until expended; and*

*(ii) be in addition to any other amounts appropriated or made available to the Secretary of Health and Human Services with respect to the Medicaid program.*

*(d) ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS.—*

*(1) ADDITION OF AUTHORITY.—Title XIX of the Social Security Act is amended by inserting after section 1939 the following new section:*

*''ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS*

*''SEC. 1940. (a) IMPLEMENTATION.—*

*''(1) IN GENERAL.—Subject to the provisions of this section, each State shall implement an asset verification program described in subsection (b), for purposes of determining or redetermining the eligibility of an individual for medical assistance under the State plan under this title.*

*''(2) PLAN SUBMITTAL.—In order to meet the requirement of paragraph (1), each State shall—*

*''(A) submit not later than a deadline specified by the Secretary consistent with paragraph (3), a State plan amendment under this title that describes how the State intends to implement the asset verification program; and*

*''(B) provide for implementation of such program for eligibility determinations and redeterminations made on or after 6 months after the deadline established for submittal of such plan amendment.*

*''(3) PHASE-IN.—*

*''(A) IN GENERAL.—*

*''(i) IMPLEMENTATION IN CURRENT ASSET VERIFICATION DEMO STATES.—The Secretary shall require those States specified in subparagraph (C) (to which an asset verification program has been applied before the date of the enactment of this section) to implement an asset verification program under this subsection by the end of fiscal year 2009.*

*''(ii) IMPLEMENTATION IN OTHER STATES.—The Secretary shall require other States to submit and implement an asset verification program under this subsection in such manner as is designed to result in the application of such programs, in the aggregate for all such other States, to enrollment of approximately, but not less than, the following percentage of enrollees, in the aggregate for all such other States, by the end of the fiscal year involved:*

*''(I) 12.5 percent by the end of fiscal year 2009.*

*''(II) 25 percent by the end of fiscal year 2010.*

*''(III) 50 percent by the end of fiscal year 2011.*

*''(IV) 75 percent by the end of fiscal year 2012.*

*''(V) 100 percent by the end of fiscal year 2013.*

*''(B) CONSIDERATION.—In selecting States under subparagraph (A)(ii), the Secretary shall consult with the States involved and take into account the feasibility of implementing asset verification programs in each such State.*

*''(C) STATES SPECIFIED.—The States specified in this subparagraph are California, New York, and New Jersey.*

*''(D) CONSTRUCTION.—Nothing in subparagraph (A)(ii) shall be construed as preventing a State from requesting, and the Secretary approving, the implementation of an asset verification program in advance of the deadline otherwise established under such subparagraph.*

*''(4) EXEMPTION OF TERRITORIES.—This section shall only apply to the 50 States and the District of Columbia.*

*''(b) ASSET VERIFICATION PROGRAM.—*

*''(1) IN GENERAL.—For purposes of this section, an asset verification program means a program described in paragraph (2) under which a State—*

*''(A) requires each applicant for, or recipient of, medical assistance under the State plan under this title on the basis of being aged, blind, or disabled to provide authorization by such applicant or recipient (and any other person whose resources are material to the determination of the eligibility of the applicant or recipient for such assistance) for the State to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act but at no cost to the applicant or recipient) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (and such other person, as applicable), whenever the State determines the record is needed in connection with a determination with respect to such eligibility for (or the amount or extent of) such medical assistance; and*

*''(B) uses the authorization provided under subparagraph (A) to verify the financial resources of such applicant or recipient (and such other person, as applicable), in order to determine or redetermine the eligibility of such applicant or recipient for medical assistance under the State plan.*

*''(2) PROGRAM DESCRIBED.—A program described in this paragraph is a program for verifying individual assets in a manner consistent with the approach used by the Commissioner of Social Security under section 1631(e)(1)(B)(ii).*

*''(c) DURATION OF AUTHORIZATION.—Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act, an authorization provided to a State under subsection (b)(1) shall remain effective until the earliest of—*

*''(1) the rendering of a final adverse decision on the applicant's application for medical assistance under the State's plan under this title;*

*''(2) the cessation of the recipient's eligibility for such medical assistance; or*

*''(3) the express revocation by the applicant or recipient (or such other person described in subsection (b)(1), as applicable) of the authorization, in a written notification to the State.*

*''(d) TREATMENT OF RIGHT TO FINANCIAL PRIVACY ACT REQUIREMENTS.—*

*''(1) An authorization obtained by the State under subsection (b)(1) shall be considered to meet the requirements of the Right to Financial Privacy Act for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act.*

*''(2) The certification requirements of section 1103(b) of the Right to Financial Privacy Act shall not apply to requests by the State pursuant to an authorization provided under subsection (b)(1).*

*''(3) A request by the State pursuant to an authorization provided under subsection (b)(1) is deemed to meet the requirements of section 1104(a)(3) of the Right to Financial Privacy Act and of section 1102 of such Act, relating to a reasonable description of financial records.*

*''(e) REQUIRED DISCLOSURE.—The State shall inform any person who provides authorization pursuant to subsection (b)(1)(A) of the duration and scope of the authorization.*

*''(f) REFUSAL OR REVOCATION OF AUTHORIZATION.—If an applicant for, or recipient of, medical assistance under the State plan under this title (or such other person described in subsection (b)(1), as applicable) refuses to provide, or revokes, any authorization made by the applicant or recipient (or such other person, as applicable) under subsection (b)(1)(A) for the State to obtain from any financial institution any financial record, the State may, on that basis, determine that the applicant or recipient is ineligible for medical assistance.*

*''(g) USE OF CONTRACTOR.—For purposes of implementing an asset verification program under this section, a State may select and enter into a contract with a public or private entity meeting such criteria and qualifications as the State determines appropriate, consistent with requirements in regulations relating to general contracting provisions and with section 1903(i)(2). In carrying out activities under such contract, such an entity shall be subject to the same requirements and limitations on use and disclosure of information as would apply if the State were to carry out such activities directly.*

*''(h) TECHNICAL ASSISTANCE.—The Secretary shall provide States with technical assistance to aid in implementation of an asset verification program under this section.*

''(i) REPORTS.—A State implementing an asset verification program under this section shall furnish to the Secretary such reports concerning the program, at such times, in such format, and containing such information as the Secretary determines appropriate.

''(j) TREATMENT OF PROGRAM EXPENSES.—Notwithstanding any other provision of law, reasonable expenses of States in carrying out the program under this section shall be treated, for purposes of section 1903(a), in the same manner as State expenditures specified in paragraph (7) of such section.''.

(2) STATE PLAN REQUIREMENTS.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (69) by striking ''and'' at the end;

(B) in paragraph (70) by striking the period at the end and inserting ''; and''; and

(C) by inserting after paragraph (70), as so amended, the following new paragraph:

''(71) provide that the State will implement an asset verification program as required under section 1940.''.

(3) WITHHOLDING OF FEDERAL MATCHING PAYMENTS FOR NONCOMPLIANT STATES.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) in paragraph (22) by striking ''or'' at the end;

(B) in paragraph (23) by striking the period at the end and inserting ''; or''; and

(C) by adding after paragraph (23) the following new paragraph:

''(24) if a State is required to implement an asset verification program under section 1940 and fails to implement such program in accordance with such section, with respect to amounts expended by such State for medical assistance for individuals subject to asset verification under such section, unless—

''(A) the State demonstrates to the Secretary's satisfaction that the State made a good faith effort to comply;

''(B) not later than 60 days after the date of a finding that the State is in noncompliance, the State submits to the Secretary (and the Secretary approves) a corrective action plan to remedy such noncompliance; and

''(C) not later than 12 months after the date of such submission (and approval), the State fulfills the terms of such corrective action plan.''.

(4) REPEAL.—Section 4 of Public Law 110–90 is repealed.

(e) ADJUSTMENT TO PAQI FUND.—Section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w-4(l)(2)), as amended by section 101(a)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended—

(1) in subparagraph (A)(i)—

(A) in subclause (III), by striking ''$4,960,000,000'' and inserting ''$3,940,000,000''; and

(B) by adding at the end the following new subclause:

''(IV) For expenditures during 2014, an amount equal to $3,750,000,000.'';

(2) in subparagraph (A)(ii), by adding at the end the following new subclause:

''(IV) 2014.—The amount available for expenditures during 2014 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year.''; and

(3) in subparagraph (B)—

(A) in clause (ii), by striking ''and'' at the end;

(B) in clause (iii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(iv) 2014 for payment with respect to physicians' services furnished during 2014.''.

TITLE VI—ACCOUNTABILITY AND TRANSPARENCY IN GOVERNMENT CONTRACTING

CHAPTER 1—CLOSE THE CONTRACTOR FRAUD LOOPHOLE

SHORT TITLE

SEC. 6101. This chapter may be cited as the ''Close the Contractor Fraud Loophole Act''.

REVISION OF THE FEDERAL ACQUISITION REGULATION

SEC. 6102. The Federal Acquisition Regulation shall be amended within 180 days after the date of the enactment of this Act pursuant to FAR Case 2007–006 (as published at 72 Fed Reg. 64019, November 14, 2007) or any follow-on FAR case to include provisions that require timely notification by Federal contractors of violations of Federal criminal law or overpayments in connection with the award or performance of covered contracts or subcontracts, including those performed outside the United States and those for commercial items.

DEFINITION

SEC. 6103. In this chapter, the term ''covered contract'' means any contract in an amount greater than $5,000,000 and more than 120 days in duration.

CHAPTER 2—GOVERNMENT FUNDING TRANSPARENCY

SHORT TITLE

SEC. 6201. This chapter may be cited as the ''Government Funding Transparency Act of 2008''.

FINANCIAL DISCLOSURE REQUIREMENTS FOR CERTAIN RECIPIENTS OF FEDERAL AWARDS

SEC. 6202. (a) DISCLOSURE REQUIREMENTS.—Section 2(b)(1) of the Federal Funding Accountability and Transparency Act (Public Law 109–282; 31 U.S.C. 6101 note) is amended—

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

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

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

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

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

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

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

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

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

TITLE VII—GI BILL FINANCING PROVISION

GI BILL FINANCING PROVISION

SEC. 7001. (a) IN GENERAL.—Part I of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 1 the following new section:

**''SEC. 1A. INCREASE IN TAX ON HIGH INCOME INDIVIDUALS TO FINANCE THE GI BILL.**

''(a) GENERAL RULE.—In the case of a taxpayer other than a corporation, there is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to 0.47 percent of so much of modified adjusted gross income as exceeds $500,000 ($1,000,000 in the case of a joint return or a surviving spouse (as defined in section 2(a)).

''(b) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this section, the term 'modified adjusted gross income' means adjusted gross income reduced by any deduction allowed for investment interest (as defined in section 163(d)). In the case of an estate or trust, a rule similar to the rule of section 67(e) shall apply for purposes of determining adjusted gross income for purposes of this section.

''(c) NONRESIDENT ALIEN.—In the case of a nonresident alien individual, only amounts taken into account in connection with the tax imposed by section 871(b) shall be taken into account under this section.

''(d) MARITAL STATUS.—For purposes of this section, marital status shall be determined under section 7703.

''(e) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.''.

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 1 the following new item:

''Sec. 1A. Increase in tax on high income individuals to finance the GI bill.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(d) SECTION 15 NOT TO APPLY.—The amendment made by subsection (a) shall not be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

TITLE VIII—GENERAL PROVISIONS

AVAILABILITY OF FUNDS

SEC. 8001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION

SEC. 8002. Each amount in each title of this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SHORT TITLE

SEC. 8003. This Act may be cited as the ''Supplemental Appropriations Act, 2008''.

AMENDMENT NO. 4789

(Purpose: In the nature of a substitute)

Mr. REID. Mr. President, I move to concur in the House amendment—that is amendment No. 2—with an amendment that is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment No. 2 with an amendment numbered 4789.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4790 TO AMENDMENT NO. 4789

Mr. REID. Mr. President, I have a second-degree amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4790 to amendment No. 4789.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

I ask unanimous consent to speak from my desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair, Mr. President.

SENATOR TED KENNEDY

Mr. President, before we begin consideration of this important spending bill, I wish to take a moment to say how distraught and terribly shaken I am over the news of my dear friend, my dear, dear friend, TED KENNEDY. My thoughts and my humble prayers are with Senator KENNEDY, my dear friend, TED; with his wife Vicki; and with the members of the Kennedy family.

I hope and pray that an all-caring, unlimited God will watch over TED and keep TED here for us and for America. TED, TED, my dear friend, I love you and I miss you. And Erma, Erma, my darling wife Erma, would say: Thank God for you, TED. Thank God for you.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. 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. BYRD. Mr. President, this afternoon we take up legislation making emergency supplemental appropriations for the wars in Iraq and Afghanistan and to help Americans cope with a sagging economy. One year ago, Congress sent the President a war funding supplemental that included clear direction to bring our troops home, home, home, sweet home, from Iraq by December of 2007. The President chose to do what? Shame. He chose to veto that bill. If he had signed that bill, most of our troops would be home, home, home, sweet home today. Instead of bringing our troops home, the President demanded an increase in our commitment of U.S. troops—shame—and treasure to this terrible, awful war that has now entered its sixth year—sixth year. How long? How long, O Lord, how long?

Mr. President, 4,081 American soldiers have died—died. One can only die once. Over 30,000 U.S. soldiers have been wounded. By the end of 2008, the war in Iraq will have cost over $608 billion—over $608 billion. That is more than $608 for every minute since Jesus Christ was born.

Today we are considering the President's request for another $178 billion—another $178—billion for the wars at a time when the U.S. economy is in trouble. Well, one thing is clear. Yes, I am sorry to say one thing is clear in this request: American fighting men and women—your brothers and sisters and mine—will continue to be in Iraq when the Presidency of George W. Bush ends on January 20, 2009. Shame. I was against that terrible, horrible war from the beginning and so stated on this floor time after time after time.

Long after our military fulfilled its mission in Iraq, the White House failed to advance a viable strategy for establishing long-term stability in Iraq. In response, we in the Congress will support our troops—your troops, my troops, our troops—but we will also continue our efforts to get our troops out—O-U-T—of Iraq with honor and take care of our troops after they come home.

In the third committee amendment, we set a goal for reducing the scope of the mission in Iraq by June of 2009. We ensure our troop readiness levels are maintained. We limit the time our troops will serve in Iraq. We require Iraq to use more of its surplus oil revenues for reconstruction costs, and we require that any long-term commitments this lameduck President may make with the Government of Iraq be considered as treaties, subject to approval by this Senate.

While the war continues in its sixth year—shame—our economy at home is in trouble. Because of President Bush's failed fiscal leadership, in the last 7 years the U.S. Government has amassed the five largest deficits in the history of this great Republic. President Bush has more than doubled the U.S. debt held by China, Japan, and other countries. Economic growth almost came to a halt at the end of last year, with the gross domestic product falling from 4.9 percent in the third quarter to 0.6 percent—0.6 percent—in the fourth quarter.

Growth remains at a paltry 0.6 percent this year. Since March 2007, the number of unemployed has increased by 1.1 million workers up to 7.8 million workers. In April, the number of Americans who were out of work for at least 27 weeks rose to 1.35 million.

Yet the President—your President, my President, our President—is satisfied to allow unemployment benefits to expire after just 26 weeks. Did you hear that? Shame. I have reviewed the President's request carefully, and there is no evidence—none—of the President asking for funding to invest in America or to help struggling Americans deal with the faltering economy.

Yet the President—your President, this President, our President—has already thrown down the gauntlet by threatening to veto the supplemental bill if the Congress has the temerity—did you hear that—to add one thin dime above his request in order to help our citizens at home.

Thirty-two months after Hurricane Katrina, the President continues to resist efforts to help the victims of that terrible storm. The homeless population in New Orleans has doubled to nearly 12,000 since Hurricane Katrina. Only 48 percent of the pre-Katrina hospital beds in the region were staffed as of November of 2006. Violent crime in Louisiana grew 53 percent last year.

In the last 18 months, the President has designated 61 disasters for floods in 32 States. Yet the President has not—n-o-t, not—you know, there was a duel between John Shot and John Not. In this case, it was better to be Shot than Not. The President has not requested funds to repair levees or other flood prevention efforts, leaving our citizens in Arkansas—did you hear that—Missouri, Louisiana, and other States, vulnerable to more flooding. But when it comes to Iraq, the President wants the dollars to flow, flow, flow.

Congress has already approved $45 billion requested by the President for reconstruction projects in Iraq. Despite the fact that the Iraqi Government is running a huge surplus due to excess oil revenues, our President—your President, my President, the American President—is asking this Congress—the buck stops here—asking you and me and the people in this Congress to approve another $5.6 billion of American taxpayer dollars for reconstruction in Iraq.

The President claims that by adding funding for America to this bill we are holding hostage money for the troops. Oh, my heavens, what hogwash. What hogwash. Last year, we sent the President a war supplemental that increased funding to provide better health care for our soldiers, better health care for our veterans, more funding to equip and train the National Guard and Reserve, more funding for mine resistant vehicles, and clear direction to bring our troops home—home sweet home. This year, we once again take care of our troops, but we also invest in America.

Last week, the Senate Appropriations Committee met and approved amendments that meet these objectives. Based on the committee action, the Senate will consider amendments that fully fund the President's request for the war. In fact, the legislation increases funding above the President's $168 billion request for the Department of Defense. We include increases for the health care of our troops, for Guard and Reserve equipment, for repairing and constructing barracks, for the mission in Afghanistan, for military childcare facilities, for improving contract management, and for helping—yes, Senator WEBB—wounded troops returning home—home sweet home.

We honor those who have served America by increasing educational benefits for our veterans. We extend unemployment benefits by another 13 weeks. We honor promises made to the victims of Hurricane Katrina by funding a 100-year levee in Louisiana, restoring barrier islands in Mississippi, and by rebuilding hospitals, helping

the homeless, and fighting crime. We roll back Medicaid regulations that our Nation's Governors believe disrupt health coverage for vulnerable citizens. We respond to dramatic increases in food prices by increasing funding for the global food aid program.

We are also generous in providing humanitarian relief to disaster victims in China, Bangladesh, and Burma. We reduce funding for reconstruction in Iraq. We limit the size of taxpayer-financed reconstruction projects. And we require Iraq to match our tax dollars with their surplus oil revenues.

This legislation includes provisions that have broad bipartisan support. The veterans legislation has 58 cosponsors. The Medicaid legislation passed the House by a vote of 349 to 62. I have a letter from 56 Senators seeking additional Byrne crimefighting funding. We fund the Rural Schools Program, which runs out of money on June 30, 2008.

In total, the amendments include $194 billion for programs under the jurisdiction of the Appropriations Committee, $10 billion above the President's request. This increase is less than what we spend in Iraq in 1 month.

So I say to my fellow Senators, Mr. President, this is responsible legislation that supports our troops, responsible legislation that honors our veterans, responsible legislation that helps our citizens cope with a troubled economy.

I urge the adoption of the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi, Mr. COCHRAN.

Mr. COCHRAN. Mr. President, we are still wrestling with the challenge of what to do about the supplemental appropriations that have been requested by the administration.

This morning, in our Appropriations Subcommittee on Defense, chaired by the distinguished Chair's State colleague, Mr. INOUYE, and also led on the Republican side by the distinguished Senator from Alaska, Mr. STEVENS, we heard testimony from the Secretary of Defense, Mr. Gates, and the Chairman of the Joint Chiefs of Staff, Admiral Mullen. They drew a very frightening picture of what is happening to the military forces, not just in Iraq and Afghanistan and deployed elsewhere in the world, but also in our training accounts, many other support activities for our military, pay and allowances—all the accounts that fund the Department of Defense that have been included in the supplemental budget request are suffering and many are running dry. The accounts are running dry.

We are at a point that is past serious. I am not going to say it is desperate, but it certainly concerns this Senator that we continue to wait and wait and wait on Congress to act on the President's request for supplemental appropriations for our military forces at a time when they are engaged in military action overseas and protecting our security interests here at home. So I am pleased the Senate is taking up this request to fund activities in Afghanistan and Iraq and to respond to domestic natural disasters.

It is important that we act expeditiously to consider this legislation so we can reconcile our differences with the other body and with the President. The President submitted the bulk of his supplemental request in February 2007 in conjunction with his regular fiscal year 2008 budget submission. He did so because Congress clearly expressed its desire for a full-year estimate of war costs. But Congress did not appropriate a full year's funding. Instead, Congress approved a $70 billion bridge fund to support our operations in Iraq and Afghanistan. Enacting even that amount required a protracted struggle among the House, the Senate, and the President. As a result, the Department of Defense had to issue furlough notices, make a series of inefficient transfers and reprogrammings, and generally function in ways that detracted from its primary duties.

We find ourselves today facing a very similar situation. It has been more than 15 months since the President submitted this request. We have not approved or otherwise acted upon some $108 billion of that request.

The personnel and operations and maintenance accounts that support our activities in Iraq and Afghanistan are running low. This morning, Secretary Gates was asked about the consequences of this situation, and I am going to read into the RECORD, with the permission of my colleagues, some comments directly from that hearing this morning. This is Secretary Gates:

> There is, however, a more immediate concern. Congress has yet to pass the pending $102.5 billion global war on terror request for fiscal year 2008. And as a result, the Defense Department is currently using fourth quarter funds from the base budget to cover current war costs. Shortly, two critical accounts will run dry. First, Army military personnel after June 15. We will run out of funds in this account to pay soldiers, including those in Iraq and Afghanistan. Second, operations and maintenance accounts. Around July 5, O&M funds across the services will run out, starting with the Army. This may result in civilian furloughs, limits on training, and curbing family support activities.
>
> If war funds are not available, the Defense Department can transfer funds from Navy and Air Force military personnel accounts to pay soldiers, but that would get us only to late July. Using the limited transfer authority granted by Congress would also help get us to late July. Doing so, however, is a shell game which will disrupt existing programs and push the services O&M accounts to the edge of fiscal viability.

I could go on. He went on into some more detail about other accounts. I think we get the picture. I got the picture.

Our full subcommittee membership was in attendance for most of the hearing. I was disappointed that I was sitting there listening to the consequences of deliberate actions by the Congress to delay the availability of funding for our national defense, not just war funding for Iraq and Afghanistan; it has implications across the Department of Defense and into other accounts in other departments that are likewise affected by this denial of funding for our forces at a time when we need them to be fully prepared, fully trained, and fully engaged to help win the war against terror.

According to an earlier letter, so you won't get the impression that we have not been forewarned, the Deputy Secretary of Defense, Gordon England, wrote us a letter on May 15 advising us that the Army would run out of military personnel funds by mid-June. He said if the supplemental legislation is not enacted by Memorial Day, the Department of Defense will be compelled to borrow funds from other services to finance Army operations into July and the Army would be out of options to pay its soldiers. He said the Department would be compelled to constrain expenditures from the Army operations and maintenance accounts. He said it will have to issue notices of potential furloughs of civilians funded from this account.

So we have been on notice from the Deputy Secretary and now this morning from the Secretary himself, as well as the Chairman of the Joint Chiefs of Staff.

We have been advised that the operations and maintenance accounts also fund the Commander's Emergency Response Program, a program that is critical to the success of our military commanders in Iraq and Afghanistan. He said those funds will run out in June.

I ask unanimous consent, Mr. President, to have printed in the RECORD the letter from Secretary England.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF DEFENSE
*Washington, DC, May 15, 2008.*

Hon. THAD COCHRAN
*Ranking Member, Committee on Appropriations, U.S. Senate, Washington, DC.*

DEAR SENATOR COCHRAN: I am writing you to follow up on the Secretary's letter of May 5 regarding the Department's financial posture and the urgent need for Congress to pass supplemental funding legislation for the Global War on Terror (GWOT).

As briefed to senior Congressional staff last week, absent additional Congressional action, the Army will run out of Military Personnel funds by mid-June and Operation and Maintenance (O&M) funds by early July. Funding for civilian personnel is included in the O&M account. Also included within the O&M account is the authority to continue the Commander's Emergency Response Program (CERP) activities in Central Command. CERP funding is a critical enabler that our ground force commanders are using on a daily basis in Iraq and Afghanistan to shape the strategic environment. This authority will be fully expended in June, and reprogramming actions cannot extend this particular authority.

If GWOT supplemental legislation is not enacted by Memorial Day, then the Department will submit to the Congress two reprogramming actions on May 27. These reprogramming actions for personnel and for

O&M accounts will finance Army operations until late July by borrowing money from other Services. By that point in late July, the entire Department will be in extremis, having exhausted all avenues of funding and will be unable to make payroll for both military and civilian personnel throughout the Department. Service members, including those engaged in Iraq and Afghanistan, would continue to serve but without pay since military personnel accounts would be exhausted.

Further, at that time, O&M funding would also be depleted, and DoD activities around the globe would be reduced to essential activities. Additionally, other measures would need to be taken, such as civilian furloughs and limits on non-essential operations. These highly disruptive steps would have to begin well before late July.

While the Department has the reprogramming recourse on May 27th as discussed, if legislation is not passed by Memorial Day, the Department will still be operating with less than the desired effectiveness and efficiency. Therefore, I urge you to provide the essential GWOT funding before the Memorial Day recess.

Sincerely,

GORDON ENGLAND,
*Deputy Secretary of Defense.*

Mr. COCHRAN. Mr. President, what are we going to do? Are we going to let our men and women in the field stop their activities? Is that what Congress is urging be done, just sit down, stop what you are doing in Iraq and Afghanistan? I don't believe that. That is not the message this Senate wants to send or intends to send. But we should not put the men and women of our Armed Forces and their families here at home through such an ordeal and a period of such unnecessary uncertainty. We should not cause the Department of Defense to operate at less than peak efficiency or take actions that are demoralizing for Department personnel simply because Congress fails to act in a timely manner.

I don't know why it has taken Congress so long to act. I do know the request has been before the Congress for more than 15 months. Think about it: an emergency supplemental request for funds for national security languishing in Congress for 15 months. Most people don't know that.

We have held hearings, we have had meetings with administration officials, we have heard testimony from General Petraeus, our commander in Iraq. Our Ambassador in Iraq has testified about the consequences on accounts for the Department of State which are also included in the legislation. But instead of marking up a supplemental bill to respond to the request a month ago, as had originally been planned, the majority chose to spend weeks talking with the majority in the other body, trying to decide what to do, when to do it, negotiating with themselves.

I would have hoped that the legislation could have been brought up under a better parliamentary scheme designed to get the job done, not to just create political advantage, not just to put off the inevitable day of reckoning. That is an unfortunate choice to make. The fact is, had we followed the regular order, we could have had a bill to the President by now. Had he chosen to veto the bill, we might well be working this week to resolve differences with the administration and produce a bill that could be signed or whatever the Congress decided to do to work its will, but to act. Instead, we are facing the approach of a Memorial Day recess with no clear path, no clear plan to enactment of legislation and little prospect for meaningful input by Members of the Senate.

I applaud the chairman of the Appropriations Committee, my good friend from West Virginia, for calling our committee to a markup of the supplemental. When it became apparent that the leadership plan was to bypass the Appropriations Committee in both Houses, our side wrote a letter to the chairman expressing our preference for a committee markup. I suspected that was consistent with his views, too, and that was correct.

We know about the prerogatives of the Appropriations Committee and how the chairman safeguards those and how he respects all members of our committee. So he honored that request. But the other body has not acted in this way. There still has been no markup in the other body.

So we are in this dilemma. We are asked by our respective Houses—the Appropriations Subcommittee on Defense—to make recommendations, to produce legislation to take care of our country, to defend our interests, but we have not found a pathway to enacting a bill or responding in a professional way to the wishes of our Members.

As it stands now, the Senate amendments contain a number of legislative provisions and appropriations that were not included in the President's request. The President has said very clearly he will veto this bill if it includes language that unduly constrains our military commanders in the field in Iraq and Afghanistan or which imposes artificial timelines for withdrawal. He has also said he will veto a bill that is too costly.

I am not one who thinks an appropriations request submitted by this President or any other President is written in holy tablets, somehow immutable and not subject to improvement or change during the legislative process. The Senate and the House have a right to work their will. Since the President saw fit to recommend certain measures to protect the State of Louisiana from future hurricanes in response to Members' requests for those funds, I thought it appropriate to recommend certain projects that would similarly be helpful to my State, which was also a victim of Katrina, to deal with the continuing challenges to the security and the well-being of the citizens of that region if other hurricanes strike in the future.

The President has every right to look at those requests and make his decision. But I do not think he is going to veto this bill because of those requests that are included in the bill. I think he is sympathetic to the needs of the Mississippi and Louisiana gulf coasts and elsewhere in the country, so accounts that were depleted because of the destruction of the hurricane can be renewed and resupplied in this supplemental. The committee has approved including those funds.

We need to find common ground. This is what I am saying. We have had differences of opinion with the administration—Members on my side have; some on the other side have—for various reasons. But let's get to a point where we can work out our differences. If he wants to veto the bill, he will veto the bill, and we will see whether we have the votes to override it. If we do not, we can try again. Eventually these funds have to be made available. These requests are too important to be ignored any longer. We need to find common ground. That is what I am saying. And we need to do it now.

We do not need to prolong this activity—describe it however you want to—any longer. We need to get down to brass tacks. We cannot allow political maneuvering on either side to obscure our core duty in this matter. We need to provide our men and women in the field with the resources necessary to conduct successfully the mission assigned to them by our Government, and to do it without undue delay.

I do not think the exchange of messages—strategy, or whatever you want to call it—is appropriate or necessary as a substitute for legislation. I do not think it will result in an enacted bill any sooner than had we simply acted in the regular order. But that choice has been made, and we must deal with it. I will do my best. I commit myself to work with the Senate leadership, with our colleagues in the other body, and with the President to find a way to get the job done in a timely manner.

I yield the floor.

Mr. BYRD. Hear, hear.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank Senator COCHRAN for his views and his many courtesies. Last week the Senate Appropriations Committee had a 3½-hour markup of the important legislation that is now before the Senate. I hope the Senate can approve this legislation to support the troops and to help Americans cope with the sagging economy—this week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I ask unanimous consent I be allowed to engage in a colloquy with the senior Senator from Nebraska and the senior Senator from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. Mr. President, I would like to join two of my three principal cosponsors on S. 22 in speaking about how important this piece of legislation

is, and how appropriate it is to have it be placed on the supplemental appropriations measure. The senior Senator from Virginia has an amendment we are going to offer. Hopefully, in the spirit of what the Senator from Mississippi just said, we will try to lay some of these arguments by the wayside and get a bill that will truly provide the right kind of readjustment benefits to those who have been performing such exemplary service since 9/11.

S. 22 was introduced on the first day of this Congress. From that point we have had strong bipartisan and bicameral support. We now have 58 cosponsors in the Senate, including 11 Republicans. Among those Republicans is the senior Senator from Virginia, the former chairman of the Armed Services Committee, and the senior Senator from Nebraska, the only Member of this body to have served in a high-ranking position in the Department of Veterans Affairs.

Just last week in the House, in spite of some of the debates that went into pay-for provisions and tax provisions, we saw a strong vote. We had 300 sponsors of this provision in the House, including more than 90 Republicans. Even on what was largely viewed as a partisan vote in other areas, we had 33 Republicans vote for this bill.

This bill is supported by the current chairman of the Armed Services Committee; as I mentioned, Senator WARNER, the former chairman of the Armed Services Committee and the former Secretary of the Navy; the serving chairman of the Veterans' Committee, Senator AKAKA, who was just in the chair; the former chairman of the Veterans' Committee, Senator SPECTER. It has the strong support of all of our leading veterans organizations, including the American Legion, the Veterans of Foreign Wars, the Iraq-Afghanistan Veterans. The Disabled American Veterans have taken a firm position, as have many more.

We have, I would say, at least 15 of the top veterans organizations having participated in the modification of this bill and strongly supporting it. Many major higher educational institutions and associations have endorsed this bill, including the American Council on Education, the National Association of Independent Colleges and Universities, and the National Association of State and Land Grant Colleges.

This bill is carefully crafted. It has been substantially improved by the participation of all of the groups that I just mentioned plus many of our Members. It is appropriate on this legislation as a cost of war.

There are people who discuss this in terms of cost. This is a bill that closely resembles the benefits that we gave to our returning veterans in World War II—a series of educational benefits which leveled the playing field in America and allowed those who served a first-class opportunity to move into the future. We owe these young men and women who have been serving since 9/11 no less. We owe them no less. This is emphatically a cost of war.

When we can spend $600 billion and, by some estimates, $3 trillion in a life cycle as a result of this war, the least we can do is spend the money in this bill to allow these people the best opportunity they have to succeed in their lives.

There has been some resistance from some of the Members of this body—some of the Republican Members of this body—and also from the administration to this bill. Some have said it is too generous. I just discussed that. We worked very hard to make it fair and relevant to the priorities we should be having. Some have said it would be difficult to administer. We have worked with the Department of Veterans Affairs and with the Department of Defense on areas where they had concerns, and we addressed those concerns. It is interesting to point out, for those who talk about the potential difficulty of administering a bill such as this, that the U.S. Department of Veterans Affairs was able to administer a very similar bill after World War II in a day where we didn't have computers, and they were able to do it for 8 million people. We are not talking anywhere near that number, so I believe we have addressed all of those concerns.

The last issue that has been discussed, and it has come up again and again, is the concern that provisions such as are contained in this bill would affect retention in the Active-Duty military. As someone who has spent 5 years in the Pentagon, 1 as a marine and 4 as a defense executive working on manpower issues—and I am sure Senator WARNER who spent more time in the Pentagon than I have would share this commentary—I believe the provisions of this bill actually will dramatically increase recruitment and that the manpower model would benefit from it.

With respect to retention itself, the discussion has been made that a bill like this should have, as a part of it, a concept called transferability, which would allow Active-Duty military people to transfer this educational benefit to family members.

I want to make a clarification as to where the main target of this bill is, then I want to speak very briefly about transferability, and then I would like to recognize my colleague from Nebraska.

I believe there is a misperception in this country that because we have an all-volunteer system, we actually have an all-career military. We do not. A lot of people come to the military in the United States because they love their country, because they have a family tradition, because they want to soldier for a while and then move on to other things. Frankly, these are the people who have not been properly taken care of in the years since 9/11, and they are the principal target of our legislation.

The U.S. military has done a very good job taking care of its career force. When you hear arguments about entitlement to transferability, again, they are talking about managing the career force. But these are the actual numbers that have been given to us by the manpower chiefs in the Department of Defense.

In the U.S. Army, by the time a cohort group has finished its first enlistment, 75.5 percent of them have left or will leave the U.S. Army at the end of a first enlistment. In the Marine Corps, 70 percent of the people who enlist will leave by the end of their first enlistment, either through attrition or deciding not to reenlist. For approximately 50 percent of the Air Force and the Navy it is the same.

If you look at the Active-Duty military on the enlisted side, an overwhelming majority of them leave the military by the end of their first enlistment. These are the people who have had readjustment difficulties that we have talked about. These are the people who deserve to have a first-class education in order to move them into the future.

This group over here, about a quarter of the Army, about 30 percent of the Marine Corps, and about half of the Air Force and the Navy, are the people who reenlist at least for one term. This is the group that has received so much of the argument of this administration on issues of retention. We need to take care of this group. We are prepared today to discuss a way to address this transferability issue with this smaller but very important group.

I point out with the issue of transferability that Senator WARNER had introduced a provision that was enacted into law about 6 years ago that allowed the Service Secretaries to provide transferability to military people at the discretion of the Service Secretaries as a retention device. This has been in the law for 6 years with respect to the Montgomery GI bill, the bill we are going to replace. It has almost never been used.

On the one hand, we hear all this talk from the Department of Defense about how important this is and how they hear about it every day when they go out to their meetings and their townhall meetings, but the Service Secretaries have almost never used this benefit that has already been on the books. So I am concerned about how widely this benefit would actually be used.

At the same time, I believe it is important, and our principal sponsors believe it is important, that we continue the existing law with some modification to give the U.S. Department of Defense the opportunity to test it again, to put it in this bill, continue it as law with some tweaks on it. As the Senator from Mississippi had said earlier, I hope with this gesture that we can get full support for this legislation and get it into law. The clock ticks for young people after they leave the military in terms of how they are going to readjust to the rest of their lives. The clock has

been ticking for a lot of people since 9/11, and it is our duty to do something about it this year.

With that, Mr. President, I yield to my colleague from Nebraska, my longtime friend, Vietnam combat veteran, and former official in the Department of Veterans Affairs.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. Mr. President, I am grateful to my colleague, the junior Senator from Virginia, for his continued leadership and years of contributions to our country, especially on behalf of our veterans. I would like to make some remarks focused on the general scope of what this effort is about.

The Senator from Virginia has laid out very concisely, cogently, some of the realities of the force structure we have today and why it is important and in the opinion of almost 60 Senators and over 300 House Members that we take the so-called GI educational benefits this country committed to beginning in 1944 when President Truman signed the first bill and roll those forward into the 21st century, because what has happened is that we are now caught in a different kind of a world, different kinds of wars, different kinds of requirements. But what has not changed is the absolute necessity that we rely on quality individuals to man our force structure. In a world that is far more complicated, combustible, and dangerous than ever before, it has required new sets of skills, obviously technologies, to defend our country, our interests in the world. It is that reality that we must adjust to within the framework of all of our policies.

What we are doing here is not adding a new benefit, we are not adding a welfare program; what we are doing is we are bringing up to date the benefits earned by men and women who have committed a good part of their lives to our country. We had that debate a long time ago, whether America wants to do that. Now, unless there are some individuals in the Congress or in America who want to go back and reengage that issue, we can do that, but I do not think that is the case. I think we recognize those who serve. I think we also, in recognizing their service, understand they have earned certain benefits.

So we are rotating a GI educational benefit system forward into the 21st century, a system that has not been changed for 25 years. And as reflected in Senator WEBB's charts—these, by the way, I remind our colleagues, as was noted by the junior Senator from Virginia, these are not his numbers, these are numbers from the Defense Department. So if we are to take care of our people, because we rely on our people to take care of us, if we rely on that rifleman, that person at the bottom who has always been the one whom we have asked to fight the war—fight the war, die in the war, sacrifices by their families, those who do not come back, many who come back are seriously scarred, wounded, will never recover. That is the reality of the world in which we are living. So we are talking about a relevant system, relevant to today's costs for an education.

I benefited from the GI bill when I came back from Vietnam, as did the junior Senator from Virginia, as did the senior Senator from Virginia when he came back from World War II, the Korean war, as did almost every veteran in this body who has fought in a war benefitted from this program. So it is important that we get something very clear; that is, this is not a new program.

Now, as the Senator from Virginia noted, this then fits into the larger framework of a cost of war. Unless we are going to just discard the people whom we count on, that rifleman at the bottom who does not have much say in all of this, by the way—he is told to take the hill; he takes the hill. He doesn't set policy. Our military doesn't set our war policy. They have input and influence into the strategy, into the tactics, but we, the elected officials of America, starting with the President, his team, and the Congress, we are the ones who set policy, we are the ones who engage our Nation in war.

By the way, just as an aside, I think we should go back to a day in this country when we wanted and did, in fact, commit our Nation to war, we should declare that in the Congress of the United States, we should declare war rather than these skirmishes that we kind of on the side fund and we on the side deal with. We on the side never really come clean with the reality.

Here is an opportunity for us to do what is right and what is wise—what is right and wise; that is, to bring this educational benefit program forward.

The Senator from Virginia noted something that is very important—the administration of this program. That is always important, who administers the program, how will it work, can it work?

We have worked very diligently—our staffs, with many Members involved—with the Veterans' Administration, the Department of Defense, to make this work. We have ample testimony, recent testimony before the Veterans' Committee in the Senate from senior Veterans Administration' officials saying: This can work. We can now do this. We can implement this.

The cost. The cost is an interesting debate, in my opinion, because if, in fact, we are a nation that can afford the cost of war, we can afford $12 billion a month waging the war in Iraq, we can afford all the requirements it takes for a nation to go to war, but somehow we are disconnected from the obligation and responsibility of taking care of those who fight the wars? We somehow can't find the money for that? We somehow want to look the other way? I don't think so. I don't think the American people—and they never have been—are in agreement with that.

As to the retention issue, the Senator from Virginia again addressed this. Even taking the Senator's arguments, as clearly as the Senator from Virginia did, and making those arguments—and I can make them again, and others will—I am not sure that is even necessary because this is not a retention bill. There is a consequence to this bill, of course. We should frame within the text and the context of this bill a dynamic of retention: How can we make it attractive for our young people to serve aside from the fact that they love their country, they want to be part of something larger than their own self-interest, they want to make a noble contribution to freedom, to the world, to peace, to their families, to their future? And you can't substitute that. That is bigger than any benefit. Of course it is.

But the reality is, just as Harry Truman and just as our leaders back during World War II understood, just as every leader has understood since then, as we have continued to commit to our veterans, those who fight the wars and their families, it is wise to reinvest in our society.

How do you reinvest in our society? Well, one way, certainly an important way, is education. It is assuring these men and women who give of themselves—in a very selfless way that very few people do, by the way, especially today, when you look at less than 1 percent of the society, the American society, our population, less than 1 percent is bearing all of the burden. They are carrying it all for the rest of us. What do I mean by that? Because they are the few who are serving in two wars, rotation after rotation in Afghanistan and Iraq and on duty all over the world and in this country. So when they are finished, just as the Senator from Virginia has noted, in the Army and Marine Corps, it is more than 50 percent, after the first enlistment, that leave. Would it not be smarter, would it not be wise to reinvest in these people, to help them get an education so they can continue to contribute to America and strengthen America in every way?

National security is not only about the military. In fact, I think we can make a pretty strong argument that the military is obviously an essential component, but just as important is the economic vitality, this culture, the society, the commitment, the education of a society. That all has an awful lot to do with the national security of a nation.

This makes sense. This bill makes sense. It makes sense on this supplemental. This isn't divorced from that. This isn't an add-on to that. This isn't something we just invented. This is part of a larger context of service and earned benefits for those who serve.

I am very pleased that we are finding more and more ways to enlist more individuals in this effort. I think with what the Senator from Virginia noted as to an add-on on transferability, it

makes it more attractive. The senior Senator from Virginia, I assume, is going to speak to that when he takes the floor in a moment. I think when we frame up all of this, as the Senator from Virginia noted, this is the product of a composite of contributions from many individuals, from almost every veterans group I am aware of, from people who care about their country, who care about the veterans who serve this country, and care about our future.

I appreciate the leadership of the junior Senator from Virginia.

I understand in our series of colloquies that the senior Senator from Virginia is prepared to make some comments.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Virginia.

Mr. WARNER. Mr. President, I thank my colleague, Senator HAGEL, and I thank my distinguished partner in the Senate, Mr. WEBB. We have known each other for a very long time, over 30 years. When I was in the Pentagon, we were associated together at that time. He had a long and distinguished career in the U.S. Marine Corps and following that in the Department of Defense in two very senior—including Secretary of the Navy—positions of civilian leadership. He has shown that same leadership from the day he crossed the threshold of the Senate, that this is his No. 1 priority. And how pleased and, indeed, humbled I am to join him and my good friend, Senator HAGEL, in making this possible.

What we are trying to do, very simply, is to enable this generation of young men and women to have, as nearly as possible, the same benefits as former generations—most specifically, the generation from World War II and the Korean War generation of which I was a part.

Both of these gentlemen are highly decorated combat veterans. I have a less significant career in the service. But all three of us bring our own experience to bear on thinking this is essential for this generation who is going out and fighting as courageously as any servicemember in the history of this country and, in fact, perhaps with an added measure of courage because they are fighting an enemy that is so difficult to define, an enemy that does not have any state-sponsored nation attached to it, which is the form of the terrorism today.

I wish to thank the distinguished chairman of the Appropriations Committee, who has graced us on this floor for the purpose of listening in on this debate, for guiding it through the current supplemental bill in the Senate, and including Senator WEBB's bill in it. Indeed, I saw Senator MURRAY here and Senator INOUYE, who both helped us get that done.

Now, much has been said by my colleagues about how we are trying to bring up the level of funding for the GI bill from the current existing Montgomery GI bill.

Mr. President, I ask unanimous consent to have printed in the RECORD this document which traces the history of what is known as the Pell Grant Program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PELL GRANT FUNDING, FY2000–09

| Fiscal year | Academic year | Maximum award | Recipients | Average award | Appropriation |
|---|---|---|---|---|---|
| 2000 | 2001–01 | $3,300 | 3,899,433 | $2,040 | $7,639,717,000 |
| 2001 | 2001–01 | 3,750 | 4,812,000 | 2,411 | 8,756,000,000 |
| 2002 | 2002–03 | 4,000 | 4,778,507 | 2,434 | 11,314,000,000 |
| 2003 | 2003–04 | 4,050 | 5,139,638 | 2,469 | 11,364,647,000 |
| 2004 | 2004–05 | 4,050 | 5,308,433 | 2,473 | 12,006,738,000 |
| 2005 | 2005–06 | 4,050 | 5,164,000 | 2,455 | 12,364,997,000 |
| 2006 | 2006–07 | 4,050 | 5,159,139 | 2,480 | * 17,345,230,000 |
| 2007 | 2007–08 | 4,310 | 5,427,611 | 2,650 | 13,660,711,000 |
| 2008 Discretionary | | 4,241 | | | 14,215,000,0000 |
| 2008 Mandatory | | 490 | | | 2,030,000,000 |
| 2008 Total | 2008–09 | 4,731 | 5,577,937 | 2,945 | 16,245,000,000 |
| 2009 Request | | 4,310 | | | 13,851,059,000 |
| 2009 Mandatory | | 490 | | | 2,090,000,000 |
| 2009 Total Request | 2009–2010 | $4,800 | 5,764,108 | $3,154 | $18,941,059,000 |

Source: Compiled by CRS from Department of Education tables, based on December 2007 assumptions.
Note: Appropriations may include funds to retire previous year shortfalls. This amount inlcudes $4.3 billion in mandatory funding to eliminate the program's accumulated funding shortfall.

Mr. WARNER. That is a very fine program enabling individuals who are qualified to go to colleges and universities all across America—all across America—to any college or university that accepts them, to obtain a grant from the United States of America to help him or her with their tuition and other expenses.

This is the interesting thing. The program was initiated in 2000, but I use as a benchmark the year 2001. There were 4.8 million individuals who accessed this program. The Congress appropriated $8.7 billion to defer their expenses. Fast forwarding from 2001 until 2009, the total request is as follows: roughly, a 20-percent increase in the number of individuals going. It goes from 4.8 million to 5.7 million, a little under 1 million. Now here is the astonishing thing. The amount of money Congress appropriates for the 2009 class of 5.7 million is $18.9 million.

Mr. WEBB. Will the Senator yield?

Mr. WARNER. Yes.

Mr. WEBB. My understanding of the program is that would be $18 billion.

Mr. WARNER. I thank the Senator for correcting me. In the year 2009, it is $18.9 billion. That is over a 100-percent increase, keeping up with inflation, keeping up with added expenses. But that is not the case with the existing GI bill. Although there has been a CPI adjustment, it doesn't compare to how Congress has treated the category, a well-deserving category, of the Pell grants. So this is essentially what we are trying to do.

My colleagues, the three of us, have worked together on the question of transferability. I wish to go back and acquaint the Senate with some history. I was chairman in 2001 of the Armed Services Committee, and I worked with a distinguished former colleague, Senator Max Cleland. He introduced, along with myself, on May 23, 2001, an amendment on the ability of a service person, after stipulating periods of time, to have some transferability to his family. The cosponsors, at that time, of the original amendment were Senators BINGAMAN, DAYTON, KENNEDY, LEVIN, and myself. I was the only Republican. There were several other Senators, four more. I was the only Republican who stepped up at that time. Later it became a bipartisan effort. In the evolution of events that year, we marked it up. But here is the interesting thing. On June 28, 2001, in the Senate Committee on Veterans' Affairs, at a full committee hearing, there was no markup or no action taken on the bill. So then we decided, on the Armed Services Committee, we would act. In September of 2001, our bill was accepted by the full Senate and became law on December 28, 2001.

I pay my respect to those who formulated the concept of transferability originally in the Senate. It is the law today. I will send to the desk later today an amendment, which Senator WEBB, Senator HAGEL, and I worked on. We are joined by two other original cosponsors, Senator LEVIN, current chairman of the Armed Services Committee, and Senator AKAKA, current chairman of the Veterans' Affairs Committee. This amendment will be filed at the desk this afternoon. We are going to make a technical adjustment to it. The purpose of this amendment is to provide a 2-year pilot program of transferability. We track as closely as possible the original law I recited that was enacted on December 28, 2001. The details will be provided to the full Senate when we file the amendment.

Essentially, we are asking an individual to complete his or her first 4-year term of enlistment and then, if they enlist for another 6 years, there is a vesting over a period of time of the

full transferability of their benefits, as a sequence of time, to their family.

In the letter from the Secretary of Defense to the Senate, which talked about the need for transferability—and I am not sure at that time whether he was referring to the existing law or a new law—he said: ''Transferability supports military families, thereby enhancing retention.''

There it is. We are meeting the Secretary of Defense's letter to the Senate expressing the need for this transferability.

In my career, winding up 30 years in the Senate, I can't think of a piece of legislation in which I have had a greater emotional involvement. I am so pleased to share it with my good friend, the junior Senator from Virginia, and my friend from Nebraska. As I said when we first began to debate this bill, with a deep sense of humility, it is highly unlikely I would have ever achieved the opportunity to come to the Senate had it not been for the GI bill given to me by the United States in return for modest service in the last year of World War II and then a second period of active duty service during the Korean War, this time in the Marine Corps. I feel it so strongly in my heart. I don't know of any time I have felt more strongly the need to do something than this today.

Through the years, I have been to Iraq many times, Afghanistan. Throughout the intervening period, I visited military bases and spent as much time as I could with the men and women of the Armed Forces today. Each of us does the same thing, works with our military. On Monday, I was privileged to go into the State that Senator WEBB and I are privileged to represent. We worked together to get funding in years past—and he is supporting it today—to build a new armory for the National Guard in Virginia, a famous regiment that fought in World War I and World War II. Members of that regiment were the first to go in on D–Day. They fought subsequently. I felt at that time that we are doing the right thing with this bill, taking care of those future guardsmen and reservists and active-duty individuals. This is the right thing for the Senate to do.

I understand there are honest differences of viewpoints and approaches. That is true with all legislation. Other colleagues have put in a different bill. It had a section on transferability. In some ways, it tracked what is existing law but not in the way we are doing this. This amendment, this bill, if amended, will bring forward existing law, incorporate it into the underlying amendment sponsored by Senator WEBB and ourselves, and that will become, hopefully, at some point in time the new law that will govern future benefits of our GIs and sailors, airmen and marines. We file it today because I do not know exactly how this supplemental will go through. I don't know if there will be a window of opportunity put on it. If there is, we will exercise that opportunity. But if it is not, we are going to, as a team, bring it to the attention of the Armed Services Committee in the context of the annual authorization bill, which I presume will be done just before the Fourth of July recess.

We will affix to it that bill so it will eventually be amending the underlying bill, which I hope becomes law very soon as a component of the supplemental process now being undertaken by the Senate and the House.

Again, I salute my colleague from Virginia and my colleague from Nebraska. We have been here together. We have shared many opportunities to do something such as this together but none as important as this one.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank Senator WEBB, Senator WARNER, and Senator HAGEL for their leadership on this extremely critical issue of providing education benefits to our veterans. I am a cosponsor of their legislation and was happy to include it in the emergency supplemental legislation, approved by the committee last week and now pending before the Senate.

On another subject, for purposes of compliance with Senate rule XLIV, I certify that the information required by Senate rule XLIV related to congressionally directed spending has been identified in the committee explanatory statement filed on May 19, 2008, and that the required information has been available on a publicly accessible congressional Web site in a searchable format at least 48 hours before a vote on the pending bill.

Mr. WARNER. Mr. President, I thank my longtime friend and Member of this institution, Senator BYRD, for endorsing this bill and becoming a cosponsor. I also thank the Senator from Washington, Mrs. MURRAY, who worked on this legislation and seeing that it was put into the supplemental.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR TED KENNEDY

Mr. DOMENICI. Mr. President, I do not wish to use much of the Senate's time—just a few moments—but I came to the floor to say some words to my good friend, Senator KENNEDY, and his family.

We heard the early news, and then we heard the late news, in which you have been described as being a little bit more ill than we thought. I wish to say to you and your family, as a fellow Senator from the other side of the aisle: I wish for you the best and hope the Good Lord intends for you to get well so you can come back and accomplish some more things and so you and I can have some more arguments and so you and I can have red faces when you argue and I argue and my wife calls up and says: You both are arguing so much that your faces are so red nobody will listen to you.

That happened once, and I did communicate to Senator KENNEDY that my wife had told me I was getting too red in the face because I was yelling. I asked her: What about Senator KENNEDY? And she said: Well, that is not your business, but he is yelling too much too. So I told him that, and he had a big laugh.

I wish to say to him that this great big bill we are working on—parity for the mentally ill by the insurance companies of America; about a 6-year project of his and mine—the House sent us back the bill today, Senator KENNEDY, believe it or not. After all these days we have been wishing we could get something, they sent us that bill today. They did not send us exactly our bill, so who knows how much longer we will have to work at it. But this one, big bipartisan bill you started helping me with when I was in the majority, we have not got it there yet, but we will. It has been a pleasure working with you on that and many other things.

But most of all, I came to the floor knowing it is not easy to get a hold of you, and I do not intend to try to bother anybody, but at least in the Senate, we are free to speak, so I am speaking how I feel: that I hope you get well, and I hope the Dear Lord blesses you and your wonderful wife, whom I have known, not as well as I know you, but what a nice lady she is. On behalf of Nancy and myself, we say to her, we hope everything goes the very best it can. You are in the best of care—and that is what you should have—and we hope you get well.

Thank you. I thank the Senate for the few moments yielded to me.

Mr. President, I yield the floor.

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. DORGAN. 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. DORGAN. Madam President, midday today during our Democratic Caucus, when we learned our colleague Senator KENNEDY is now facing some very serious health problems, it is an understatement to say we were all shocked by that news and saddened by it.

Senator KENNEDY has for decades been a major presence in this Senate Chamber. He is a friend, a colleague, and all of us have said prayers today for his recovery.

Senator KENNEDY has faced much adversity in his life, but he has also contributed so much to this country. I know he will meet this challenge with the same strength and the same grace he has met other challenges. It is my purpose today to say it is my prayerful hope, and I know the prayerful hope of all Members of this Chamber, that in the row behind me and four desks to my left we will once again at some point in the future see Senator KENNEDY among us to continue his service to his country.

My thoughts and prayers are with our colleague for a full recovery.

Madam President, I wish to visit for a few moments on the piece of legislation in front of us which includes the GI bill. We have had a GI bill in this country for many decades. There is a new GI bill in the underlying legislation that is brought to the floor of the Senate. I am so proud to be a cosponsor of it and to be a part of what so many in this Chamber have put together. The GI bill is such an important part of what this country does and says to those who serve this country.

This weekend I traveled, and at an airport in Minneapolis there was a family—a man, a woman, and three children; three very young children—getting on the same plane I was boarding. They were from North Dakota but they lived on a military base in Georgia. The wife came up to me and said hello. She said: My husband has done three deployments in Iraq. I hope—I so hope—that you can find a way to end this war.

This is a woman who has watched her husband leave for Iraq three times; a woman who is taking care of her three young children while her husband is deployed three times to the country of Iraq. I visited with her husband and her children, and I know that family is proud to serve their country. I know the entire family is proud of that soldier's service. But I also know the costs of that service, because you could see it in the eyes of that soldier's spouse.

Also on Saturday morning I went to an event in one of our cities. It was a homecoming event for 35 soldiers who had just come back from deployment in Afghanistan. These were National Guard soldiers. They too were so proud to have served their country, and some of them had been deployed twice; two deployments to Iraq or Afghanistan. One or two had been on their third deployment. Their families were there and all of them were enormously relieved and pleased to have their loved ones home.

I was thinking about those events: meeting a family at an airport, a soldier who is stationed in Georgia but who is a North Dakota native, and visiting with the family members at the National Guard event and saying thank you to them from a grateful nation.

I was thinking about a day much earlier when I was asked to present medals earned by an American Indian who served in the Second World War but had never received his medals. His name was Edmund Young Eagle. He was a Standing Rock Sioux Indian. He was someone who enlisted in the Army in the Second World War and went to war. He served in northern Africa, Normandy, and across Europe. He served with great distinction as an American soldier in some very difficult fighting.

He then came back to the Indian reservation and lived kind of a tough life. He never had very much. He never married. He never had very much in his life, but he lived a good life nonetheless. At the end of his life, he was in the veterans home and then got sick and was put in the veterans hospital in Fargo, ND. His sister contacted my office and asked if her brother could receive the medals he had earned during the Second World War but had never received. We said of course. On a Sunday morning in Fargo, ND, I went to the veterans hospital with the medals for Edmund Young Eagle. The doctors and the nurses and others from the hospital crowded into his hospital room that Sunday morning. Edmund was sick with lung cancer. I didn't know it at the time, but he didn't have many days left. He died about a week later of lung cancer. But on that morning he was fully aware of what was happening, and I was there granting the wish of his sister to get the medals from the Department of Defense that Edmund Young Eagle had earned in the Second World War. We cranked his hospital bed up to a seated position and then I pinned a row of medals on Edmund Young Eagle's pajama top there at the veterans hospital and told him: Thank you from a grateful nation for serving this country in the Second World War. This very sick man looked up at me and said: This is one of the proudest days of my life. He died about a week later. But he served his country and was enormously proud of it.

There are so many circumstances around this country where one by one or in groups we honor our soldiers because they put on America's uniform. This morning, soldiers halfway around the world not only put on a uniform, but put on body armor and went out in harm's way, some to be shot at. They didn't ask why; they just did what their country asked them to do.

Now the question is: When it is all over, when they come home and their service is done, what will their country say then? What will their country say to them, other than thank you?

What we said in the Second World War with a GI bill was when those soldiers came home, we offered them an opportunity to go to college, to help them to be able to purchase a home. So a substantial number of returning soldiers went to college and got a college degree. They went back home and married their sweetheart. They built a home. They built a community. They built their churches. They expanded the middle class. They created an economic boom in this country. Later, it was estimated that for every dollar we spent on the GI bill, $7 was returned because it was an unbelievably good investment for our country.

Senator WEBB, Senator WARNER, Senator HAGEL, Senator MURRAY, and so many others—myself included—as cosponsors of this bill have said it is time again to write a GI bill that is appropriate for wartime and for returning veterans. When soldiers return and become veterans, the question is: What will the GI bill offer for them? How will we invest in their lives, and thereby invest in this country?

The previous GI bill was the Montgomery bill written during peacetime. Frankly, it does not do what we have historically been able to do and willing to do for those who serve our country, in addition to saying thank you. The Montgomery bill existed—and we are pleased it did—but this new GI bill is something very different. It tries to say to soldiers, as we did some 60 years ago, not only thank you, but we want to invest in your lives and invest thereby in this country. It is a new GI bill. It allows an opportunity to go to college and to be able to pay the in-State cost of college with a stipend for living during that period of time that you get your college degree. It invests in the lives of those who have invested their lives in this country. This is a very important piece of legislation.

I am told there are some who now come to the floor of the Senate, nearing three-quarters of a trillion dollars having been spent on emergency supplemental appropriations bills requested by President Bush to prosecute the war in Iraq and in Afghanistan, and say: Well, we can afford that and we have to do that on an emergency basis, but we don't have the money to try to help veterans when they come home. A veterans program is the cost of war.

It is the cost of war. How does anyone say that somehow the three-quarters of a trillion dollars for so many hundreds and thousands of different accounts and contractors and replenishment of various accounts is more important than the single account of the GI bill, which says we want to invest in our soldiers? How does anybody say those myriad other accounts are more important than investing in our soldiers when they become veterans? I don't understand that. It makes no sense.

It is a significant claim and priority for this country to understand that part of the cost of war is to provide health care that is promised to veterans and a GI bill this country can be proud of, which invests in those veterans and our country. That is what this bill is about. This new GI bill is every bit as important—perhaps more important—than any other provision that exists in this large emergency supplemental requested by this President.

The Congress undoubtedly, at some point, in some way, will enact this legislation providing for some supplemental appropriations. When it does, in

my judgment, it must do more than just say thank you to veterans, as we do, but it must invest in veterans, which this new GI bill will do. This makes a lot of sense for our country.

I commend especially those I have mentioned previously, including Senators WEBB, WARNER, HAGEL, MURRAY, and so many others. I am proud to be one among them to say that this too is a priority for this country. I hope when the sun sets at the end of this week, if we have passed this legislation called the emergency supplemental appropriations bill, it will include something that ought to give all of us a reason to be proud and that it will include a new GI bill to say to veterans in this country: You matter. It matters to us what you did for our country. I hope we manifest that by passing a new GI bill in the name of their service.

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. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY

Mr. DORGAN. Madam President, I know we are on the emergency supplemental bill. However, I want to talk a bit about the energy issue, so I will begin on that. I want to make a couple of points.

First, we sent a bill that the President signed, I believe, this morning, which I offered here along with my colleague Senator REID in the Senate last week. We passed it on Thursday. It said stop putting oil underground when oil prices are bouncing around at $128 a barrel or so. We told the Department of Energy stop putting 70,000 barrels a day underground. We have a Strategic Petroleum Reserve—which makes sense to me because if you run into trouble, you will have oil you have put away. But we have put that oil away, and it is now 97 percent full. Yet the DOE and the Bush administration are topping it off by putting 70,000 barrels a day every day underground.

Our legislation says stop that. When oil is going through the roof and the price of gasoline is so high, stop putting it underground. It makes no sense. You are putting upward pressure on prices, which is the last thing we should do.

I am pleased the President signed the bill today. Some have said it won't make any difference, that there are factors other than the 70,000 barrels going underground that are at play here, and I will talk about them. But it certainly doesn't hurt to put additional oil, and therefore gasoline, into the supply pipeline. That ought to bring prices down. It is common sense.

I used to teach a little economics and the supply/demand curve hasn't changed. If demand remains unchanged and supply is increased, prices are going to be lower. So I never understood why they decided when the Strategic Petroleum Reserve is 97 percent full, why they are taking sweet light crude from the Gulf of Mexico and sticking it underground for a rainy day. It is raining at the gas pumps these days. Stop that and put it into the supply chain and put downward pressure on oil and gas prices.

I am pleased that we finally did it last week. The House passed the bill. We got it to the President and he signed it. That is one step in the right direction. A big step, giant step? Probably not, but it is a step in the right direction in dealing with the question of the price of gasoline.

Now, there is something curious going on in this country. It is not explainable, frankly. This chart says oil prices nearly doubled in 1 year—up, up, up, and up. They doubled in 1 year. What would cause that? Well, here is speculators' activity in the oil futures market. It looks like oil prices, doesn't it? It also goes up, up, and up. There is more and more speculation in the oil futures market. These are not people who want to buy oil—oh, no. They want to buy a contract. They don't ever want to take delivery or get their hands dirty with oil; they want to speculate and gamble in the oil futures market. They want to buy what they will never get from people who never had it, and walk away grinning and deposit their money in the bank—big profits, by the way. It doesn't matter what the consequences are. The wreckage can lie in the gas pump lines, on the family farms, and elsewhere, because they push up prices with this speculation. As you can see on the chart, the speculation looks exactly like the runup in the prices.

The senior vice president of ExxonMobil Oil, on April 1, last month, said:

> The price of oil should be about $50 or $55 per barrel.

But it is not. It is $128 a barrel, $129 a barrel today, and is headed north. So an oil company senior vice president said it ought to be $50 or $55 a barrel.

Clarence Cazalot, CEO, Marathon Oil, said:

> $100 oil isn't justified by the physical demand in the market.

He is president of an oil company.

In January, the Newark Star Ledger said:

> Experts, including the former head of ExxonMobil, say financial speculation in the energy markets has grown so much over the last 30 years that it now adds 20 to 30 percent, or more, to the price of a barrel of oil.

Fadel Gheit, 30 years with Oppenheimer Company, senior energy trader, said this:

> There is absolutely no shortage of oil. I am absolutely convinced that oil prices shouldn't be a dime above $55 a barrel. I call it the world's largest gambling hall. It's open 24/7. Unfortunately, it is totally unregulated. This is like a highway with no cops and no speed limits, and everybody is going 120 miles an hour.

Andrew Hall—I don't know him. I have said I would not know him from a cord of wood. All I know is that the Wall Street Journal reports this trader hit the jackpot on oil as the commodity boom roars on. When they say commodity boom, they are not talking about oil wells, or drilling rigs, or oil tanks; they are talking about the commodities market. Again, it is a market in which speculators abound—an orgy of speculation, with people buying things they will never get from people who never had it, nobody wanting the oil, but wanting to speculate in this class called speculators. Mr. Hall earned a quarter of a billion dollars—$250 million—in 5 years. That is a pretty big payout, actually.

All of these folks who are neck deep in futures markets include hedge funds, investment banks, unbelievable speculation in the futures market, which is driving up the price of gasoline and the price of oil.

Now, it is interesting to me, and I think important for us to understand, that as the price is going up, and it is going up again today, that more pressure will push prices higher. In this country, people will drive to the pumps tonight and try to figure out, how do I pay for this tank of gas? I need it and I have to drive to work. Or as the farmer tries to figure out, how do I fill that farm gas tank and pay for that? Or a small family trucking company tries to figure out how do I make ends meet, or will I have to close the doors, perhaps, like one of the CEOs of the five airlines that have filed bankruptcy at this point because of fuel prices?

As all of this is happening, let me make a couple of points. One, we have more oil in our inventory and more fuel in our inventory right now than we did in January of this year. We are somewhere over 30 million to 40 million barrels of oil in inventory above where we were in January. So go figure. Inventory is up. Shouldn't prices come down a bit? You would think so. Not only is inventory up but demand is also down because our economy slowed down some, and because the price of gasoline and fuel is very high, people are driving a bit less. Some estimate that demand has dipped around 4 or 5 percent. So our inventories are up, demand is down, and what is happening to oil prices? They are continuing to go up.

Refiners are actually refining less at the moment, by their own design, because they believe there is an excess of inventory, so they want to catch up a bit, or allow the inventory to catch up with demand. So they are refining less than they previously refined. You would think, then, if supply is up, with millions more barrels of oil in inventory, the supply of gasoline having increased sufficiently so that refiners are cutting back refining capability, that the price of gasoline and oil would begin to come down. But it is not true. What is happening today is it is reaching record highs. So what does that tell

us? It tells us there is this unbelievable amount of speculation in which speculators have taken over the commodity markets and driven oil prices to levels that are doing great damage to this economy, great damage to this country, great damage to America's families, and great damage to businesses in this country. They don't care much about that. All they care about is going to the bank with a pile of money. All they care about is making all this money.

I am telling you, at the top, take a look at the compensation of the top hedge fund managers in this country. It is unbelievable. It almost makes you ill. They are all making a lot of money, and they are doing it by speculating in a market that is driving up prices beyond where the fundamentals of oil and gas supply and demand would justify. There is no justification for this at all.

American families have a right to ask the question of this Congress: What on Earth are you going to do about it? Does anybody care? Or are the consumers just pawns in this big game while the speculators run off with all the money?

It seems to me, when markets don't work we have a responsibility to do something about it. If you have a computer handy, you can find a search engine and find excesses of speculation. In fact, over the last decade and a half, we have seen two bubbles already, and now a third. We saw the tech bubble, and it burst. We saw the housing bubble, and it burst. Now we see a bubble on the commodities exchanges, and it will burst at some point. The question is when and what damage will be done between now and then.

These exchanges are supposed to be regulating certain kinds of activities. I have a little experience in this—not a lot, but a little. I chaired the hearings in the Senate on Enron. We did it in a Commerce subcommittee. I had Ken Lay come in front of me in my committee. He raised his hand and swore an oath to tell the truth, sat down, and took the fifth amendment. We had Jeffrey Skilling come. He is now in prison. He wouldn't stop talking, by the way. Through it all, the suggestion was, there is nothing going on here.

There was this unbelievable runup of wholesale electricity prices on the west coast during that period. We now know it was criminal activity, a criminal enterprise. We now know they were fixing things. They were shutting down plants. They were manipulating supply. They were speculating.

I am not suggesting speculation is necessarily, or even in most cases, criminal behavior. It is not. But the combination, going back to Enron, of not being able to see the dark money, the money that moves in the shadows behind the regulatory opportunities that some agencies have, means consumers can be manipulated and injured dramatically.

There is a lesson, it seems to me, as we take a look at what is happening in energy. I remember when President Bush came to town. He appointed a new Chairman of the Securities and Exchange Commission. I believe his name was Harvey Pitt. He said when he took office there is going to be a new attitude around here. This was the Securities and Exchange Commission, a regulatory body.

He said: There is going to be a new attitude around here, a business-friendly attitude. And sure enough, it sure was business friendly, and not just there but virtually every agency. We don't want to regulate. Yes, we are a regulatory body, but we don't want to regulate. Yes, regulators are supposed to be the referees, wear the striped shirts, call the fouls; we don't want to do that. We don't even like Government very much. We just come here and say it is business friendly, so do what you want.

Over the past 7 years we have seen an unbelievable amount of avarice and greed and speculation. Is it any wonder that we saw the bubble burst with respect to housing? Who wasn't minding the store? We know what happened then.

We had ads on television from these mortgage companies. Anybody who watched one of them would have known this doesn't work.

The ads said: Hey, you have been bankrupt, you can't pay your bills? Are you missing your house payments? Come over here. We will give you a new mortgage. You don't have to worry about all that. You have bad credit? Come to us. We will give you credit. In fact, we will give you a mortgage where you don't even have to pay all the interest. In fact, we will give you a mortgage loan where you don't have to pay any interest the first year; we will pay the interest for you, and the principal. We will say to you: You don't even have to document your income to us. You have to pay a slightly higher interest rate, but you get a mortgage with us, and you don't even have to document your income. It is called a no doc loan.

So, no documents, no interest payment for the first year and no principal payment for a long while. And by the way, when we set your interest rate, you pay an incredibly low interest rate.

I saw an advertisement that said pay one-fourth of 1 percent interest rate—not telling them, of course, it is going to reset at 10 percent in 3 years. They don't have a ghost of a chance of making those payments, and they are going to lose their house. We are sorry. They never tell them that.

Where were the regulators? Were they watching? No, they weren't watching. They didn't care.

So you have this buildup of speculation, mortgages, housing, and now the entire economy pays a price for that.

On top of that, we have this unbelievable buildup of speculation in the commodities market and oil, which is an essential commodity for every part of this economy, and the cost is going through the roof. Today it is setting a record.

Think of this economy and the national result. Does it matter that oil is different? Sure does. We suck 85 million barrels of oil out of this world every single day. We take 85 million barrels and suck it out of this planet. We need to use one-fourth of it in this country. We use 25 percent of all oil pulled out of this planet every day, and we only produce 10 percent. We use 25 percent of the world's oil, and we produce only 10 percent. That means we have to get a lot of it from elsewhere, and we do. Mr. President, 60 percent plus comes from offshore, much of it from troubled parts of the world.

We have a major issue with respect to oil. We have to deal with it. In the short term, though, we have to deal with this. John Maynard Keynes said in the long run, we are all dead. In the short run, we drive to the gas pumps and say: How can we possibly afford this? How can we pay this price? Then we understand this price isn't even justified. There is nothing in supply and demand that justifies this price. The supply is up, demand is down, and the price of oil is going through the roof. That is not about market system. Those are arteries clogged in the free market system, and this Congress has a responsibility to do something about it.

What do we do? There are a number of approaches a group of us are working on. It includes trying to find ways to make certain we know what is happening on all of these exchanges. The folks who run the exchanges in this country say: The problem is, if you increase the margin requirement, all this stuff is going to go to the Intercontinental Exchange, called ICE, over in London. You can't do that; it goes offshore and you never see it.

That is another part of the dark money strategy in this country where they all make money and injure this economy. We are looking for ways, and I believe we will find a way in a couple of days, to get our arms around this issue called regulatory need with respect to excess speculation on all markets. This is damaging this country's economy, and we cannot and should not stand for it. Speculators have had their day. They have made their money. They have injured this country. Now it is time for us to wring that speculation out of those commodity markets.

We need commodity exchanges. We need futures markets. We need them for liquidity. We need them for hedging. But when we have speculators grab these markets by the neck and pervert them, this Congress has a responsibility to act.

I conclude by saying the price of oil is setting new records today despite the fact that we in this country have an increased supply of oil since January, month after month after month, and demand is going down by the consumer because of price. So supply is up,

demand is down, and this perversion in the marketplace is producing the highest price for oil we have seen. That is an unbelievable perversion of what the free market ought to be.

We hear people say free market. There is no free market here. You have an OPEC cartel sitting behind closed doors. It would be illegal in this country. That does not contribute to a free market. That is a fixed market. And we have oil companies bigger and stronger. They almost all have two names now—ExxonMobile, ConocoPhillips—because they all merged and everybody thought that was fine, at least in this administration. So they are bigger and stronger and have more muscle in the marketplace. Then we have this perversion in the futures market.

That combination is a combination that I say damages this economy. We mean to address it. In the coming days, I intend to talk about legislation that will tie into this speculation, wring it out of the markets and say: You can't continue to damage the economy of this country; you can't continue to injure the consumers in this country because we are not going to stand for it.

Mr. AKAKA. Madam President, I am delighted to be an original cosponsor of the amendment offered by the distinguished senior Senator from Virginia which would clarify that the provisions in current law regarding the transferability of educational assistance benefits to family members would apply to the new GI bill for the 21st century.

This amendment would further give the Department of Defense the ability to conduct a 2-year test of somewhat expanded transferability options to individuals who have completed 4 years of active duty service, who agree to complete an additional 6r years of service, and who meet such additional criteria as the Secretary of Defense establishes.

I have consistently stated that I believe that transferability can be an important retention tool for the military and that the provisions of current law would apply to the provisions in S. 22 as revised. However, I have also noted that there is no data that demonstrate the retention value of the transferability option.

The Army implemented a pilot program in July 2006 which allows soldiers who reenlist in critical skills to transfer their Montgomery GI bill benefits to their spouses. Mr. President, I will ask unanimous consent that the Department of Defense annual report on entitlement transfers, dated March 20, 2008, be printed in the RECORD at the conclusion of my remarks so that Members can see that less than two percent of those who were offered the opportunity to transfer benefits took advantage of that option.

It is on this basis that I believe that this authority needs to be continued and expanded slightly in the context of this new GI bill for the 21st century. But to rely on transferability solely or in lieu of the legislation that has been carefully developed by Senator WEBB and others would be a mistake.

I urge the Senate to approve the amendment offered by Senator WARNER.

I ask unanimous consent that the text of the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE
UNDER SECRETARY OF DEFENSE,
*Washington, DC, March 20, 2008.*

Hon. DANIEL K. AKAKA,
*Chairman, Committee on Veterans Affairs, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: This letter serves as the annual report on entitlement transfers of basic educational assistance to eligible dependents under the Montgomery GI Bill (MGIB) as required by Section 3020(1) of title 38, United States Code.

The Army implemented a pilot program in July 2006, allowing Soldiers, who reenlist in critical skills, the ability to transfer MGIB benefits to their spouse. The Army defined critical skills as any Soldier who qualified for a Selective Reenlistment Bonus (SRB) incentive and was entitled to a Zone B or Zone C bonus under current messages at the time of their reenlistment. This SRB is reduced by an amount equal to the actuarial per capita cost. These payments were then deposited into the DoD Education Benefit Fund for transfer to the Department of Veterans Affairs.

In Fiscal Year 2007, 296 Soldiers chose this option, or less than 2 percent of the over 17K Soldiers eligible upon reenlistment. Of the 296 Soldiers, the majority were mid-career Soldiers (SGT/SSG) assigned to U.S. Forces Command and U.S. Special Operations Command. Initial feedback from the field indicates that Soldiers want to be able to transfer benefits to all their dependents, including children. The Army extended the program to allow eligibility for both spouses and children in November 2007.

None of the other Services exercised their MGIB transferability authority and, instead, relied on traditional reenlistment/retention incentives. In spite of the fact that this program was not offered by those Services, each experienced a successful retention year in Fiscal Year 2007. However, all the Services are closely watching the results of the Army pilot and continue to retain the authority to include MGIB transferability in their retention programs should circumstances warrant.

The Department plans to include the expansion of MGIB transferability in its Fiscal Year 2009 legislative proposal. This expansion will support the President's State of the Union address, where he called for Congress to join him in "allowing our troops to transfer their unused education benefits to their spouses or children."

I trust that this report will prove useful in your consideration of Defense personnel programs. Similar letters have been sent to the Ranking Member of the Senate Committee on Veterans Affairs, the Chairman and Ranking Member of the House Committee on Armed Services, and the Chairmen and Ranking Members of the House Committee on Veterans Affairs.

Sincerely,

MICHAEL L. DOMINGUEZ,
*Principal Deputy.*

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

## MORNING BUSINESS

Mrs. MURRAY. Madam President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business and that Senators be allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont is recognized for 10 minutes.

## ENERGY PRICES

Mr. SANDERS. Madam President, I concur with a lot of what my colleague from North Dakota said, and I applaud his leadership on this whole issue of outrageously high energy prices.

A few weeks ago, I sent an e-mail out to constituents in the State of Vermont, and essentially I said: Please write back to me and tell me what these outrageously high gas prices and oil prices mean to you. How are they impacting your lives?

From our very small State of 630,000 people, we received, as of this date, some 900 responses. Nine hundred families wrote to me to tell me the impact these extraordinarily high gas and oil prices are having in Vermont.

As you know, Vermont is doubly hit by these high prices because we are a rural State and people have to travel long distances to get to work, to get to the doctor, to get to the grocery store, and with the weather sometimes at 30 below zero, people spend a lot of money heating their homes. Madam President, $4-plus a gallon for home heating oil has a huge impact on their lives.

What I would like to do in the time I have is simply read some of the e-mails I have recently received from Vermont. Let me be very clear in saying that while the e-mails came from Vermont, these e-mails speak for millions of people throughout this country, perhaps especially in rural areas. It is just amazing that at a time when poverty is increasing and the middle class is collapsing these high gas and oil prices have just taken many people over the edge. We are hearing what their stories are about.

As I have said on many occasions, I think we in the Congress are far too separated and isolated from the reality of American life. We are surrounded by a ring of well-paid lobbyists representing large, powerful multinational corporations, and the voices of the people do not ring out as clearly as they should in the Senate. Today I want to allow some of those voices to be heard.

Let me start off with somebody from the southwestern part of the State of Vermont. This is what this person writes:

I retired to this community on a fixed income, and now the price of gas almost prohibits me from having any enjoyment. I have to factor in the price of gas for everything I do. Most of my medical appointments are at least 50 miles round-trip, and the cost of gas is absolutely prohibitive. I do not know how

working people who earn less than $10 an hour are able to afford the gas. Something has to happen as this is a crisis not only in Vermont, but throughout the country.

Here you see a story of somebody being impacted because they have to go to a doctor a considerable distance away.

While we are on that subject, let me read an e-mail that came into Burlington, where our major medical center is. This story is interesting. Again, it tells you one of the side impacts of these outrageously high gas prices—what gas prices are doing. This is from Burlington, VT:

My story involves my capacity as an oncology social worker working with cancer patients in an outpatient clinic. I also run an emergency fund for the cancer support program, which provides funds for cancer patients in need during their cancer journey, including initial diagnosis, surgery, and treatment period in which they experience a significant decrease in income during a medical leave.

These are people dealing with cancer. They cannot go to work. Their incomes are declining. Then she writes:

I cannot describe how devastating it has been for these folks who need to travel great distances to get to and from their cancer treatment and followup care with the way gas prices have been. Many of these folks need to travel on a daily basis to radiation therapy for several weeks, while others come from surrounding counties every 1 to 2 weeks for chemotherapy. It has had a tremendous impact on our ability to provide the financial assistance through our emergency fund to all those in need. Someone with cancer who has to get treatment has no choice how many times they need to travel great distances. They have to have reliable transportation and thus need access to gas for their cars or other family members' cars to get to their treatment and followup care. This is becoming increasingly difficult as gas prices continue to rise and our emergency fund cannot meet all of the financial needs of these patients.

How many people think of that? We all get upset and angry when we pay $3.79 or $3.80 for a gallon of gas, but here is a story where this price of gas is impacting the ability in rural States for people to actually get the cancer treatment they need.

Here is another story that comes from northern Vermont:

My commute is 630 miles per week. On average, I drive nearly 900 miles per week. My wife also commutes 250 miles per week. Two years ago, we spent between $500 to $600 per month on gas. You don't need an MBA to figure out what we spend a month on gas now. Our mortgage payment is less than the cost of getting to work. How does this hurt all Americans? We spend less on local goods and services. We wait longer to fix problems with our cars. Is this doing further damage to our environment? I need new tires and am scouring the classifieds to find used tires. Is this putting my family at risk? I don't know where this is going to end. How can ExxonMobil possibly make $40 billion in profits alone? I just hope that supposedly smart people in Washington [i.e., us] will use all the tools in their tool boxes to stop this insanity.

Here is another letter. It comes from northern Vermont again:

This is my opinion. Here in Vermont you know we face challenges to heat our homes and commute to our workplaces. I live in the town of Morrisville, and I travel 78 miles to work round trip each day. My car gets 30 miles per gallon, therefore I spend roughly $10 a day just to commute to and from work. With that in mind, it costs me $2,600 per year to just get a paycheck. My wages have nowhere kept up with the rising cost of gasoline, much less adjust for the rise in heating fuel, food prices, increases in incidental necessities such as tires, oil changes, et cetera.

Once again, it is the working person and the burden that high gas prices are having on the ability of that person to get to work.

Here is another story. This is also from northern Vermont:

I am a working mother of two young children. I currently pay, on average, about $80 a week for gas so that I can go to work. I see the effects of the gas increases at the grocery stores and at the department stores. On average, I spend around $250 per week at the grocery store, and trust me when I say I don't buy prime rib. I buy just enough to get us through the week, and I can't afford to make sure we have seven wholesome meals to eat every night of the week. Some nights we eat cereal and toast for dinner because that's all I have. My family has had to cancel our annual trip to the zoo, and we make less trips to see our families in another town due to the increase of the price of gas. The price of gas has created a hardship for most average Americans. We have less money to pay the living expenses which have also increased.

It seems as if it is just a rippling effect. I am really scared for what the future holds for me and my kids because I just simply cannot afford to live from day to day and I am getting further and further in credit card debt just trying to stay afloat.

Another letter:

I am a single mother of two daughters. The gas prices are affecting my life tremendously. I have a full-time job in Burlington but live in Richmond and it is getting so that I cannot afford my bills such as electricity and phone so that I can afford to drive to work every day. I live off from what I make at work and I get some food stamps to help out. Welfare does not consider gas as an expense, even though you need it to get to work. Right now I am 2 weeks behind in my rent and pinching my pennies as far as they will go just to live a low-class lifestyle.

Another story:

Personally, my 90-year-old father in Connecticut has recently become ill and asked me to visit him. I want to drop everything I am doing and go visit him. However, I am finding it hard to save enough money to add to the extra gas I'll need to get there.

Here is someone whose 90-year-old father is ill and doesn't know how he is going to be able to afford to fill up the gas tank to get there.

I am self-employed with my own commercial cleaning service and money is tight, not only with gas prices but everything. I make more than I did a year ago, and I don't have enough to pay my property taxes this quarter for the first time in many years. They are due tomorrow.

Madam President, on and on it goes. As I said, we have had about 900 of these e-mails from the State of Vermont. We also get e-mails from around the country. If anybody is interested in reading these e-mails, they can do it at my Web site: sanders.senate.gov.

That is the reality. We have the middle class which for many years has been shrinking. Since Bush has been President, 5 million more Americans have slipped into poverty; 8 million Americans have lost their health insurance; 3 million Americans have lost their pensions. That is what is going on for ordinary people.

But—and we don't discuss this too often—the people on top have never had it so good. In fact, the top 1 percent is doing better than at any time since the 1920s. Senator DORGAN a moment ago proposed some ideas with which I concur, in terms of how we have to address this oil and gas crisis. I think we made some progress several weeks ago by passing legislation which would stop the bringing more oil into the Strategic Petroleum Reserve. That is a small step forward but an important step forward.

Right now I know we have dealt with, and the House is dealing with, the issue of OPEC, how to deal with a cartel whose function in life is to limit production and artificially raise prices. Clearly, long-term, starting yesterday, we have to move this country away from fossil fuel and our dependence on foreign oil; move us to energy efficiency and sustainable energy. There is unbelievable and huge potential to do that. We have made some small starts, but we have a long way to go in energy efficiency and in adequately funding solar energy, wind energy, geothermal energy, biomass, and other forms of sustainable energy. The potential there is enormous if we are able to summon the courage to take on the very powerful lobbyists from the fossil fuel and automobile industries and move this country in the direction it should be going.

Right now, while we move forward to break our dependency on fossil fuel and foreign oil, we cannot forget these folks from Vermont and around this country who, today, are in desperation as a result of gasoline prices at $3.80 a gallon, prices which will only go higher. There are several other things that, in my view, we need to do.

For a start, while Americans are paying outrageously high prices at the gas pump, the oil industry, as most Americans understand, is enjoying record-breaking profits. The American people simply find it very hard to understand how it could be that they can no longer afford to fill their gas tanks, while ExxonMobil has made more profits than any corporation in the history of the world for the past 2 consecutive years. There is no end to the greed.

Last year alone, ExxonMobil made $40 billion in profits and rewarded its CEO with $21 million in total compensation. A few years ago, ExxonMobil gave its former CEO a $400 million retirement package.

All over America, people cannot afford to heat their homes, working people cannot fill their gas tanks, but ExxonMobil had enough money a few years ago to provide its former CEO a

$400 million retirement package and provide the current CEO with $21 million in total compensation.

But ExxonMobil is not alone. Chevron, ConocoPhillips, Shell, and BP have been also making out like bandits, seeing huge increases in their profits. In fact, the five largest oil companies in this country have made over $600 billion in profits since George W. Bush has been in office. Last year alone, the major oil companies in the United States made over $155 billion in profits. Believe it or not, these profits continue to soar. There is apparently no end to the profitability of these companies. Recently, ExxonMobil reported a 17-percent increase in profits. Earlier, BP announced a 63-percent increase in profits. On and on and on it goes, the middle class getting decimated—can't afford to heat their homes, can't put gas in their tanks—and oil companies making outrageous profits.

In 2006, Occidental Petroleum—not even one of the very major ones—gave its CEO a $400 million compensation package for 1 year's work. They are simply sticking out their tongues, they are spitting on the American people, they are saying: We will do anything we want; $400 million to the CEO in 1 year, and we don't care if you can fill your gas tank, we don't care if kids in Vermont are getting sick because their parents can't afford to adequately heat their home. That is the way it goes. We have contributed hundreds of millions of dollars to Congress. We have lobbyists all over the place. You can't do anything about it. That is what they are telling the American people.

I hope that is a wrong assertion. I hope, in fact, that Congress does have the courage to stand up to these oil companies and impose a windfall profits tax. It will not be easy, but that is the fight we have to make.

Furthermore, in addition to dealing with the greed of the oil companies, we must deal with the greed of speculation. The problem with dealing with speculation is that by definition, at least as is currently the case, everything takes place below the radar screen. They are not acting transparently, which is at the heart of what the problem is.

What we do know is, the hedge funds have made huge amounts of money. The top 50 hedge fund managers earned $29 billion in income last year; 50 managers, $29 billion. That is not too bad.

We also know there are a lot of financial institutions investing heavily in oil futures and are driving up the price of oil in the process. Clearly, while it is a complicated issue—it is not an easy issue, and we made some progress in the ag bill by doing away with the Enron loophole exemption. Clearly, a lot more thought and work has to go into that. But there are some experts who are arguing that literally 50 percent of the $125-per-barrel cost of oil is a result of speculation and not actually the production of oil.

The issue is not just addressing the crisis in high oil and gas prices. The issue is whether the American people will have any degree of confidence in their elected officials and in the U.S. Government. It is no great secret that President Bush is perhaps the most unpopular President—for good reasons, I should add—of any President in the modern history of the United States. Congress is held in equal contempt. I think the time is now, in the midst of this very serious economic crisis our country faces—which includes the high price of oil, includes our disintegrating health care system, includes a trade policy which allows companies to throw American workers out on the street and move to China, and many other issues—if we are to regain the faith of the American people, we had better summon the courage to take on these oil companies, these speculators, these hedge fund operators.

Now is the time to do that. I certainly hope we will summon the courage to go forward.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MENENDEZ). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TED KENNEDY

Mr. SALAZAR. Mr. President, I come to the floor this evening to send Senator TED KENNEDY and Vicki and all the family my very best wishes. I am confident that with the fighting spirit that embodies who TED KENNEDY is, we will soon see him back here in this Chamber of the Senate. Over the years, as I have worked closely with Senator KENNEDY on a number of different measures, I have seen his passion and ethic of service here on the floor. Over the many years I knew about TED KENNEDY, long before he ever knew who I was, he was one of those people who always inspired me to public service. I remember well his speeches from the 1960s and into the 1970s. For me as a relative newcomer to the Senate, it has been one of those very unique privileges to serve with him on a number of different matters.

Part of the reason I know he will be back here working with all of us is because we have often talked about some of the difficult challenges he has faced in life. We have talked about the plane crash and how it was that he was pulled from the wreckage. While many did not expect him to survive, he did, and he has gone on to provide another 40 years of service to this great Nation and this world. It is that fighting spirit that, again, will take Senator KENNEDY in a very positive way forward to continue to serve this Nation, the State of Massachusetts, and the entire world. That ethic of service in many ways is what guides most of us who are here, but certainly it is the roots of Senator TED KENNEDY.

We have often talked about his relationship with the United Farm Workers of America. In the prayer which the founder of the United Farm Workers of American, Cesar Chavez, wrote, I find a lot of that prayer reflected in Senator KENNEDY. I thought I would essentially read a part of that prayer. I think it is so true of Senator KENNEDY, the Presiding Officer, the distinguished Senator from New Jersey, and so many others who get so much inspiration from this wonderful man, TED KENNEDY.

The prayer is as follows, in part:

Grant me courage to serve others;
For in service there is true life.
Give me honesty and patience;
So that the Spirit will be alive among us.
Let the Spirit flourish and grow;
So that we will never tire of the struggle.
Let us remember those who have died for justice;
For they have given us life.
Help us love even those who hate us;
So we can change the world.

That was written by Cesar Chavez, born in 1927, passed away in 1993.

For TED KENNEDY, the closing part of that prayer, ''so we can change the world,'' I will say this to Senator KENNEDY tonight from the floor of the Senate: We still have a lot of change to make in the world together. I look very much forward to the day when we see you back here among all of our colleagues, helping us move forward in a new direction to achieve that visionary change that had at its focal point the possibilities of humanity.

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. SALAZAR. 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. SALAZAR. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senate is in morning business, with 10-minute intervals.

## GI BILL OF RIGHTS

Mr. SALAZAR. Mr. President, earlier today, on the floor of the Senate, we heard distinguished colleagues from both sides of the aisle supporting an effort that we pass a new GI bill of rights for the 21st century.

We heard the distinguished junior Senator from Virginia, JIM WEBB, who with his own hand, took it upon himself to author a piece of legislation that would make sure we as a nation

kept our promises to those who have served since 9/11 by providing them the kind of educational opportunity that was provided to those who served in World War II.

In that effort, as I presided over this Senate floor, I heard the very eloquent comments of Senator CHUCK HAGEL, himself a great servant of this country and a great Senator, in support of the legislation by Senator WEBB. During the same time, we heard the comments from Senator WARNER, one of the most eloquent and distinguished Members to ever serve in the Senate.

So I come to the floor today to once again say all of the sponsors of that legislation send a loud and unmistakable signal to everyone who has a say in this emergency supplemental that at the end of the day we must make sure this 21st century GI bill of rights is one that is included in this emergency supplemental that deals with Iraq and Afghanistan so that we, in fact, can honor our veterans who have served since 9/11.

We can do no less as a nation. We can do no less when we think about the great sacrifice of the now 1.6 million men and women who served in Operation Iraqi Freedom and Operation Enduring Freedom.

When we think about those who have served, we must first stop and pay tribute and honor to those who have given their lives as the ultimate sacrifice on behalf of their country, as well as those who have been wounded and hurt in those wars.

In Iraq, the current number I have as of today, 4,078 Americans have been killed in that war—a war that is now in its sixth year.

When the invasion occurred, there were predictions at the top of the Pentagon that this war would, at most, take 50 American lives. Somehow now we have surpassed the 4,000 number with 4,078 of our bravest men and women who have given their lives in Iraq.

It does not count the number of others who have been scarred either physically or mentally in that war as well. Those who have been wounded with physical scars, according to the current numbers we have from the Department of Defense, now exceeds 30,000 of our best.

For many of us in the Senate, as we have gone to Walter Reed or to other hospitals of the Department of Defense or veterans hospitals, we see the reality of what has happened to many of those who have come back without limbs and with other kinds of injuries that will stay with them the rest of their lives.

We do not have a firm count with respect to the other 1.6 million who have served there as to how many of them have suffered the mental scars of war. We know there are some estimates that it is as high as 20, 25 percent of them who will suffer from some form of post-traumatic stress syndrome.

So the number we are talking about who have borne the burden of this war in Iraq, as well as the war in Afghanistan, is a number we should never forget. It is not just in Iraq but also in Afghanistan. We now have a casualty list which includes 497 Americans. We have about 2,000 who have been physically wounded and many more who suffer the mental scars of war.

When I think about what we are trying to do with this 21st century GI bill of rights for those who have served since 9/11, the thing I find most objectionable is that some of those on the other side and others who would oppose this legislation say it is too costly, that we ought not to undertake it because it is too costly.

In the context of what we have spent in Iraq and will be spending in Iraq, it is a very small amount of money to make sure we are taking care of our veterans once they return home. In Iraq, the total number, as of today, that has been spent on that war is $525 billion—$525 billion. Secretary Rumsfeld, at one point in time, said no way, no how will we ever spend $50 billion on this war. Yet somehow, today, some 6 years later, it is $525 billion plus that has been spent on the war.

When you consider the expenditures the United States is projected to make to bring this war to conclusion, some estimates out there are $3 trillion—$3 trillion—what we are trying to do with this 21st century GI bill of rights is simply to provide an opportunity for those who have served since 9/11 to get an opportunity for an education at a cost that would be $2.5 billion to $4 billion a year.

When we consider the fact we are burning $12 billion a month in Iraq today, to provide this benefit to our veterans at a cost of $2.5 billion to $4 billion a year is a very worthy investment, and in the relative context of how much is being invested in that war effort, it is a very small amount.

I would hope at the end of the day it is not only 60 Senators who vote yes to include this 21st century GI bill of rights in this emergency supplemental, but that we could get a unanimous approval out of this Senate that this is the thing we should do because it is the right thing to make sure we are taking care of those who have served us since 9/11.

Again, I appreciate the great leadership of our good friend, JIM WEBB, who has worked so hard to bring together so many cosponsors of this legislation both here in the Senate, as well as the House of Representatives. I urge my colleagues to fully support this legislation as it moves forward.

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. 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 as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE ECONOMY

Mr. BROWN. Mr. President, economic anxiety is pervasive among the middle class in my State of Ohio and throughout our great country, and there is good reason for that. The average duration of unemployment—17.5 weeks—is longer than at the start of the two previous recessions. In 2001, it took the average unemployed worker about 12.5 weeks to find work. In 1990, it took the average unemployed worker almost 12 weeks to find work. The average duration of unemployment now is about 17.5 weeks.

In fact, long-term unemployment is higher now than it has been at any other time since Congress first extended unemployment benefits, since 1980. The share of workers suffering long-term unemployment, meaning those who remain jobless after their first 6 months of benefits run out—so if their benefits run out after 6 months, that defines long-term unemployment by the Government—the share of those workers is nearly 17 percent higher than the 11 percent at the start of the 2001 recession and higher than the 9.8 percent at the start of the 1990 recession.

My State of Ohio has not added jobs since the end of the last recession, even while economists and an indecisive President wonder whether the country is entering another one, with all of their definitions and all of their pondering these questions and all of the indifference that comes out of 1600 Pennsylvania Avenue. What I do know is that there are 58,000 fewer jobs in Ohio than there were in November 2001.

In the past year around my State, I have attended almost 100 roundtables where I have convened meetings of 120, 125 people who sit around a table and talk to me about their hopes and dreams, what is happening in their communities, ways I can help, and all of the things that can help me do my job in the Senate. One of the topics that came up again and again during these meetings was the topic of economic insecurity. Wages are stagnant, jobs are scarce, and jobs are too often temporary. Sometimes, laid-off workers have seen their lives change. Instead of one good-paying job, they are holding two part-time or full-time jobs that pay significantly less than the job they held earlier. Middle-class families are struggling now and deeply worried about the future.

The Health, Education, Labor and Pensions Committee held a hearing today on plant closings and workers' rights. This summer marks 20 years since Congress passed major plant closing legislation known as the WARN Act, a bill championed by Senator Howard Metzenbaum from Ohio, who

held this seat, and Senator KENNEDY, who is our committee chair today on the Health, Education, Labor and Pensions Committee.

One of the witnesses today was a gentleman from Senator KENNEDY's State of Massachusetts, Joe Aguiar, who worked for a fabric manufacturer for nearly 30 years. He and 900 coworkers were laid off without any notice last summer. As are so many workers in manufacturing, he is about 50 years old. Like so many other workers in my State of Ohio, in Springfield and Lima and Tiffin and Marietta, their lives have been upended. For most, the pensions and health care which they earned and which they desperately need and which they thought had been promised to them, so often the pensions and health care will be slashed.

Mr. Aguiar, as workers do in places such as Marion, OH, and Xenia and Zanesville—those workers need an extension of unemployment insurance. Now more than ever, we need to extend those unemployment benefits because so many workers see their unemployment benefits run out because they can't find comparable jobs.

It is very simple. Economists on Wall Street and Washington and universities all say that every dollar invested in unemployment benefits leads to $1.64 in growth—more than any other stimulus package, any other stimulus program, any other way to put money into the economy. We had this discussion, and the unemployment extension was blocked by congressional Republicans some months ago. In addition, we offered a stimulus package which will, in fact, put money in people's pockets—a good thing. Unemployment extension would have come quicker and put money into the pockets of those who will spend it immediately because they are struggling. They need the money for gas for their cars to go out and look for jobs, for food to feed their families, and the daily necessities of life.

The Congressional Budget Office agrees that a dollar in unemployment benefits leads to $1.64 in growth, finding that extending unemployment benefits is cost-effective and the single fastest acting measure.

The Washington Post, Los Angeles Times, New York Times, and the Akron Beacon Journal in my State all agree. Last week, the House approved an extension of unemployment insurance. The Democrats are trying to—or are going to—include unemployment insurance extension in the stimulus package. We hope the Republicans don't filibuster this, and that the President finally changes his mind and signs an extension of unemployment insurance. It is a reasonable extension and needs to be done now.

As I came over here today to talk about unemployment benefits and extending them, my thoughts turned to Senator KENNEDY and his family. Senator KENNEDY, who we find out today has been diagnosed with a serious illness, has been fighting for an extension of unemployment insurance certainly lately in this case, and other times, but he is always fighting for workers, the poor, and the middle class. Nobody in this Congress has consistently, or for a longer period of time, in the history of this institution, fought for workers or the middle class the way Senator KENNEDY has, and the way he will continue to; he has been tireless about this.

Just last week, I stood on the Senate floor with Senator KENNEDY as we worked together to pass legislation that came out of his committee, a committee on which I also sit, the Health, Education, Labor, Pension Committee, to establish collective bargaining rights for firefighters and others. When it comes to issues facing working families, Senator KENNEDY, as recently as last week, fought for legislation to give workers a civil right—the right to collective bargaining. He has been the compass of this institution too. He focuses his attention and our attention on the insecurities so many families in this country are facing. Our prayers today are with him as he heals, and with his lovely family.

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. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

## CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we close morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. What now is the pending business before the Senate?

## MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2008—Continued

The PRESIDING OFFICER. A message from the House is the pending measure.

The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I raise a point of order that title VIII in its entirety, section 1004 of title X, and section 1005 of title X, each violates paragraph 4 of Senate rule XVI in the Reid motion to concur in the House amendment No. 2, with an amendment.

The PRESIDING OFFICER. The point of order is sustained. The motion to concur with the amendment falls.

AMENDMENT NO. 4803

(Purpose: In the nature of a substitute)

Mr. REID. Mr. President, I appreciate the patience of my friend from New Jersey. He was here much earlier in the day. For a number of reasons we were unable to have him recognized at that time, but he is always such a team player who is willing to wait. I appreciate my friend from New Jersey very much.

At this time I now move to concur with House amendment No. 2, with the amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Mr. REID moves to concur in the House amendment No. 2 to Senate amendment to H.R. 2642 with an amendment 4803.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4804 TO AMENDMENT NO. 4803

Mr. REID. I have a second-degree amendment at the desk and I now ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4804 to amendment No. 4803.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

CLOTURE MOTION

Mr. REID. I now send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment No. 2 to H.R. 2642, the Supplemental Appropriations bill, with an amendment, Senate amendment No. 4803.

Harry Reid, Richard Durbin, Benjamin L. Cardin, Charles E. Schumer, Sheldon Whitehouse, Patty Murray, Bill Nelson, Amy Klobuchar, Jack Reed, Dianne Feinstein, Mary L. Landrieu, Joseph Lieberman, Daniel K. Akaka, Barbara A. Mikulski, Byron L. Dorgan, Maria Cantwell, Sherrod Brown.

Mr. REID. I now ask unanimous consent the mandatory quorum required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I have had a number of conversations with the distinguished Republican leader and I

have told him where we are going to try to get by the end of the work week on this matter now before the Senate, and he is mulling over my suggestions that I made to him this afternoon. We will meet again and talk about this tomorrow.

We also have now the budget conference report that has been filed. That was done this afternoon. Tomorrow I am going to ask consent that we move to that. There is a 48-hour rule. Under the 48-hour rule we can't get to that until Thursday at 4 o'clock. I think it would be to everyone's interest to see if we could get rid of that—I don't know if ''get rid of'' are the right words, but see if we can move on to that and adopt that report tomorrow.

We also received from the House the veto message—I am sorry, the farm bill. We are going to have to, at some time before we leave here, have a vote on overriding the President's veto on the farm bill. So there are things we have to do.

The budget has a statutory time. I am not certain we will need to use the whole 10 hours. I rather doubt it. We have the veto override. That is very privileged. We can spend a lot of time on that or whatever time people want. We hope we could get to that very quickly and see where the votes are.

And then we still have the supplemental to dispose of. So we have a lot to do in the next few days, but with some cooperation I think we can get to where we need to get. I certainly hope so. I hope that is important and understandable to the Senators.

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## HONORING OUR ARMED FORCES

### SERGEANT JOSEPH A. FORD

Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of the brave Army sergeant from Knox, Indiana. Joseph Ford, 23 years old, died on May 10, 2008, in Al Asad, Iraq, from injuries sustained when his vehicle overturned during a training operation. With an optimistic future before him, Joseph risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

A lifelong Hoosier, Joseph graduated from Knox High School in 2003. His teachers and friends recall a young man with a thirst for knowledge and a generous spirit. Shortly after finishing high school, Joseph joined the Indiana National Guard and was stationed in New Albany. Joseph was fiercely dedicated to serving his country and disciplined himself to meet the high standards of military fitness. He enrolled in the University of Southern Indiana, where he studied history, a passion he had since high school. In June, Joseph married his wife, Karen, of Evansville, IN.

Joseph traveled to Georgia in December with his National Guard unit for training before he left for his first deployment in Iraq. He was scheduled for deployment through 2009 but planned to return this summer to celebrate his first wedding anniversary with Karen. Assigned to the 1st Squadron, 152nd Cavalry Regiment, Army National Guard in New Albany, IN, Joseph served as a turret gunner with the Indiana National Guard's 76th Infantry Brigade in Iraq.

Today, I join Joseph's family and friends in mourning his death. Joseph will forever be remembered as a loving husband, son, and friend to many. He is survived by his wife Karen; his parents Sam and Dalarie; his brother Matthew; and his sister Abbey Ambrose.

While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Joseph, a memory that will burn brightly during these continuing days of conflict and grief. Today and always, Joseph will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Joseph's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.'' This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Joseph's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Joseph A. Ford in the official RECORD of the United States Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the pain that comes with the loss of our heroes, I hope that Joseph's family can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Joseph.

### HONORING ALPHA COMPANY 641

Mr. SMITH. Mr. President, Alpha Company, 641 Aviation Regiment is an Army National Guard company that operates C–23 Sherpa cargo airplanes. Headquartered in Portland, OR, the company has detachments in Oklahoma, Washington, and South Dakota. Commanded by MAJ David Doran, the company consists of 44 soldiers and 10 C–23 airplanes. The Oregon soldiers that are part of the company hail from all around the State of Oregon: Portland, Salem, Pendleton, McMinnville, La Pine, Hermiston, and Dallas. The company deployed to Iraq from October 2007 to May 2008.

The story of Alpha Company, 641 Aviation Regiment is as complex as the 44 personalities that comprise the company. It is a mixture of experienced combat veterans on their second or third tour and young and eager soldiers experiencing their first deployment. The youngest is 21; the oldest is 54. There are married fathers and unmarried bachelors. There are full-time guardsmen and traditional National Guard, who split time as electricians, students, civilian aviators, and aspiring attorneys. Identifying with ''Ducks,'' ''Beavers,'' ''Huskies,'' and ''Sooners,'' the dynamics of this hodgepodge is sometimes surprising, generally humorous, and always fascinating.

From Oregon to Oklahoma and Washington to South Dakota, the soldiers in this company have interacted with individuals from all across the country, with equal parts of Midwest know-how and Northwest can-do. As a result, those from Oregon have learned the right way to eat grits, and those from Oklahoma have learned 20 different words to describe ''coffee.'' Each person in this company has brought a unique perspective and fresh batch of life experiences to share with the group. Everyday, a new story begins with ''back when I was a kid . . .'' or ''on my last deployment . . .'' This company brought together a cross section of America, fresh with an unflinching sense of duty, deep-seated pride in their job, and an unquenchable drive to get that job done.

Alpha Company operates the C–23 Sherpa, which is the least understood and most underestimated aircraft in the Army inventory. With its boxy dimensions, it has assumed the moniker ''BOX CAR.'' As unsightly and unusual as it may be, pound for pound and passenger for passenger, this rat-nosed aircraft has moved more parts and people around Iraq than most other military airframes. The crews who fly the Sherpa will tell you that what it lacks in looks, it makes up for in dependability. The Sherpa is the unsung, unappreciated, and unassuming aircraft that gets it done, around the clock. Whether it is a box of widgets or 14 soldiers going out on R&R leave, this aircraft and its crews make it happen.

In October 2007, Alpha Company mustered and deployed to Balad Air Base in

Iraq. The unit quickly assumed the mission and took over all Army fixed-wing cargo operations under Multi-National Forces-Iraq. This expansive support covered Mosul, Kirkuk, and Basra, in addition to a dozen smaller air bases throughout the country. From passengers to blood to ammunition, Alpha Company flew six aircraft per day to get as much moved as possible. This amounted to two aircraft above and beyond the mission requirement. Alpha Company implemented the first fully standardized night vision goggle flight program, greatly increasing aircrew survivability by operating in hours of darkness. This also enhanced the performance capabilities of the C–23 by operating in generally cooler temperatures.

The company's support of Other Coalition Forces-Iraq, OCF–I; Special Operations, was instrumental in the timely transportation of sensitive cargo and detained personnel. The company increased existing support by 100 percent and developed mission support into Baghdad. This mission had not existed prior to Alpha Company's arrival. It filled a crucial gap in aviation support for OCF–I and was pivotal to ongoing combat operations. LTG Stanley McChrystal, head of special operations in Iraq, cited the unit for their dependable and outstanding service to OCF–I.

In April 2008, the unit surged to increase its operational tempo by 100 percent to support combat operations in and around Basra. During the 2 weeks at the height of the operation, Alpha Company flew 377 hours, more hours than ever recorded by a C–23 company in a 2-week period. By the end of April, the company was preparing to redeploy back to home-stations, families, and loved ones. For their meritorious performance of duty and courage over the dangerous skies of Iraq, the company earned 4 Bronze Star Medals, 7 Meritorious Service Medals and 38 Air Medals. During their 6 months in Iraq, the company flew over 4,000 flight hours, moved over 9,000,000 pounds of cargo and over 20,000 passengers, more than any other C–23 company in a 6-month period since the start of Operation Iraqi Freedom.

Alpha Company's accomplishments are extraordinary and truly reflective of the distinguished service and dedication of America's citizen soldier. The State of Oregon is profoundly proud and deeply grateful for their sacrifice and commitment. It is with great pride that I honor their service today and enter their accomplishment into the RECORD.

## NATIONAL MILITARY APPRECIATION MONTH

Mrs. BOXER. Mr. President, I am proud today to ask my colleagues to join me in recognizing the National Military Appreciation Month. As a cosponsor of the bill that designated May as the National Military Appreciation Month in 1999, I ask my colleagues and fellow Americans to honor, remember, and thank the generations of American military personnel and their loved ones, whose sacrifices have brought us the liberties that we enjoy today.

This May, the National Military Appreciation Month acknowledges a number of important milestones that highlight the best traditions of our Nation's military history: Loyalty Day, May 1, VE Day, May 8, Military Spouse Appreciation Day, May 9, Armed Forces Day, May 17, and Memorial Day, May 26. These special dates during National Military Appreciation Month provide reminders of the invaluable contributions that our military personnel and their loved ones have made throughout the course of our Nation's history. Every man and woman who has worn the uniforms of our armed services, and every person who has supported their endeavors deserves our gratitude and respect. Their contributions continue to protect and promote the values that define the United States.

During this month of remembrance, I am continuing my work to ensure that our servicemembers and veterans receive the honor and care they rightly deserve, and that those serving in war can return home soon.

In the Senate, I am working for concurrent receipt for our retired military personnel so that disabled veterans can receive the benefits they deserve. With Senators LIEBERMAN, BOND, and OBAMA, I have also championed efforts to improve mental health care and services for Active Duty military and veterans of the wars in Iraq and Afghanistan. I proudly support Senator JIM WEBB's new GI bill, S. 22, to vastly improve educational benefits for our newest generation of servicemembers and veterans. We must all remain committed to ensuring that our military members, veterans, and their families are taken care of.

As Americans from across the Nation pay tribute to our military this month, I offer my appreciation and admiration for all the men and women who have contributed to the history and traditions of the U.S. Armed Forces.

## THE FARM, NUTRITION, AND BIOENERGY ACT OF 2007

Mr. SPECTER. Mr. President, I have sought recognition to discuss my reasons for voting for the conference report to H.R. 2419, The Farm, Nutrition, and Bioenergy Act of 2007. Also known as the 2007 farm bill, this legislation determines America's agriculture and domestic nutrition policy for the next 5 years. It has, received substantial criticism because of subsidies paid to farmers of five major commodities or crops: corn, cotton, rice, soybeans, and wheat. On April 29, 2008, President Bush called the legislation a ''massive, bloated farm bill'' and has said he would veto it. The bill has also drawn criticism from taxpayer advocacy groups.

The 2007 farm bill conference report scores at $307 billion over 5 years. However, this increase is fully off-set with customs users fees that are collected by the Border and Transportation Security Directorate—formerly the U.S. Customs Service—of the Department of Homeland Security for processing passengers, conveyances and merchandise entering the United States. The White House has agreed that this bill does not include any tax increase.

During my tenure in the U.S. Senate, I have fought hard for agriculture and nutrition programs in Pennsylvania. However, I do have concerns with direct payment subsidies for farmers where the amount is not based on the price of the commodity and, more importantly, with large, almost endless, payments to producers. In 2006, Riceland Foods, Inc. located in Stuttgart, AR, received $7,710,705 for rice, soybean, wheat, and corn production. In 2006, the top 10 recipients of direct subsidies for production of corn, cotton, rice, soybeans, and wheat were, in order of rank, Iowa, Illinois, Texas, Nebraska, Kansas, Minnesota, Arkansas, Indiana, North Dakota, and Missouri. Pennsylvania's agriculture producers are not the recipients of these large subsidies, as Pennsylvania is a major producer of milk, Christmas trees, and specialty crops, which include mushrooms, apples, and fruits and vegetables. My home State ranks No. 1 in the production of mushrooms, No. 4 in the production of apples and freestone peaches, and No. 5 in the production of milk and grapes in the U.S. Pennsylvania ranks 32 out of 50 in terms of Federal Government agricultural payments, despite the fact that agriculture is PA's No. 1 industry.

These large subsidies were a major concern when I voted against the 2002 farm bill conference report, even though the bill contained crucial programs for Pennsylvania, including the milk income loss contract, MILC, and conservation and nutrition programs. It would be my preference that we move toward a free market for agriculture.

While this legislation is not perfect, it is a much better alternative to an extension of the 2002 farm bill or the reversion to nonexpiring provisions of primarily the Agriculture Adjustment Act of 1938 and the Agriculture Act of 1949—permanent law. The 2002 farm bill did not include any reforms of program subsidies and the 1938 and 1949 laws are drastically different from current policy, inconsistent with current farming, marketing, and trade agreements, and would mandate higher subsidy rates and land controls.

I have reviewed the pending conference report to determine its benefits for the entire country, not just Pennsylvania where I have heard from many constituents and stakeholders expressing their support. This bill is not perfect, but it still moves America in the right direction. Our Nation, like Pennsylvania, will on the whole benefit from the 2007 farm bill. It makes key reforms to subsidy programs which I

will discuss more in detail later. In addition, this legislation includes funding for domestic nutrition programs, conservation programs, programs to help rural America, and the milk income loss contract, MILC, program for America's dairy producers. For the first time, the farm bill would extend assistance to specialty crop producers through marketing and research programs.

This conference report includes significant subsidy reforms. Under current law, producers are not eligible for payments if their adjusted gross income, AGI, exceeds $2.5 million. In the final 2007 farm bill, a producers' nonfarm income may not exceed $500,000 in order to receive a payment. Further, a producers' farm income, or AGI, cannot exceed more than $750,000 in order to receive a payment. One key reform is the elimination of the so-called ''three-entity rule,'' which enabled a farmer to collect twice the maximum payment limit amount by setting up multiple businesses on the same farm. The White House was influential in this outcome, which I support. Although the final language did not attain more stringent reforms as preferred by the White House or the Dorgan/Grassley amendment to the 2007 farm bill, this AGI reform is a step in the right direction. I have been a consistent supporter of efforts to limit payments to the major program crop producers. Further, the measure includes Crop Insurance subsidy reform by reducing the administrative and operating—A&O—reimbursement provided to agents by 2.3 percentage points and increasing catastrophic—CAT—and non-insured assistance program—NAP—insurance fees.

The bill includes $209 billion for nutrition programs which is 68 percent of the entire cost of the bill. I have long supported nutrition programs, also known as domestic food assistance programs, which are crucial to help less fortunate Americans and those experiencing difficult times. They include the Food Stamp Program, The Emergency Food Assistance Program, TEFAP, the Commodity Supplemental Food Program, Community Food Projects, the Seniors Farmers' Market Nutrition Program, and fresh fruit and vegetable initiatives.

The Food Stamp Program helps 26 million low-income Americans buy healthy food each month. Its benefits have not been raised in 30 years and the conference report raises the minimum benefit from $10 to $14 per week, indexed for inflation. Further, the final 2007 farm bill also includes $1 billion to expand the Fresh Fruit and Vegetable Program—FFVP—nationwide to reach nearly 3 million low-income children. The FFVP allows schools to offer and promote free fresh fruits and vegetables during the day.

The conference report includes $25 billion for conservation programs to help America's farmers use environmentally friendly farming practices in order to allow farmers to till the soil and raise livestock, while still protecting the land. In Pennsylvania alone, about one-quarter of all acres is farmland. The Environmental Quality Incentives Program, the Wetlands Reserve Program, the Grassland Reserve Program, the Farm and Ranch Land Protection Program, and the Wildlife Habitat Incentives Program are all worthy initiatives that need improvement and funding. Beyond providing funding for national conservation programs, the bill has $438 million for conservation programs in the Chesapeake Bay Watershed which includes large sections of Pennsylvania.

Rural America, the backbone of our country, will benefit from this comprehensive legislation by reducing the backlog of unfunded pending rural development water and wastewater loan and grant applications. Also, broadband service will be expanded to rural America to allow access to those businesses, farms, and families in rural areas with no or very limited service. Further, a new rural microenterprise assistance program would be established for low and moderate income individuals to help develop the skills necessary to establish new small businesses in rural America. Lastly, the conference report provides $250 million in mandatory funding for grants and loan guarantees for renewable energy and energy efficiency systems for farmers, ranchers, and rural small businesses. One item of note is that reduction of the production tax credit for corn ethanol from 51 cents/gallon to 45 cents/gallon to reduce the incentive to shift corn production from feed to fuel in order to ensure that we are planting enough acres for other crops, including wheat and soybeans, for food.

Finally, our dairy producers will continue to have the safety-net they deserve with a much-needed modification. The 2007 farm bill conference report funds the MILC program that provides countercyclical payments to our dairy producers when the price of milk falls below a set trigger price. This trigger price, as modified, will be adjusted on a monthly basis depending on the changes in the costs of feed. Increasing input costs are straining our producers and this will ensure that the payment will compensate for the increasing costs incurred by the dairy farmer. Also, the payment rate will be increased back to 45 percent from 34 percent and the cap on milk production will increase from 2.4 million pounds to 2.98 million pounds per year. Since its inception in the 2002 farm bill, the MILC program has provided more than $220 million to Pennsylvania dairy farmers. I have been a strong supporter of a mechanism to ensure that dairy farmers receive a fair price for the milk they produce considering the increased input costs. The bill also includes provisions to make the dairy industry more transparent by requiring mandatory reporting of dairy commodities and establishing a Federal Milk Marketing Order Review Commission.

America's specialty crop producers which include most fruits and vegetables will get the assistance they need to market their products. The bill provides about $1.3 billion in mandatory funding for specialty crop block grants, technical assistance, and farmers' market promotion. This is the most ever set aside in a farm bill to assist these farmers who are left out of traditional Federal farm programs. The measure establishes the National Clean Plant Network consisting of centers across America to efficiently produce and distribute healthy planting stock of critical high-value new varieties of fruit trees and grapevines. These centers will be the first line of defense against devastating viruses, like the Plum Plox virus outbreak in Adams County, PA, in 1999. Also, both nursery and Christmas trees are included in the Tree Assistance Program which provides disaster relief for growers who lost their crops of trees due to natural disasters. Pennsylvania growers produce over 10 million trees every year.

The 2007 farm bill is good for America and good for Pennsylvania. Therefore, I support this crucial legislation.

## CUBAN INDEPENDENCE DAY

Mr. NELSON of Florida. Mr. President, I would like to recognize that today, May 20, is Cuban Independence Day. I am honored to join with Cubans around the world in commemorating this day.

On behalf of the people of Florida and all Americans, I rise to reaffirm our solidarity with the Cuban people as they continue their fight for freedom and self-determination. Dictatorships and tyranny have no place in this hemisphere. The U.S must continue to pressure the Cuban regime, while supporting the Cuban people.

It is my great hope, that the people of Cuba, with their passion for liberty and their desire to live in a free and transparent democracy, will soon enjoy the same rights and freedoms that we do. We stand in solidarity with the Cuban people as they continue to fight for democratic change and true independence in their homeland.

Thank you and may God bless the Cuban people.

## ADDITIONAL STATEMENTS

### HONORING SARAH ROZENSKY

• Mr. BAYH. Mr. President, I today honor Mrs. Sarah Rozensky, who served with excellence in my office for over 6 years. Sarah performed her duties with the utmost distinction and a level of professionalism and virtue rarely seen. I am proud to have this opportunity to recognize Sarah for the tremendous work she has done for the office and my family. My wife, Susan, and my sons, Beau and Nick, will also be eternally grateful for her service.

Sarah came to my office with the highest of recommendations from the

White House and proved herself invaluable on a daily basis. Her qualities were contagious in our office; everyone learned and benefited from her presence.

For over 6 years, Sarah's meticulous attention to detail set the standard for those around her, as did her positive attitude and superior work ethic. Her gifts will undoubtedly allow her to excel to new heights in the future.

Every member of our staff plays an important role in our service in the Senate and to our respective States, but there are always the few who distinguish themselves as invaluable and irreplaceable. For me, Sarah Rozensky is one of those distinguished few. With Sarah's hard work and assistance, I have been better able to represent the people of Indiana in the Senate. Hoosiers all owe Sarah Rozensky a debt of gratitude, but most especially, I do.

I am proud today to honor Sarah for her service and commitment to the people of Indiana and the Senate.●

## RECOGNIZING THE S.C.R.A.P. GALLERY

● Mrs. BOXER. Mr. President, today I am pleased to ask my colleagues to join me in recognizing the exemplary model of service and conservation provided by the Student Creative Recycle Art Program Gallery as it celebrates Earth Month Coachella Valley. Their efforts to highlight the importance of environmental consciousness through community activities provides an example for our Nation.

For more than 30 years, America has recognized the importance of environmental preservation, and we have dedicated every April 22, Earth Day, as a day for environmental consciousness. The S.C.R.A.P. Gallery has taken bold steps to heighten America's awareness of conservation in dedicating the entire month of April to environmental awareness.

Throughout the month of April, the S.C.R.A.P. Gallery operates a number of enrichment activities throughout southern California, aimed at improving youth education and environmental awareness. Events such as field trips that highlight the importance of waste prevention, recycling programs that encourage youth to transform used bicycles into artwork, theater productions that enable students to attend professional children's theater performances focused on conservation, and hands-on events that allow students to gain direction from local and renowned artists have helped engage youth throughout southern California and helped to highlight the importance of environmental concerns.

For more than a decade, the S.C.R.A.P. Gallery has been recognized as an integral community organization by numerous organizations and municipalities. The S.C.R.A.P. Gallery has received the Arts Organization Award from the city of Indio, the Best Grassroots Organization Award from the U.S. Department of Education, the Waste Reduction Award from the California Integrated Waste Management Board, the Keep California Beautiful Award, the Governor's Environmental and Economic Leadership Award, and the Award of Achievement in Education from the Natural Resources Council of America.

This year, as the S.C.R.A.P. Gallery dedicates an entire month to conservation and environmental awareness, I am pleased to ask my colleagues to join me in recognizing their tremendous leadership. The efforts of the S.C.R.A.P. Gallery have successfully engaged communities of young people and have highlighted the importance of environmental awareness throughout their community.●

## RECOGNIZING MOORPARK HIGH SCHOOL

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in recognizing the great work and remarkable accomplishments of Moorpark High School's Academic Decathlon team for winning the 2008 U.S. Academic Decathlon Championship. Members of the National Championship team include Jonah Buck, Anaamika Campeau, Angela Chen, Justine Levan, Chrissa Rutkai, Kris Sankaran, Paul Watanabe, Christie Calle, Colin Calle, and team coach Larry Jones.

Moorpark High School has earned the distinction of becoming a three-time U.S. Academic Decathlon Champion, having previously won the prestigious competition in 1999 and 2003. The 2008 Moorpark High School Academic Decathlon team achieved the highest score in the U.S. Academic Decathlon's 26-year history.

Competing in an academic decathlon requires hard work, dedication, and determination. These dedicated students from Moorpark High School devoted many hours of their leisure time honing their skills in preparation for the Academic Decathlon competition. Their commitment to excellence has rightfully earned them the respect and admiration of their community, friends, and family. The 2008 Moorpark High School Academic Decathlon team is a great source of pride and joy to their community and is a great testament to the value of team work.

I invite all of my colleagues to join me in congratulating California's Moorpark High School Academic Decathlon team for winning the 2008 U.S. Academic Decathlon Championships.●

## SCREEN ACTORS GUILD 75TH ANNIVERSARY

● Mrs. BOXER. Mr. President, I wish to recognize the important work and accomplishments of the Screen Actors Guild as the organization celebrates its 75th anniversary. Founded on June 30, 1933, the Screen Actors Guild was established in part as a reaction to the restrictive, long-term studio engagement contracts. Since then, it has helped to protect and improve the lives of actors and their families by fighting for fair wages and health and retirement benefits.

The Screen Actors Guild has a unique position in labor history. It claims a former Senator, George Murphy, and a former President, Ronald Reagan, as former union presidents, as well as James Cagney, Charlton Heston, Edward Asner, Patty Duke, Dennis Weaver, and many other notable actors. Its current president is Alan Rosenberg.

The founding meeting of the Screen Actors Guild included just six actors. Yet, 75 years later, it has more than 127,000 members with 20 offices across the United States. It represents a broad variety of members from motion pictures, television programs and commercials, and nonbroadcast industries such as video games, music video, Internet, and other new media formats. The Screen Actors Guild has also taken a leading role in combating movie and new media piracy, while working toward increased privacy protections, child labor laws, and health care reform. With the rapid expansion of so many alternative forms of entertainment, it has also met the challenge of representing its members in new challenging contract issues. And, of course, its esteemed Screen Actors Guild Awards honor its members each year for outstanding performances.

I invite all of my colleagues to join me in commending the Screen Actors Guild for its dedication to improving workers' rights on its 75th anniversary.●

## HONORING LOUIS FERNANDEZ

● Mrs. BOXER. Mr. President, I am pleased to ask my colleagues to join me in recognizing Dr. Louis Fernandez as he retires from a long career in public service as provost and vice president for academic affairs with California State University, San Bernardino. His service and commitment to the students, faculty, and staff of California State University, San Bernardino, and to his community have provided an example for us all.

After earning his doctorate in geology from Syracuse University, Dr. Fernandez served at several institutions of higher learning throughout the Nation. At each of these universities, Dr. Fernandez was as an exemplary educator and community leader. Through his career at the University of New Orleans as a professor, dean and department chair, Dr. Fernandez worked to secure the university's first National Science Foundation grant to recruit and mentor underrepresented students in the geosciences. The State of Louisiana named him Educational Administrator of the Year in 1991, and he has since received numerous laudatory titles and honors for his work in education.

Dr. Fernandez later joined the California State University, San

Bernardino campus. By 1994 he served as acting vice president for academic affairs, and was named provost a year later. Since then, Dr. Fernandez has served the university and the surrounding communities by working to secure a sound academic plan for academic growth, a responsible university budget, and a university-wide commitment to student diversity.

For several years, Dr. Fernandez chaired the National Association of Geology Teachers Minority Affairs Committee. He served on the National Science Foundation's Advisory Committee to the Earth Sciences. He chaired the American Geological Institute's Minority Participation Program Advisory Committee, and as a member of the Geological Society of America's Ad Hoc Committee on Minorities, and the National Association of Geology Teacher's Minority Scholarship Program. For his broad service and leadership, the Hispanic Caucus of the American Association of Higher Education awarded him the Outstanding Support of Hispanic Issues in Higher Education Award.

Throughout his long career in education and public service, Dr. Louis Fernandez has consistently worked to foster stronger communities and attain higher education ideals. I am pleased to ask my colleagues to join me in congratulating him on his retirement.●

## 2008 WE THE PEOPLE NATIONAL FINALS

● Mr. CORNYN. Mr. President, from May 3–5, 2008, more than 1,200 students from across the country visited Washington, DC to take part in the We the People: The Citizen and the Constitution National Finals. We the People is the most extensive educational program in the country developed to educate young people about the U.S. Constitution and Bill of Rights. Administered by the Center for Civic Education, the We the People program is funded by the U.S. Department of Education by act of Congress.

While in Washington, the students took part in a 3-day academic competition that simulates a congressional hearing in which they ''testify'' before a panel of judges. Students demonstrated their knowledge and understanding of constitutional principles as they evaluated, assumed, and defended positions on relevant historical and contemporary issues. It is important to note that results of independent studies of this nationally acclaimed program reveal that We the People students have knowledge gains that are superior to comparison students. Students also display a greater political tolerance and commitment to the principles and values of the Constitution and Bill of Rights than do students using traditional textbooks and approaches. With many reports and surveys indicating the lack of civic knowledge and civic participation, I am pleased to support such a superb program that is producing an enlightened and engaged citizenry.

I am proud to announce that a class from Elkins High School in Missouri City, represented the State of Texas at this prestigious national event. These outstanding students, through their knowledge of the U.S. Constitution, won their statewide competition and earned the chance to come to our Nation's Capital and compete at the national level.

Mr. President, the names of these outstanding students from Elkins High School are: Krystal Castillo, Andrea Cavazos, Deborah Choate, Andrew Cockroft, Lucretia Eiler, Jimmy Guerrero, Josh Hanks, Lara Hogue, Nick Johnson, Tiffany Kell, Curtis Kelso, D.J. Kinneman, Matt MacKo, Colton Mendez, Jonny Murthy, Olusola Oyewuwo, Tej Pandya, Bryan Philpott, Justina Rodriguez, Deepa Sabu, Nick Shipman, Piarose Siaotong, Ivette Soto, Achal Upadhyaya, Courtney Wiliams, Angela Wu, and Arif Yusuf.

I also wish to commend the teacher of the class, Marilyn Ellington, who is responsible for preparing these young constitutional experts for the National Finals. Also worthy of special recognition is Jan Miller, the State coordinator who is responsible for implementing the We the People program in my State.

I congratulate these students on their exceptional success at the We the People national finals.●

## TRIBUTE TO DR. TIMOTHY WHITE

● Mr. CRAPO. Mr. President, I am honored to recognize the close to 4 years of dedicated service and leadership provided by Dr. Timothy White, outgoing president of the University of Idaho. Son of immigrants from Argentina to Canada and then to the United States, Dr. White is a first-generation college graduate. He earned his Ph.D. from the University of California, Berkeley, and is known internationally for his work in kinesiology, gerontology and human biodynamics, working in those fields at the University of Michigan and at Berkeley. Before coming to Idaho in August 2004, Dr. White served as provost and executive vice president at Oregon State University and as interim president.

Dr. White put his vision of excellence in research, math and science into practice at the University of Idaho. Indeed, he shares my strong belief in the critical importance of math and science to education, from primary school to graduate degree programs. In a recent guest editorial, Dr. White stated: ''Idaho will prosper in the global economy if our work force is better prepared in the areas of math, science, technology and engineering Critical-thinking and reasoning abilities—cornerstones of an educated citizenry and work force—are also dramatically aided by strong math and science skills.'' And Dr. White put ideas into action, overseeing critical programs that bridge the gap between middle and high school teachers and students and the University. While serving as president, Dr. White oversaw both the Gateway to Mathematics Program, which provides middle school teachers the chance to improve math teaching skills through interactive distance technology, and the Gateway to Calculus Program, which offers rural high school students an opportunity to learn calculus online when their particular school cannot offer such courses. He also oversaw the innovative and nationally acclaimed Polya Mathematics Learning Center at the University which helps undergraduate students master entry-level mathematics in an interactive and creative way, using both advanced technology and teaching staff to help students of varied learning styles overcome aversions to math.

Dr. White's influence reached beyond math and science programs and initiatives. He created the Plan for Renewal of People, Programs and Place, based on the report of a task force he established to reinforce and enhance the university's academic and institutional excellence in today's world. The plan centered the University's resource allocation and mission, vision, and values around five key academic areas: science and technology, liberal arts and sciences, entrepreneurial innovation, the environment, and sustainable design and lifestyle. He saw the university engage in programs such as Operation Education Scholarship, Water of the West, Building Sustainable Communities, Bioregional Planning and Community Design and Biological Applications of Nanotechnology. During his term as president, the University of Idaho has been involved in many public-private partnerships with science and technology across the State, particularly in agriculture research. In 2006, the university opened an aquaculture biotechnology laboratory at its Hagerman fish culture experiment station, and University scientists now conduct cutting edge small grains germplasm research together with USDA Agriculture Research Service staff at a new addition to the ARS Aberdeen research facility, also opened in 2006. Under the direction of Dr. White, the University of Idaho continued its efforts to open a critical agriculture research endeavor the Idaho Center for Livestock and Environmental Studies that will serve as an environmental research center for dairy and livestock and operate as a self-sustaining animal feeding operation. And agriculture is not the only science and technology partnership the university has pursued under Dr. White's leadership: it is a partner with the Idaho National Lab in a multiuniversity public-private research and development endeavor in Idaho Falls called the Center for Advanced Energy Studies.

Dr. White has worked diligently over the past 4 years to adapt the University of Idaho to our changing world,

meeting students' educational needs and keeping the university on the cutting edge of innovative education, research, and academic excellence. I wish Tim and his wife Karen all the best as they move to southern California and he assumes the chancellorship of University of California, Riverside, this fall.●

## HONORING DON BRIGHT,

● Mr JOHNSON. Mr. President, today I pay tribute to Don Bright, who has served as supervisor of the Nebraska National Forest since 2001. In this capacity, Don has overseen the management of nearly 1.1 million acres of public land, including the Buffalo Gap and Fort Pierre National Grasslands, in my home State of South Dakota. I have enjoyed working with Don and value his hard work and leadership. I know that Don will carry this same degree of professionalism with him to his new position at the Albuquerque Headquarters.

I want to take a few minutes and explain to the Senate the role Don has played in shaping the relationship of the Forest Service and local communities. As supervisor of the Nebraska National Forest, Don guided a revision of its Land Management Plan and took the lead in addressing complicated, yet important, prairie dog management issues. By working with area ranchers to find solutions to managing local resources, Don helped foster a spirit of collaboration that benefits all involved.

For the past 8 years, South Dakota has faced a devastating drought and continual threat of fire throughout its grasslands. In response to this challenge, Don has improved fire and fuels management plans and worked hand-in-hand with local volunteer fire departments to form lasting bonds of cooperation that help protect both lands and citizens.

Most importantly, Don is someone that is trusted by and has worked well with the many groups interested in public lands management throughout South Dakota and Nebraska. His countless hours of hard work have undoubtedly had a positive impact for the Forest Service.

In closing, I want to thank Don Bright for his professionalism, service and assistance over these many years and wish him the best of luck in his new position. I know that Don can leave knowing that future generations will be well-served by his efforts.●

## TRIBUTE TO COLONEL KENNETH O. MCCREEDY

● Ms. MIKULSKI. Mr. President, I wish to publicly commend and congratulate Colonel Kenneth O. McCreedy, U.S. Army, upon his retirement after 28 years of military service. I have come to know and respect Colonel McCreedy over the last 3 years, while he served as the installation commander of Fort Meade, MD. His tenure as the installation commander was highlighted by his constant civic engagement with the Fort Meade military and civilian community. During this time he signed the first Army Community Covenant in Maryland, solidifying support for servicemembers and their families.

Colonel McCreedy was proactive in working with surrounding counties to prepare them for the growth challenges of BRAC 2005. Placing a heavy emphasis on strong community engagement, he worked closely with the Anne Arundel County School Board to secure the International Baccalaureate Program and Homeland Security Signature Program for Meade High School. Colonel McCreedy spearheaded the first two Meade Alliance Education Summits that focused on working with school boards and colleges to develop programs and initiatives to prepare today's students for future careers in the Federal Government. I am extremely grateful for the outstanding leadership and keen sense of community service that Colonel McCreedy has brought to the servicemembers, families, and civilian employees of Fort Meade.

Commissioned as a military intelligence officer, Colonel McCreedy first served at Fort Riley, KS as the S2 and Scout Platoon Leader of 3–37 Armor and assistant S2 of the 2nd Brigade, 1st Infantry Division. After completing the Post-Graduate Intelligence Program at the Defense Intelligence College and Spanish instruction at the Defense Language Institute in Monterey, CA, Colonel McCreedy was assigned to the U.S. Southern Command in Panama as a country analyst in the J2. Following Operation JUST CAUSE, he was assigned to Fort Hood, TX, where he was a G2 Operations Officer in the Third Corps, commanded a CI/IPW Company in the 163rd Military Intelligence Battalion, and served as the S3 Plans Officer for the 504th Military Intelligence Brigade.

After attending school at Fort Leavenworth, KS, Colonel McCreedy served in Germany as the V Corps G2 Plans Officer, S3 of the 302nd Military Intelligence Battalion, and S3 of the 205th Military Intelligence Brigade. He then served as a member of the Commander's Initiatives Group while on duty in Sarajevo, Bosnia-Herzegovina. Returning from Europe in 1999, he served as a Fellow at the National Security Agency at Fort Meade, prior to his assignment to Fort Gordon, GA, as commander of the 201st Military Intelligence Battalion. He next was appointed professor of military science at Old Dominion University in Norfolk, VA. After attending the Army War College, Colonel McCreedy worked in the Force Transformation Office in the Office of the Secretary of Defense.

Colonel McCreedy holds a bachelor's degree in history from Washington and Lee University, master's and doctorate degrees in history from the University of California, Berkeley, a Master of Military Art and Science from the Army Command and Staff College, and a Master of Strategic Studies from the Army War College. He is a graduate of both the Army's School of Advanced Military Studies and the Advanced Strategic Art Program.

Among his awards and decorations, Colonel McCreedy has earned the Defense Meritorious Service Medal, Meritorious Service Medal, Joint Service Commendation Medal, and the NATO Medal.

Mr. President, the Army, the State of Maryland, and the Nation are lucky to have had the service of such a great soldier. He will be sorely missed. Best wishes to Colonel McCreedy and his family.●

## HONORING THE BAKER COMPANY

● Ms. SNOWE. Mr. President, today I congratulate the Baker Company, a cutting-edge small company from my home State of Maine that has earned tremendous recognition as the Maine International Trade Center's 2008 Exporter of the Year. The award will be presented to the company at the Maine International Trade Day dinner this Thursday, May 22. The company's leadership on a host of safety issues—and the loyal customer base it has earned around the world, including in Europe, Asia, and Africa—make the Baker Company most deserving of this award.

Founded in 1949, the Baker Company, headquartered in Sanford, has consistently been a leader in designing and manufacturing biological safety cabinets, fume hoods, and clean benches. These products make laboratories worldwide safer, more efficient, and better equipped to focus on essential scientific research. From its beginnings, the Baker Company has always been at the forefront of crafting new and unique products to lead the industry. In 1951, the company unveiled the very first clean air cabinet. The firm's solid commitment to craftsmanship and its stellar reputation gained the Baker Company significant acknowledgement over the years. In 1979, Lockheed Aircraft Biosystems chose the company to build a biological safety cabinet for a NASA shuttle flight. Since that time, the firm has only increased its ingenuity and has worked with enterprises worldwide to make improvements to their technological safety.

To best promote its role at the vanguard of laboratory safety, the Baker Company founded the Eagleson Institute in 1989. Dedicated to the memory of the firm's longtime president, John M. Eagleson, the nonprofit institute promotes the practice of lab safety through a variety of mediums, including seminars, lectures, and interactive CD-ROMs. The seminars comprise a vast array of topics, from fundamentals of laboratory safety to safety cabinet technology. The seminars are delivered through a variety of instructional techniques, including role playing, problem solving, and demonstrations.

While the firm hosts frequent sessions at its Sanford headquarters, it occasionally offers them at various locations across the globe. The Eagleson Institute is the Baker Company's distinctive way of making a difference in the industry and of sharing the trade's most critical asset—safety—with others.

The Maine International Trade Center, which is presenting the Maine Exporter of the Year Award to the Baker Company, is Maine's small business link to the world. The center is a public-private partnership between the State of Maine and the businesses that play such a crucial role in expanding the State's economy. The center's goal is to increase international trade in Maine, and, in particular, to help Maine businesses export goods and services. Clearly, it sees in the Baker Company the entrepreneurial spirit and innovation that make Maine's small businesses among the best in the world.

Throughout the decades, the Baker Company's name has been synonymous with unmatched quality and exceptional safety. From its early days, the firm has possessed a commitment to the pharmaceutical, life science, and biotechnology sectors and a determination to create a safer working environment for people in those industries. I congratulate everyone at the Baker Company for their impressive accomplishment in garnering the Maine International Trade Center's 2008 Exporter of the Year Award and wish them lasting success both here and abroad.●

## REMEMBERING DR. RUFUS JUDSON PEARSON, JR.

● Mr. STEVENS. Mr. President, Dr. Rufus Judson Pearson, Jr., of Southern Pines, NC, passed away in Tamarac, Fl. on Sunday, May 11, 2008 after a prolonged illness and went to be with the Lord and to the side of his beloved wife, Emily.

Dr. Pearson, the former attending physician to the U.S. Congress, was born in Atlanta, GA, October 8, 1915, the son of Rufus J. Pearson, M.D., and Myrtle Padgett of Richland, GA. He attended the University of Florida and received his doctor of medicine degree from Emory University in 1938 at the age of 22. He trained at Kings County Hospital in Brooklyn and at Grady Hospital in Atlanta and subsequently had a year of intensive training in cardiovascular Diseases offered by Harvard Medical School at the Massachusetts General Hospital in Boston, under the tutelage of renowned cardiologist Dr. Paul Dudley White.

Dr. Pearson was fellow of the American College of Physicians, the American College of Cardiology, the Scientific Council, American Heart Association, and member, American Medical Association. He was certified by the American Board of Internal Medicine and by the Sub-specialty Board in Cardiovascular Disease.

In May of 1939, following first year of internship, he married the former Emily Virginia Timmerman of Atlanta, GA, whom he met during his first year as a medical student at Emory.

During World War II, he served overseas as a naval medical officer, and after the war, he entered the private practice of internal medicine in Jacksonville, FL. Shortly after the outbreak of the Korean crisis in 1950, he was recalled to Active Duty and subsequently decided to make the Navy a career.

He rose to prominence in the Medical Corps while serving as chief of cardiology at the National Naval Medical Center in Bethesda, MD, from 1955 to 1961 during the period when open-heart surgery was being pioneered. He later served as chief of medicine at the Naval Hospitals in Charleston, SC and Portsmouth, VA. In 1965, he returned to the al Hospital at Bethesda to serve as director of clinical services and chief of medicine. To each of these assignments, he brought a high level of professional competence, coupled with dynamic leadership, drive and imagination.

In 1966, at the request of speaker John McCormack and Senate majority leader Mike Mansfield and by joint concurrence of both the U.S. House of Representatives and the U.S. Senate, Dr. Pearson was assigned as the attending physician to Congress, a position he held for almost 7 years and only the second physician to ever hold that post. He brought to this unique position exceptional skill, innovation, and farsighted leadership, effecting numerous improvements to the health care delivery system in the Capitol complex. He was highly regarded by Members of the House and Senate, not only as skilled physician, but also as a friend and confidant to many, earning the respect of the Nation's legislators and their staffs.

On numerous occasions—his praises by Members of the House and Senate were made a matter of record in the CONGRESSIONAL RECORD. On such comment offered by Senator Aiken from Vermont is quoted in the RECORD:

> Dr. Pearson will probably be missed as much as anyone who as ever has worked in the Capitol. It did not matter what we called him. We started out calling him ''Admiral,'' and pretty soon we called him ''Doctor.'' Finally, he got to be known as ''Jud'' and his wife as Emily. They certainly are people with whom we could be very proud to have worked.

And another quote from Senator Mansfield of Montana:

> Dr. Pearson has created a medical facility in the Capitol that is almost unequaled. His main purpose was our health and well being, but also he was there to offer his friendship and advice whether it be for us, our families, or our staffs. No task was too great, no hours too late, no burden too heavy for ''Jud'' Pearson. . . . Dr. Pearson's integrity, dedication, and deep devotion have been the cause of his excellence in his present position.

He was chosen to accompany the majority leader and minority leader of the Senate on their historic trip to China in 1972 and was at that time one the first few American physicians to enter China since World War II. For his exceptional service to the country while serving at the U.S. Capitol, the President of the United States presented him with the Distinguished Service Medal. Following his retirement in 1973, the Pearsons retired to the Sandhills area of North Carolina.

Dr. Pearson was a most enthusiastic golfer and a member of Columbia Country Club and the Whispering Pines Country Club. He was also a highly skilled and avid bridge player and was invited to participate as a member of the Wolves Club in Southern Pines.

Dr. Pearson was a marvelous and compassionate physician-scholar as well as skilled in his profession. He was a wonderful father and strong patriarch, both generous and kind. But friends and relatives alike will attest that his many significant contributions and achievements pale in comparison to the remarkable example he set as a devoted husband to his beloved wife Emily, to whom he was united in marriage for 67 years, loving her, cherishing her and caring for her until her death at the age of 91. Theirs was truly a marriage made in heaven.

He is survived by his daughter, Mrs. Virginia P. Sudders of Tamarac, FL, and his son, CPT Rufus J. Pearson, III, and daughter-in-law, Elizabeth Pearson, of Wheaton, IL; eight grandchildren: Rufus Judson Pearson, IV, Matthew Allen Pearson, Andrew Clinton Pearson, Mrs. Kathryn Elizabeth Pearson Dickson, Mrs. Amy Sudders Wilke, Mrs. Barbara Sudders Andrade, Ms. Marylou Sudders, Mrs. Susan Sudders Kuper; and nine great-grandchildren.●

## TRIBUTE TO WILFRED KADLEC

● Mr. THUNE. Mr. President, today I honor Wilfred Kadlec, who served in the Pacific theater of World War II with the U.S. Navy. On this Memorial Day, I would like to commend him for his brave actions and devoted service to our country.

Like many of his generation, Kadlec responded honorably to the call of duty in the Second World War. Kadlec served his country bravely as a Petty Officer, Second Class, on the USS *Radford* and the USS *Klondike*. Kadlec's sacrifice is evident as he received the Purple Heart among many other medals during his service in the U.S. Navy.

Kadlec continued to serve his local and veterans' communities long after his military service ended in 1946. He served as an officer on the Liberty Township board for over 60 years. Also, he is a member of the Veterans of Foreign Wars Post 3179 of Faulkton, SD, and the American Legion Post 259 of Roscoe, SD.

Kadlec is one example of the great generation that carried our Nation through its most difficult times. We are indebted to their sacrifice and their

willingness to fight for the American people and way of life.

Again, I would like to thank Wilfred for his service as we remember all those who have protected freedom around the world and have made sacrifices to keep America safe on this Memorial Day.●

## TRIBUTE TO DR. CHARLES RUCH

● Mr. THUNE. Mr. President, today I recognize Dr. Charles Ruch, outgoing president of the South Dakota School of Mines and Technology in Rapid City who is retiring after 5 years of service to the university.

The School of Mines was established in 1885 and enjoys a nationwide reputation for excellence in engineering, the sciences, and computer technology. President Ruch has received praise from the South Dakota Board of Regents for his keen focus on the academic, research and public service missions at the university. Since his arrival in 2003, the number of doctoral programs has doubled and the awards for research-related grants and contracts have increased 35 percent in the last 4 years to $17.2 million. Under his tenure, a new business incubator on campus has created important links between higher education, economic development and the Black Hills region. Additionally, under his visionary leadership, the School of Mines has conducted ''cutting edge'' defense research projects on pressing current day issues such as detecting and defeating improvised explosive devices and developing new technologies to inexpensively repair combat vehicles. He has been recognized by faculty, students and alumni as a strong advocate for the institution.

His leadership and dedication to the School of Mines will be greatly missed. It gives me great pleasure to congratulate Dr. Ruch on a successful career in higher education and wish him the best on his retirement.●

## TRIBUTE TO SQUIRE RUDOLPH BROEL

● Mr. THUNE. Mr. President, today I recognize the 90th birthday of Mr. Squire Rudolph Broel.

A native South Dakotan, Squire was born in Lesterville, SD, on May 29, 1918, to Rudolph and May Broel. Upon graduation from Lesterville High School in 1936, Squire was employed in various jobs throughout the area including at the Stuelpnagals Chicken Hatchery. On June 24, 1940, Squire married another Lesterville native Evelyn Hladky and they would eventually have three children: Larry Broel, Carolyn McDonald, and Jean Lehn. During World War II Squire served in the Army Air Corps and for most of his service was stationed in Mississippi.

Soon after his discharge and return to South Dakota, Squire and his family moved to Sturgis, SD, where he still lives today. It was in Sturgis, that Squire became a fireman at the Fort Meade Veterans Hospital in 1951. He worked there until his retirement in 1978, and during that time he earned many awards, including the Veterans Hospital Civil Service Award for South Dakota in 1964.

After his retirement from Fort Meade, Squire continued to serve as a fireman for the Sturgis Volunteer Fire Department and in 1985 he was honored by the Governor of South Dakota for his 50 years of fire service with the proclamation of ''Squire Broel Day'' throughout the State. In 1994, Squire earned the South Dakota Outstanding Fire Service Award. During his career as a fireman Squire was also a member of the Black Hills Safety Council, the South Dakota Fire Chiefs Association, and the Keep South Dakota Green Association.

Now officially retired from the Sturgis Volunteer Fire Department, Squire remains active with numerous volunteer activities and in various civic organizations. He also enjoys hunting, watching baseball, traveling, and spending time with his five grandchildren and seven great-grandchildren.

It gives me great pleasure to commemorate the 90th birthday of Squire Broel and to wish him continued health and happiness in the years to come.●

## 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 and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13303 OF MAY 22, 2003, WITH RESPECT TO THE STABILIZATION OF IRAQ—PM 50

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication. This notice states that the national emergency declared in Executive Order 13303 of May 22, 2003, as modified in scope and relied upon for additional steps taken in Executive Order 13315 of August 28, 2003, Executive Order 13350 of July 29, 2004, Executive Order 13364 of November 29, 2004, and Executive Order 13438 of July 17, 2007, is to continue in effect beyond May 22, 2008.

Obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Accordingly, I have determined that it is necessary to continue the national emergency with respect to this threat and maintain in force the measures taken in response to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 20, 2008*.

## MESSAGES FROM THE HOUSE

### ENROLLED BILL SIGNED

At 5:41 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2419. An act to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. TESTER).

At 6:07 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 355. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that the House has passed the following bills, without amendment:

S. 3029. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

S. 3035. An act to temporarily extend the programs under the Higher Education Act of 1965.

## MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 3036. A bill to direct the Administrator of the Environmental Protection Agency to

establish a program to decrease emissions of greenhouse gases, and for other purposes.

S. 3044. A bill to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, 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–6293. A communication from the Secretary of Agriculture, transmitting, pursuant to law, an annual report relative to the cattle and hog industries; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6294. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, notification of the Department's intent to close the Defense commissary stores at Darmstadt, Wuerzburg, and Hanau, Germany; to the Committee on Armed Services.

EC–6295. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination for the position of Secretary, received on May 15, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6296. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish and Pelagic Shelf Rockfish for Trawl Catcher Vessels Participating in the Entry Level Rockfish Fishery in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XH37) received on May 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6297. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer (NC to VA)'' (RIN0648–XH32) received on May 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6298. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XH33) received on May 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6299. 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 and Designation of Areas for Air Quality Planning Purposes; Wisconsin; Redesignation of Kewaunee County to Attainment for Ozone'' (FRL No. 8568-2) received on May 20, 2008; to the Committee on Environment and Public Works.

EC–6300. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for North Dakota; Revisions to the Air Pollution Control Rules and Alternative Monitoring Plan for Mandan Refinery; Delegation of Authority for New Source Performance Standards'' (FRL No. 8570-2) received on May 20, 2008; to the Committee on Environment and Public Works.

EC–6301. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Designation of Areas for Air Quality Planning Purposes; California; Ventura Ozone Nonattainment Area; Reclassification to Serious'' (FRL No. 8568-3) received on May 20, 2008; to the Committee on Environment and Public Works.

EC–6302. 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 Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries'' ((RIN2060–AO90)(FRL No. 8569–1)) received on May 20, 2008; to the Committee on Environment and Public Works.

EC–6303. 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 Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries'' ((RIN2060–AO90)(FRL No. 8568–8)) received on May 20, 2008; to the Committee on Environment and Public Works.

EC–6304. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Update of Continuous Instrumental Test Methods: Technical Amendments'' (FRL No. 8568–7) received on May 20, 2008; to the Committee on Environment and Public Works.

EC–6305. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Utah: Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL No. 8569–9) received on May 20, 2008; to the Committee on Environment and Public Works.

EC–6306. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Partner's Distributive Share'' ((RIN1545–BD70)(TD 9398)) received on May 20, 2008; to the Committee on Finance.

EC–6307. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates - June 2008'' (Rev. Rul. 2008–28) received on May 20, 2008; to the Committee on Finance.

EC–6308. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance to Reduce Foreclosures of Mortgages Held by a REMIC'' (Rev. Proc. 2008–28) received on May 20, 2008; to the Committee on Finance.

EC–6309. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report of the determination made by the Deputy Secretary of State that six countries are not cooperating fully with U.S. antiterrorism efforts; to the Committee on Foreign Relations.

EC–6310. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Labeling: Health Claims; Soluble Fiber from Certain Foods and Risk of Coronary Heart Disease'' (Docket No. FDA–2006–P–0405) received on May 15, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–6311. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Human Subject Protection; Foreign Clinical Studies Not Conducted Under an Investigational New Drug Application'' (Docket No. 2004N–0018) received on May 15, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–6312. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Substances Prohibited From Use in Animal Food or Feed'' ((RIN0910–AF46)(Docket No. 2002N–0273)) received on May 15, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–6313. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Designation of New Animal Drugs for Minor Uses or Minor Species'' ((RIN0910–AF60)(Docket No. 2005N–0329)) received on May 15, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–6314. A communication from the Secretary of Transportation, transmitting, pursuant to law, an annual report relative to the number of cases arising under the No FEAR Act during fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–6315. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period ending March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6316. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to the Department of Agriculture's plan for a personnel management demonstration project; to the Committee on Homeland Security and Governmental Affairs.

EC–6317. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Representative Rate; Order of Release From Competitive Level; Assignment Rights'' (RIN3206–AL19) received on May 20, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6318. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Political Activity - Federal Employees Residing in Designated Localities'' (RIN3206–AL32) received on May 14, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6319. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period ending March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6320. A communication from the Director, Office of Congressional and Legislative Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Gaming on Trust Lands Acquired After October 17, 1988'' (RIN1076–AE81) received on May 20, 2008; to the Committee on Indian Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2191. A bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes (Rept. No. 110–337).

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 550. A resolution expressing the sense of the Senate regarding provocative and dangerous statements made by the Government of the Russian Federation that undermine the territorial integrity of the Republic of Georgia.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BIDEN for the Committee on Foreign Relations.

*Marcia Stephens Bloom Bernicat, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea-Bissau.

Nominee: Marcia Stephens Bloom Bernicat.

Post: Senegal.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: N/A.
2. Spouse: Olivier Bernicat: N/A.
3. Children and Spouses: Sunil Christopher Bernicat (minor); Sumit Nicolaus Bernicat (minor).
4. Parents: Both deceased.
5. Grandparents: All four deceased.
6. Brothers and Spouses: Rodney & Cindy Bloom.
7. Sisters and Spouses: Kathryn Bloom & Luther White, Jr.: N/A.

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*Marianne Matuzic Myles, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cape Verde.

Nominee: Marianne M. Myles.

Post: Praia, Cape Verde.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: $100.00, 11/7/06, Democratic Senatorial Campaign Committee; $50.00, 2/4/04, Democratic National Committee Services Corp.; $100.00, 5/3/06, Democrats.Org.
3. Children and Spouses: Lee-Ellen Myles: none.
4. Parents: J. Philip Matuzic (deceased), Eleanor Matuzic (deceased).
5. Grandparents: Louis Mancheff (deceased), Mary Mancheff (deceased), Joseph Matuzic (deceased), Anna Matuzic (deceased).
6. Brothers and Spouses: Philip J. Matuzic: none.
7. Sisters and Spouses: Nancy Edwards, John Edwards: none.

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*Linda Thomas-Greenfield, of Louisiana, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Liberia.

Nominee: Linda Thomas-Greenfield.

Post: Monrovia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: Lafayette Greenfield: None.
3. Children and Spouses: Lindsay Greenfield: None.

Lafayette Greenfield: None.

4. Parents' Names: Oliver Thomas, Jr.: None.

Doretha Thomas: None.

5. Grandparents' Names: All deceased: Maggie and Buck Peterson, Elnora and Oliver Thomas.
6. Brothers and Spouses Names: Elvin Thomas (divorced): None.

Ronald Thomas (Glenda): None.

Oliver Thomas III (Renita): None.

Cleveland (Deborah): None.

7. Sisters and Spouses Names: Patricia Noble (Bertel): None.

Kathy Thomas-Grover (James): None.

Maxine Caldwell (Lawrence): None.

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* Joseph Evan LeBaron, of Oregon, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Qatar.

Nominee: Joseph Evan LeBaron.

Post: Qatar.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none
2. Spouse: Elinor R. LeBaron, none.
3. Children and Spouses: Petra Drake LeBaron, none.
4. Parents: Carlos S. LeBaron, deceased; Truellen LeBaron McCracken, deceased.

Grandparents: Edgar M. LeBaron, deceased; Zenobia H. LeBaron, deceased.

6. Brothers and Spouses: Charles S. LeBaron, deceased.
7. Sisters and Spouses: Joyce I. LeBaron, none; Veida Wissler, none; Steve Wissler (spouse), none.

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4. (Step) Parents: Lawrence McCracken, none.
5. Grandparents (cont'd): Hyrum J. Davis, deceased, Berta B. Davis, deceased.
6. Brothers and Spouses (cont'd): Daniel McCracken, none. Cindy McCracken (spouse), none.
7. Sisters and Spouses (cont'd): Elma M. Witty, none; Ben Witty (spouse), none; Phyllis McCracken, none.

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*Stephen James Nolan, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana.

Nominee: Stephen J. Nolan.

Post: Gabarone, Botswana.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: Judith F. Nolan: $25.00, 2004, Kerry Campaign.
3. Children and Spouses:
4. Parents: Mary P. Nolan, none; Bernard Nolan (deceased).
5. Grandparents (all deceased).
6. Brothers and Spouses: Robert B. Nolan (brother) none; Nancy W. Nolan (brother's spouse) none.
7. Sisters and Spouses: Monica F. Kowalski (sister) none; Robert J. Kowalski (deceased). Bernadette Hoffman (sister) none; Joseph Hoffman (husband) none.

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*Donald E. Booth, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zambia.

Nominee: Donald E. Booth.

Post: Ambassador to Zambia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: Anita S. Booth, none.
3. Children and Spouses: Alison L. Booth, none; Peter R. Booth, none; David I. Booth, none.
4. Parents: John E. Booth, deceased; Eileen R. Booth, deceased.
5. Grandparents: Ernest Ford, deceased; Lena Ford, deceased; Edward Booth, deceased; Margaret Booth, deceased.
6. Brothers and Spouses: John L. Booth (step-brother) none; Tibby Booth, none.
7. Sisters and Spouses: Camilla Noyes (step-sister) none; George Noyes, none.

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*Gillian Arlette Milovanovic, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

Nominee: Gillian Arlette Milovanovic.

POST: Ambassador to Mali.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: Zlatibor Radmilo Milovanovic: None other than IRS form one dollar check off.
3. Children and Spouses: Alexandra Helene Milovanovic, none; Anna Michele Milovanovic, none.
4. Parents: Andre Pesche—deceased; Annette Roussel-Pesche—deceased.
5. Grandparents: Mary and Meyer Rosenson—deceased; Germaine and Robert Pesche—deceased.

6. Brothers and Spouses: No brothers.
6. Sisters and Spouses: No sisters.

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*James B. Cunningham, of New York, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Israel.

Nominee: James B. Cunningham.

POST: Tel Aviv.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: None.
3. Children and Spouses: Emma, none; Abigail, none.
4. Parents: Blair—deceased; Julia—deceased.
5. Grandparents: Grandparents Knowles—deceased; Grandparents Cunningham—deceased.
6. Brothers and Spouses: Thomas, none; William—estranged, believe none.
7. Sisters and Spouses: Carol, none; Kathleen—deceased.

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*Donald Gene Teitelbaum, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ghana.

Nominee: Donald Gene Teitelbaum.

POST: Ambassador.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: Julianna Lindsey: none.
3. Children and Spouses: none.
4. Parents: Robert Teitelbaum, none; Fumie Teitelbaum, none.
5. Grandparents: Deceased.
6. Brothers and Spouses: Alex Teitelbaum, none; Cathy Teitelbaum, none.
7. Sisters and Spouses: Romie Heidt, none; Rick Heidt, none.

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Robert Stephen Beecroft, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Hashemite Kingdom of Jordan.

Nominee: Robert Stephen Beecroft.

Post: Ambassador to Jordan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: Anne T. Beecroft, none.
3. Children: Blythe A. Beecroft, none; Robert Warren N. Beecroft, none; Sterling S. Beecroft, none; Grace A. Beecroft, none; Children's Spouses, N/A.
4. Parents: Robert L. Beecroft (Deceased); Emma L. Beecroft, none.
5. Grandparents: Irl R. Beecroft (Deceased); Ruth V. Beecroft (Deceased); John E. Warren (Deceased); Emma W. Warren (Deceased).
6. Brothers and Spouses: Warren E. Beecroft, none; Frances Beecroft (spouse), none. Edward Regan Beecroft, none; JoAn Stopa-Beecroft (spouse), none.

Collin J. Beecroft, none; Melinda Beecroft (spouse), $500, 3/31/07, Mitt Romney.

7. Sisters and Spouses: Robyn R. Ryskamp, none; Barry Ryskamp (spouse), none.

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*Richard E. Hoagland, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kazakhstan.

Nominee: Richard Eugene Hoagland.

Post: Ambassador to Kazakhstan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: N/A.
3. Children and Spouses' Names: N/A.
4. Parents' Names: Robert Hoagland (deceased); Thelma Hoagland, none.
5. Grandparents' Names: Earl Hoagland (deceased); Nellie Hoagland (deceased); Charles Van Scoik (deceased); Faustina Van Scoik (deceased).
6. Brothers' and Spouses' Names: Donald Hoagland, none; Helen Hoagland, none; David Hoagland, none; Kathy Hoagland, none; Daniel Hoagland, none; Karen Hoagland, none.
7. Sisters' and Spouses' Names: Deborah Hoagland, none.

*Peter William Bodde, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malawi.

Nominee: Peter W Bodde.

Post: Ambassador to Malawi.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: none.
3. Children's and Spouses' Names: none.
4. Parents' Names: Amb. William Bodde, Jr., $1,000.00, 2007, Senator Hillary Clinton, Rep. Chris Van Hollen.
5. Grandparents' Names: deceased.
6. Brothers' and Spouses': none.
7. Sisters' and Spouses' Names: none.

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*Patricia McMahon Hawkins, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Togolese Republic.

Nominee: Patricia McMahon Hawkins.

Post: Togo.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: None.
2. Spouse: None.
3. Children and Spouses: Frederic Charles Game, None; and Jessica C. Hawkins, None.
4. Parents: Charles J. McMahon, Deceased; and Rosemary V. McMahon, Deceased.
5. Grandparents: George Graff, Deceased; Virginia M. Graff, Deceased; Charles J, McMahon, Deceased; and Lillian Whiting, Deceased.
6. Brothers and Spouses: N/A.
7. Sisters and Spouses: Barbara Ellen McMahon, None.

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*Richard A. Boucher, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period.

*William J. Burns, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period.

*Anne Woods Patterson, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period.

*C. David Welch, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period.

*T. Vance McMahan, of Texas, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

*Janice L. Jacobs, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Bureau of Consular Affairs).

*T. Vance McMahan, of Texas, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations.

Mr. BIDEN. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning with Craig Lewis Cloud and ending with Kimberly K. Ottwell, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Foreign Service nominations beginning with Carmine G. D'Aloisio and ending with Judy R. Reinke, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2008.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## 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. REID (for Mr. KENNEDY):

S. 3035. A bill to temporarily extend the programs under the Higher Education Act of 1965; considered and passed.

By Mrs. BOXER:

S. 3036. A bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; read the first time.

By Mr. DODD (for himself, Mr. COCHRAN, Mrs. CLINTON, Mr. MENENDEZ, Mr. INOUYE, Mr. KENNEDY, Mr. SMITH, Ms. MIKULSKI, Mrs. LINCOLN, Mr. CASEY, Mr. BAYH, Mr. ROCKEFELLER, and Mr. WHITEHOUSE):

S. 3037. A bill to amend the National and Community Service Act of 1990 to improve the educational awards provided for national service, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY:

S. 3038. A bill to amend part E of title IV of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, and for other purposes; to the Committee on Finance.

By Mr. WEBB (for himself and Mr. WARNER):

S. 3039. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Northern Neck National Heritage Area in Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. WHITEHOUSE, Mrs. CLINTON, and Mr. KERRY):

S. 3040. A bill to amend the Toxic Substances Control Act to reduce the exposure of children, workers, and consumers to toxic chemical substances; to the Committee on Environment and Public Works.

By Mr. FEINGOLD (for himself and Mr. HAGEL):

S. 3041. A bill to establish the Foreign Intelligence and Information Commission to assess needs and provide recommendations to improve foreign intelligence and information collection, analysis, and reporting and for other purposes; to the Select Committee on Intelligence.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 3042. A bill to establish a coordinated avalanche protection program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. McCASKILL (for herself and Mr. HATCH):

S. 3043. A bill to improve Federal land management, resource conservation, environmental protection, and use of Federal real property, by requiring the Secretary of the Interior to develop a multipurpose cadastre of Federal and real property and identifying inaccurate, duplicate, and out-of-date Federal land inventories, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REID (for himself, Mrs. BOXER, Mr. BROWN, Mr. CARDIN, Mr. CONRAD, Mr. DODD, Mr. DURBIN, Mr. JOHNSON, Mr. KENNEDY, Ms. KLOBUCHAR, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mrs. McCASKILL, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. SCHUMER, Ms. STABENOW, and Mr. WHITEHOUSE):

S. 3044. A bill to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes; read the first time.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself, Mr. McCONNELL, Mrs. HUTCHISON, Mr. CORNYN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. McCAIN, Mrs. McCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 571. A resolution recognizing the 100th birthday of Lyndon Baines Johnson, 36th President, designer of the Great Society, politician, educator, and civil rights enforcer; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 34

At the request of Mr. ENZI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 34, a bill to promote simplification and fairness in the administration and collection of sales and use taxes.

S. 218

At the request of Ms. SNOWE, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 218, a bill to amend the Internal Revenue Code of 1986 to modify the income threshold used to calculate the refundable portion of the child tax credit.

S. 432

At the request of Mrs. LINCOLN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 432, a bill to amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the Medicare program, and for other purposes.

S. 932

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 932, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 1164

At the request of Mr. CARDIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1164, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1169

At the request of Mr. FEINGOLD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1169, a bill to ensure the provision of high quality health care coverage for uninsured individuals through State health care coverage pilot projects that expand coverage and access and improve quality and efficiency in the health care system.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1430

At the request of Mr. NELSON of Nebraska, his name was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1942

At the request of Mr. HARKIN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1942, a bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the renovation of schools.

S. 1954

At the request of Mr. BAUCUS, the name of the Senator from Maine (Ms. COLLINS) 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. 2123

At the request of Ms. CANTWELL, her name 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. 2368

At the request of Mr. PRYOR, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2368, a bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program.

S. 2579

At the request of Mr. INOUYE, the names of the Senator from Montana (Mr. TESTER), the Senator from Oregon (Mr. WYDEN), the Senator from Rhode Island (Mr. REED), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Colorado (Mr. SALAZAR) 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. 2595

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor 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. 2731

At the request of Mr. BIDEN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2731, a bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

S. 2736

At the request of Mr. KOHL, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2736, a bill to amend section 202 of the Housing Act of 1959 to improve the program under such section for supportive housing for the elderly, and for other purposes.

S. 2759

At the request of Mr. DODD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2759, a bill to provide for Kindergarten Plus programs.

S. 2799

At the request of Mrs. MURRAY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2799, a bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, from the Department of Veterans Affairs, and for other purposes.

S. 2817

At the request of Mr. SALAZAR, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2817, a bill to establish the National Park Centennial Fund, and for other purposes.

S. 2819

At the request of Mr. ROCKEFELLER, the name of the Senator from Nevada (Mr. REID) 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. 2874

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2874, a bill to amend titles 5, 10, 37, and 38, United States Code, to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, and for other purposes.

S. 2932

At the request of Mrs. MURRAY, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 2932, a bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 2959

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2959, a bill to amend the Help America Vote Act of 2002 to require States to provide for election day registration.

S. 2979

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2979, a bill to exempt the African National Congress from treatment as a terrorist organization, and for other purposes.

S. 3008

At the request of Mr. BOND, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3008, 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. 3031

At the request of Mrs. HUTCHISON, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 3031, a bill to amend the Clean Air Act to limit the use of ethanol to meet the renewable fuel standard, and for other purposes.

S. CON. RES. 82

At the request of Mrs. LINCOLN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. Con. Res. 82, a concurrent resolution supporting the Local Radio Freedom Act.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself, Mr. COCHRAN, MRS. CLINTON, Mr. MENENDEZ, Mr. INOUYE, Mr. KENNEDY, Mr. SMITH, Ms. MIKULSKI, Mrs. LINCOLN, Mr. CASEY, Mr. BAYH, Mr. ROCKEFELLER, and Mr. WHITEHOUSE):

S. 3037. A bill to amend the National and Community Service Act of 1990 to improve the educational awards provided for national service, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today with Senator COCHRAN and others to introduce legislation that will build on one of the best service success stories of the last quarter century: AmeriCorps. Fifteen years ago, as he swore in the first class of AmeriCorps members, President Bill Clinton said, ''When it is all said and done, it comes down to three simple questions: What is right? What is wrong? And what are we going to do about it?''

Since that time, more than a half-million AmeriCorps members have taken it upon themselves to try and answer those questions in communities across this country.

They have done so by serving in a variety of settings from senior centers and veterans' hospitals to schools and afterschool programs. They have helped clean up our neighborhoods and rebuilt our houses. These members have sacrificed their time and energy to meet the fundamental needs of our nation.

Last year alone, 75,000 AmeriCorps members gave back to our communities, serving in over 4,000 schools, faith-based and community organizations, and nonprofits across the country. They also brought reinforcements—recruiting another 1.7 million community volunteers to work alongside them. Because of AmeriCorps, our communities have been strengthened, and our democracy fortified.

Unfortunately, as the hours AmeriCorps members have contributed to our communities have increased, the Segal AmeriCorps Education Award created to help members pay for their college tuition has remained flat at $4,725. Meanwhile, the average college tuition has skyrocketed. The education award previously paid for two years of college, but currently it does not even cover the cost of a single year. I am introducing the AmeriCorps: Together Improving Our Nation Act, ACTION, in part, to update the education award to keep pace with 15 years of tuition increases.

The ACTION Act will raise the education award to $6,185 and increase the award annually to match the average tuition at a 4–year public university.

That figure, $6,185 is the average cost of tuition at a four-year public university according to the College Board. The act will also make the education award tax exempt to ensure that students are able to use their entire award to advance their education.

In addition, to recognize service as a national priority, this legislation promotes the position of Executive Director of the Corporation for National and Community Service to Cabinet status and reestablishes the Corporation for National and Community Service's authority to partner with other Federal agencies. As partners of equal status, Federal Departments will be able to coordinate their priorities and have AmeriCorps members work to meet their needs.

For example, the Department of Education could use volunteers to help solve the ''Dropout Crisis'' and the Environmental Protection Agency could use volunteers to increase our energy efficiency.

As a former Peace Corps volunteer, I know that national service ought not to simply be virtuous, but rather, a resource with which we can carry out our most urgent national priorities, from tackling poverty to making our communities cleaner and more vibrant. We need to recognize service as a national priority, and with passage of the ACTION Act, we will.

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By Mr. FEINGOLD (for himself and Mr. HAGEL):

S. 3041. A bill to establish the Foreign Intelligence and Information Commission to assess needs and provide recommendations to improve foreign intelligence and information collection, analysis, and reporting and for other purposes; to the Select Committee on Intelligence.

Mr. FEINGOLD. Mr. President, today I am introducing legislation with the senior Senator from Nebraska, Senator HAGEL, to establish an independent commission to address long-standing, systemic problems in the collection, reporting, and analysis of foreign intelligence as well as diplomatic reporting and open source information. First, as the DNI has testified, we continue to direct ''disproportionate'' resources toward current crises, rather than toward long-term strategic issues and emerging threats. Second, we don't have the geographic distribution of resources needed to anticipate threats around the world. The lack of ''global reach'' has also been acknowledged by the Intelligence Community leadership. And third, we lack a comprehensive strategic approach to the collection of information by the entire U.S. Government, including not only the Intelligence Community, but also State Department and other Government officers who are based in our embassies.

To put it simply, the Government does not have a process for asking the following questions: What do we need to know, not only today but in the future? Who is best suited to get that information and where do they need to be? Is our analysis up to the task? And how do we allocate resources, across agencies, so that these requirements are met with adequate funding? These big strategic questions are critical to our national security, yet they don't get asked, much less answered. These problems extend well beyond the authorities of the DNI and the jurisdiction of any one congressional committee. That is why we need an independent commission to finally address them comprehensively and to make recommendations for the executive branch and for Congress.

There are concrete reasons why this is so important. Around the world, including in Africa, South and Southeast Asia, there are current and potential terrorist safe havens. There is also the potential for instability and the persistence of political, economic and social conditions that can result in a crisis that threatens our national security. Do we need more clandestine collectors in these parts of the world? Do we need more embassy political officers doing more diplomatic reporting? After all, information gleaned from conversations with government officials, civil society and tribal and religious leaders can be critical to understanding potential terrorist safe havens and can often be obtained more effectively than through the IC. What about other U.S. Government officials based overseas, such as FBI officers? What mix of these personnel is appropriate? What does a U.S. Embassy in one of these countries look like, from an interagency collection and reporting perspective? Are more consulates and out-of-embassy posts part of the solution? And how do we connect the requirements of our embassies overseas to Washington, where administration budget requests and congressional budgetary allocations and appropriations should reflect a broad, multi-year interagency collection strategy?

An independent commission will be able to answer these questions. It will be able to look at the Intelligence Community, the State Department, and other departments and agencies to ensure that strategic and budgetary planning is not only consistent with national requirements, but is part of a larger, interagency process. The commission will consider the role of the National Security Council and the OMB in this process. It will look at the problem from top to bottom, interviewing NSC officials in Washington and visiting country missions overseas. This would not be a confrontational or accusatory investigation. It is an inquiry intended to produce concrete recommendations to fix long-standing problems. Those recommendations will be of enormous benefit to whoever the next president is. It will help Congress as it conducts oversight and considers the role of the Intelligence Community, the DNI, the State Department, and other agencies in the context of broader interagency strategies.

This legislation has been endorsed by a broad range of people, including Zbigniew Brzezinski, Donald Gregg, Carl Ford, Larry Wilkerson, David Kay, Gayle Smith and Rand Beers. I am pleased that the Intelligence Committee approved the legislation earlier this month as an amendment to the fiscal year 2009 intelligence authorization bill. I will continue working with Senator HAGEL to ensure that this important legislation is enacted.

Mr. HAGEL. Mr. President, the Feingold-Hagel bill establishes an independent Foreign Intelligence and Information Commission, appointed by Congress, to review strategies for collection, analysis, and reporting of intelligence and diplomatic information from our outposts around the world. The Commission would have a 2-year lifespan.

We must ensure that the United States is prepared to face the challenges of the 21st Century. Our intelligence agencies and diplomatic outposts must provide policymakers with information that helps anticipate threats before they loom large, and our efforts must not be focused solely on the ''threat of the day.''

As observers and veterans of the intelligence community—including the 9/11 Commission—have noted, the U.S. Government and intelligence community obviously have to focus on current threats, many times at the expense of having the ''strategic depth'' to analyze and anticipate potential threats and surprises lurking over the horizon. The focus mainly on current reporting has been cited within the Intelligence Community as inhibiting its ability to forecast significant longer term problems.

With the creation of the Director of National Intelligence, DNI, and the National Counterterrorism Center, NCTC, Congress helped move the Intelligence Community in the right direction, but we need strategic intelligence not just on terrorism, but many other threats that our intelligence agencies and policymakers must anticipate.

This bi-partisan Commission would enhance—not supplant—the Senate Select Committee on Intelligence's oversight of intelligence.

''Strategic depth'' in collection and analysis is an issue that cuts across the oversight responsibilities of both the Senate's Intelligence and Foreign Relations Committees. This Commission would examine diplomatic as well as intelligence reporting, which would help provide an in-depth analysis of issues that are not entirely within the scope of responsibilities of the DNI. The Commission would be able to probe these areas in depth and would have two years to issue its final report.

We have seen how Commission reports can be useful tools to both Congress and the Executive branch to highlight needed reforms. For instance, the 2001 Carlucci Commission report on ''State Department Reform'' proved to be a tremendous resource for Secretary Colin Powell as he developed an action program to revitalize the State Department and make needed reforms. Secretary Powell studied the findings and recommendations of this and other panels. He met extensively with Carlucci and other members of various

commissions, and relied on their detailed insights in formulating his reform efforts.

The Feingold-Hagel legislation's commission report would help the next administration evaluate and improve the effectiveness of key instruments underlying our national power. The Commission would provide recommendations on how to improve collection strategy, analysis, interagency information sharing, and language training.

A bipartisan group of respected intelligence and national security experts have endorsed the Commission, including former National Security Advisor Zbigniew Brzezinski; Donald Gregg, former Ambassador and National Security Advisor to Vice President George H. W. Bush, and Larry Wilkerson, former Chief of Staff to Secretary Colin Powell. Earlier this month, in a bipartisan vote, the Senate Intelligence Committee endorsed the Feingold-Hagel legislation setting up this commission.

This Commission would help Congress and the Executive to better position our intelligence agencies and diplomats to provide the information the United States Government needs to anticipate future strategic challenges, and I urge my colleagues to support this measure.

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By Mrs. MCCASKILL (for herself and Mr. HATCH):

S. 3043. A bill to improve Federal land management, resource conservation, environmental protection, and use of Federal real property, by requiring the Secretary of the Interior to develop a multipurpose cadastre of Federal and real property and identifying inaccurate, duplicate, and out-of-date Federal land inventories, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. MCCASKILL. Mr. President, have you ever flown over the heartland of the United States and wondered how the Midwest and West got its distinctive and remarkable checkerboard pattern?

The reason for that extraordinary system is a law enacted on this date in 1785. On May 20, 1785, Congress enacted a bill that laid the foundation for American land policy. The Land Ordinance of 1785 provided that from a point of beginning in East Liverpool, Ohio, the new Northwest Territory was to be systematically surveyed and the lands subdivided into settlements and townships. Of the thirty-six sections of 640 acres in each township, the sixteenth was reserved ''for the maintenance of public schools.'' Congress began an extraordinary process of inventorying the lands to the west, providing for settlement and homesteads, surveying and subdividing the lands, and providing land for Revolutionary War soldiers, as payment in lieu of compensation to relieve the new Republic of its war debts to those who fought for our freedom.

But while these early Acts of Congress, beginning with the Land Ordinance of 1785, the Northwest Ordinance of 1787, through the Homestead Act of 1862 and the more recent Federal Land Policy and Management Act FLPMA in 1976, all contributed to the inventorying, surveying, preservation, disposal and settlement of lands of the West, to this day the United States does not have a current, accurate inventory of the lands the Federal government owns.

The fact is, the Federal Government does not know what it owns, where it owns it, what condition it is in, what its characteristics are, or what its designated use should be. This is the third consecutive Congress in which Congress's watchdog agency, the Government Accountability Office placed 'Managing Federal Real Property' in the High-Risk Series, a category describing those activities with the highest risk of waste, fraud or abuse.

The GAO, GAO–03–122, found over 30 Federal agencies control hundreds of thousands of real property assets worldwide, including facilities and land. However, the portfolio is not well managed, many assets are no longer consistent with agency mission or needs, and many assets are in an alarming state of disrepair. Also, GAO, GAO–T–RCED–95–117, told Congress, ''The General Services Administration, GSA, publishes statistics on the amount of land managed by each federal agency. However, we found this information was not current or reliable.''

To remedy the lack of a current accurate inventory of all Federal real property, and the duplication and inefficiency of the many property databases the government does maintain, I am today introducing the Federal Land Asset Inventory Reform, FLAIR, Act, along with my colleague Senator ORRIN HATCH of Utah. Our bill is a companion to H.R. 5532, introduced in the House on a bipartisan basis by Representative KIND of Wisconsin and Representative CANNON of Utah.

There is no reason for the Government to lack a current, accurate inventory of all the land it has been entrusted to manage for the citizens of the United States. With the technology available, it should not happen that then-Secretary of the Interior Gale Norton would testify before the House Interior Appropriations Subcommittee on March 2, 2005 that ''The Department currently uses 26 different financial management systems and over 100 different property systems. Employees must enter procurement transactions multiple times in different systems so that the data are captured in real property inventories, financial systems, and acquisition systems. This fractured approach is both costly and burdensome to manage.''

It is time the U.S. Government invested in a methodology and technology to identify and inventory its land holdings. Such a system can help enhance the Federal land management, resource conservation, environmental protection, and use of Federal real property. We should not be creating multiple inventories when today's technology permits us to do it once and use it many times. Gathering information to solve national problems should not require an Act of Congress, particularly when a few keystrokes on a computer will do the job.

Although the Bush administration took a step toward solving this problem when President Bush issued Executive Order 13327 in 2004, the resulting GSA inventory is neither GIS-based nor includes public lands. Unfortunately, this means that more than 300 million acres are exempt from the inventory currently maintained by GSA.

Since 1980, the National Academy of Sciences has been calling for the development of a multipurpose cadastre, or land registry, in its report, ''Need for a Multipurpose Cadastre.'' The report said, ''There is a critical need for a better land-information system in the United States to improve land-conveyance procedures, furnish a basis for equitable taxation, and provide much-needed information for resource management and environmental planning.'' In 2007, the Academy renewed this effort and recommended the idea of the FLAIR Act, in its report, ''National Land Parcel Data: A Vision for the Future.''

This Federal effort will also help State and local agencies verify their ongoing efforts to identify what each level of government owns, and permit the fair, efficient and equitable taxation of private property. This will enable government at all levels to find missing lands through a gap analysis that identifies properties on which taxes are not being collected due to the inefficiencies in our systems. For example, when the State of Wyoming used a GIS to audit the mass appraisal process, it found that approximately 250,000 parcels were not on the tax rolls.

Over the past decade, nearly 30 Governors and State Legislatures have created State land inventories. Let me give you a few examples of what some States have found.

In California, an inventory discovered that in 1955, the State purchased a golf course in Oakland to make way for a highway. The road was never built, and the State still owns the land, unbeknownst to any State agency.

In South Carolina, a State commission found the University of South Carolina, a State university, still owned Wedge Plantation, a 1,500 acre tract valued at $5 million, originally used for research of insect-borne diseases, but now leased to a half-dozen hunters who pay no rent.

While serving as Missouri State Auditor, my office issued a report noting that the Missouri Department of Transportation lacked accurate and reliable records of excess property and property being held for future projects. The best MoDOT could do was estimate

the amount and value of the land they held.

The FLAIR Act addresses the twin problems of a lack of a single, interoperable, current and accurate Federal land inventory, and the proliferation of inefficient, duplicative, costly, inaccurate and out-of-date inventories by authorizing the Department of the Interior to develop and manage a single multipurpose, uniform Federal GIS database to track and account for all Federal Real Property, as called for by GAO and recommended by the National Academy.

Waste and duplication can be avoided if the Government knew what inventories it had. The FLAIR Act also authorizes the Secretary of the Interior to conduct an ''inventory of inventories'' to identify all inventory databases, whether efficient or inefficient. The efficient databases will be merged into a single multipurpose cadastre while the inefficient databases are repealed, thus preventing waste and duplication from continuing. By integrating the efficient databases, redundancy can be identified and eliminated. Resources can be applied to gaps in data rather than duplicative data.

Once a multipurpose inventory is complete, the government can become a better real property asset manager, and a responsible steward of its land holdings. This will result in more efficient land management, again providing savings. That is what the FLAIR Act provides.

I urge my colleagues to join Senator HATCH and myself in enacting this good-government bill.

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By Mr. REID (for himself, Mrs. BOXER, Mr. BROWN, Mr. CARDIN, Mr. CONRAD, Mr. DODD, Mr. DURBIN, Mr. JOHNSON, Mr. KENNEDY, Ms. KLOBUCHAR, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mrs. MCCASKILL, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. SCHUMER, Ms. STABENOW, and Mr. WHITEHOUSE):

S. 3044. A bill to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes; read the first time.

Mr. REID. 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. 3044

*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 ''Consumer-First Energy Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—TAX PROVISIONS RELATED TO OIL AND GAS

Sec. 101. Denial of deduction for major integrated oil companies for income attributable to domestic production of oil, gas, or primary products thereof.
Sec. 102. Elimination of the different treatment of foreign oil and gas extraction income and foreign oil related income for purposes of the foreign tax credit.
Sec. 103. Windfall profits tax.
Sec. 104. Energy Independence and Security Trust Fund.

TITLE II—PRICE GOUGING

Sec. 201. Short title.
Sec. 202. Definitions.
Sec. 203. Energy emergency and additional price gouging enforcement.
Sec. 204. Presidential declaration of energy emergency.
Sec. 205. Enforcement by the Federal Trade Commission.
Sec. 206. Enforcement by State attorneys general.
Sec. 207. Penalties.
Sec. 208. Effect on other laws.

TITLE III—STRATEGIC PETROLEUM RESERVE

Sec. 301. Suspension of petroleum acquisition for Strategic Petroleum Reserve.

TITLE IV—NO OIL PRODUCING AND EXPORTING CARTELS

Sec. 401. No Oil Producing and Exporting Cartels Act of 2008.

TITLE V—MARKET SPECULATION

Sec. 501. Speculative limits and transparency for off-shore oil trading.
Sec. 502. Margin level for crude oil.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) excessive prices for petroleum products have created, or imminently threaten to create, severe economic dislocations and hardships, including the loss of jobs, business failures, disruption of economic activity, curtailment of vital public services, and price increases throughout the economy;

(2) those hardships and dislocations jeopardize the normal flow of commerce and constitute a national energy and economic crisis that is a threat to the public health, safety, and welfare of the United States;

(3) consumers, workers, small businesses, and large businesses of the United States are particularly vulnerable to those price increase due to the failure of the President to aggressively develop alternatives to petroleum and petroleum products and to promote efficiency and conservation;

(4) reliable and affordable supplies of crude oil and products refined from crude oil (including gasoline, diesel fuel, heating oil, and jet fuel) are vital to the economic and national security of the United States given current energy infrastructure and technology;

(5) the price of crude oil and products refined from crude oil (including gasoline, diesel fuel, heating oil, and jet fuel) have skyrocketed to record levels and are continuing to rise;

(6) since 2001, oil prices have increased from $29 per barrel to levels near $120 per barrel and gasoline prices have more than doubled from $1.47 per gallon to more than $3.50 per gallon;

(7) the record prices for crude oil and products refined from crude oil (including gasoline, diesel fuel, heating oil, and jet fuel)—

(A) are hurting millions of consumers, workers, small businesses, and large businesses of the United States, and threaten long-term damage to the economy and security of the United States;

(B) are partially due to—

(i) the declining value of the dollar and a widespread lack of confidence in the management of economic and foreign policy by the President;

(ii) the accumulation of national debt and growing budget deficits under the failed economic policies of the President; and

(iii) high levels of military expenditures under the failed policies of the President in Iraq; and

(C) are no longer justified by traditional forces of supply and demand;

(8) rampant speculation in the markets for crude oil and products refined from crude oil has magnified the price increases and market volatility resulting from those underlying causes of price increases; and

(9) Congress must take urgent action to protect consumers, workers, and businesses of the United States from rampant speculation in the energy markets and the price increases resulting from the failed domestic and foreign policies of the President.

**TITLE I—TAX PROVISIONS RELATED TO OIL AND GAS**

**SEC. 101. DENIAL OF DEDUCTION FOR MAJOR INTEGRATED OIL COMPANIES FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.**

(a) IN GENERAL.—Subparagraph (B) of section 199(c)(4) (relating to exceptions) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'', and by inserting after clause (iii) the following new clause:

''(iv) in the case of any major integrated oil company (as defined in section 167(h)(5)(B)), the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof during any taxable year described in section 167(h)(5)(B).''.

(b) PRIMARY PRODUCT.—Section 199(c)(4)(B) is amended by adding at the end the following flush sentence:

''For purposes of clause (iv), the term 'primary product' has the same meaning as when used in section 927(a)(2)(C), as in effect before its repeal.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

**SEC. 102. ELIMINATION OF THE DIFFERENT TREATMENT OF FOREIGN OIL AND GAS EXTRACTION INCOME AND FOREIGN OIL RELATED INCOME FOR PURPOSES OF THE FOREIGN TAX CREDIT.**

(a) IN GENERAL.—Subsections (a) and (b) of section 907 of the Internal Revenue Code of 1986 (relating to special rules in case of foreign oil and gas income) are amended to read as follows:

''(a) REDUCTION IN AMOUNT ALLOWED AS FOREIGN TAX UNDER SECTION 901.—In applying section 901, the amount of any foreign oil and gas taxes paid or accrued (or deemed to have been paid) during the taxable year which would (but for this subsection) be taken into account for purposes of section 901 shall be reduced by the amount (if any) by which the amount of such taxes exceeds the product of—

''(1) the amount of the combined foreign oil and gas income for the taxable year,

''(2) multiplied by—

''(A) in the case of a corporation, the percentage which is equal to the highest rate of tax specified under section 11(b), or

''(B) in the case of an individual, a fraction the numerator of which is the tax against which the credit under section 901(a) is taken

and the denominator of which is the taxpayer's entire taxable income.

''(b) COMBINED FOREIGN OIL AND GAS INCOME; FOREIGN OIL AND GAS TAXES.—For purposes of this section—

''(1) COMBINED FOREIGN OIL AND GAS INCOME.—The term 'combined foreign oil and gas income' means, with respect to any taxable year, the sum of—

''(A) foreign oil and gas extraction income, and

''(B) foreign oil related income.

''(2) FOREIGN OIL AND GAS TAXES.—The term 'foreign oil and gas taxes' means, with respect to any taxable year, the sum of—

''(A) oil and gas extraction taxes, and

''(B) any income, war profits, and excess profits taxes paid or accrued (or deemed to have been paid or accrued under section 902 or 960) during the taxable year with respect to foreign oil related income (determined without regard to subsection (c)(4)) or loss which would be taken into account for purposes of section 901 without regard to this section.''.

(b) RECAPTURE OF FOREIGN OIL AND GAS LOSSES.—Paragraph (4) of section 907(c) of the Internal Revenue Code of 1986 (relating to recapture of foreign oil and gas extraction losses by recharacterizing later extraction income) is amended to read as follows:

''(4) RECAPTURE OF FOREIGN OIL AND GAS LOSSES BY RECHARACTERIZING LATER COMBINED FOREIGN OIL AND GAS INCOME.—

''(A) IN GENERAL.—The combined foreign oil and gas income of a taxpayer for a taxable year (determined without regard to this paragraph) shall be reduced—

''(i) first by the amount determined under subparagraph (B), and

''(ii) then by the amount determined under subparagraph (C).

The aggregate amount of such reductions shall be treated as income (from sources without the United States) which is not combined foreign oil and gas income.

''(B) REDUCTION FOR PRE-2008 FOREIGN OIL EXTRACTION LOSSES.—The reduction under this paragraph shall be equal to the lesser of—

''(i) the foreign oil and gas extraction income of the taxpayer for the taxable year (determined without regard to this paragraph), or

''(ii) the excess of—

''(I) the aggregate amount of foreign oil extraction losses for preceding taxable years beginning after December 31, 1982, and before January 1, 2008, over

''(II) so much of such aggregate amount as was recharacterized under this paragraph (as in effect before and after the date of the enactment of the Consumer-First Energy Act of 2008) for preceding taxable years beginning after December 31, 1982.

''(C) REDUCTION FOR POST-2008 FOREIGN OIL AND GAS LOSSES.—The reduction under this paragraph shall be equal to the lesser of—

''(i) the combined foreign oil and gas income of the taxpayer for the taxable year (determined without regard to this paragraph), reduced by an amount equal to the reduction under subparagraph (A) for the taxable year, or

''(ii) the excess of—

''(I) the aggregate amount of foreign oil and gas losses for preceding taxable years beginning after December 31, 2008, over

''(II) so much of such aggregate amount as was recharacterized under this paragraph for preceding taxable years beginning after December 31, 2008.

''(D) FOREIGN OIL AND GAS LOSS DEFINED.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'foreign oil and gas loss' means the amount by which—

''(I) the gross income for the taxable year from sources without the United States and its possessions (whether or not the taxpayer chooses the benefits of this subpart for such taxable year) taken into account in determining the combined foreign oil and gas income for such year, is exceeded by

''(II) the sum of the deductions properly apportioned or allocated thereto.

''(ii) NET OPERATING LOSS DEDUCTION NOT TAKEN INTO ACCOUNT.—For purposes of clause (i), the net operating loss deduction allowable for the taxable year under section 172(a) shall not be taken into account.

''(iii) EXPROPRIATION AND CASUALTY LOSSES NOT TAKEN INTO ACCOUNT.—For purposes of clause (i), there shall not be taken into account—

''(I) any foreign expropriation loss (as defined in section 172(h) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990)) for the taxable year, or

''(II) any loss for the taxable year which arises from fire, storm, shipwreck, or other casualty, or from theft,

to the extent such loss is not compensated for by insurance or otherwise.

''(iv) FOREIGN OIL EXTRACTION LOSS.—For purposes of subparagraph (B)(ii)(I), foreign oil extraction losses shall be determined under this paragraph as in effect on the day before the date of the enactment of the Consumer-First Energy Act of 2008.''.

(c) CARRYBACK AND CARRYOVER OF DISALLOWED CREDITS.—Section 907(f) of the Internal Revenue Code of 1986 (relating to carryback and carryover of disallowed credits) is amended—

(1) by striking ''oil and gas extraction taxes'' each place it appears and inserting ''foreign oil and gas taxes'', and

(2) by adding at the end the following new paragraph:

''(4) TRANSITION RULES FOR PRE-2009 AND 2009 DISALLOWED CREDITS.—

''(A) PRE-2009 CREDITS.—In the case of any unused credit year beginning before January 1, 2009, this subsection shall be applied to any unused oil and gas extraction taxes carried from such unused credit year to a year beginning after December 31, 2008—

''(i) by substituting 'oil and gas extraction taxes' for 'foreign oil and gas taxes' each place it appears in paragraphs (1), (2), and (3), and

''(ii) by computing, for purposes of paragraph (2)(A), the limitation under subparagraph (A) for the year to which such taxes are carried by substituting 'foreign oil and gas extraction income' for 'foreign oil and gas income' in subsection (a).

''(B) 2009 CREDITS.—In the case of any unused credit year beginning in 2009, the amendments made to this subsection by the Consumer-First Energy Act of 2008 shall be treated as being in effect for any preceding year beginning before January 1, 2009, solely for purposes of determining how much of the unused foreign oil and gas taxes for such unused credit year may be deemed paid or accrued in such preceding year.''.

(d) CONFORMING AMENDMENT.—Section 6501(i) of the Internal Revenue Code of 1986 is amended by striking ''oil and gas extraction taxes'' and inserting ''foreign oil and gas taxes''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

**SEC. 103. WINDFALL PROFITS TAX.**

(a) IN GENERAL.—Subtitle E of the Internal Revenue Code of 1986 (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end thereof the following new chapter:

**''CHAPTER 56—WINDFALL PROFITS ON CRUDE OIL**

''Sec. 5896. Imposition of tax.
''Sec. 5897. Windfall profit; qualified investment.
''Sec. 5898. Special rules and definitions.

**''SEC. 5896. IMPOSITION OF TAX.**

''(a) IN GENERAL.—In addition to any other tax imposed under this title, there is hereby imposed on any applicable taxpayer an excise tax in an amount equal to 25 percent of the excess of—

''(1) the windfall profit of such taxpayer, over

''(2) the excess of—

''(A) the amount of the qualified investments of such applicable taxpayer for such taxable year, over

''(B) the average of the qualified investment of such applicable taxpayer for taxable years beginning during the 2002–2006 taxable year period.

''(b) APPLICABLE TAXPAYER.—For purposes of this chapter, the term 'applicable taxpayer' means any major integrated oil company (as defined in section 167(h)(5)(B)).

**''SEC. 5897. WINDFALL PROFIT; QUALIFIED INVESTMENT.**

''(a) GENERAL RULE.—For purposes of this chapter, the term 'windfall profit' means the excess of the adjusted taxable income of the applicable taxpayer for the taxable year over the reasonably inflated average profit for such taxable year.

''(b) ADJUSTED TAXABLE INCOME.—For purposes of this chapter, with respect to any applicable taxpayer, the adjusted taxable income for any taxable year is equal to the taxable income for such taxable year (within the meaning of section 63 and determined without regard to this subsection)—

''(1) increased by any interest expense deduction, charitable contribution deduction, and any net operating loss deduction carried forward from any prior taxable year, and

''(2) reduced by any interest income, dividend income, and net operating losses to the extent such losses exceed taxable income for the taxable year.

In the case of any applicable taxpayer which is a foreign corporation, the adjusted taxable income shall be determined with respect to such income which is effectively connected with the conduct of a trade or business in the United States.

''(c) REASONABLY INFLATED AVERAGE PROFIT.—For purposes of this chapter, with respect to any applicable taxpayer, the reasonably inflated average profit for any taxable year is an amount equal to the average of the adjusted taxable income of such taxpayer for taxable years beginning during the 2002–2006 taxable year period (determined without regard to the taxable year with the highest adjusted taxable income in such period) plus 10 percent of such average.

''(d) QUALIFIED INVESTMENT.—For purposes of this chapter, the term 'qualified investment' means, with respect to any applicable taxpayer, means any amount paid or incurred with respect to—

''(1) any qualified facility described in paragraph (1), (2), (3), (4), (5), (6), (7), or (9) of section 45(d) (determined without regard to any placed in service date), or

''(2) any facility for the production renewable fuel or advanced biofuel (as defined in section 211(o) of the Clean Air Act 942 U.S.C. 7545).

**''SEC. 5898. SPECIAL RULES AND DEFINITIONS.**

''(a) WITHHOLDING AND DEPOSIT OF TAX.—The Secretary shall provide such rules as are necessary for the withholding and deposit of the tax imposed under section 5896.

''(b) RECORDS AND INFORMATION.—Each taxpayer liable for tax under section 5896 shall keep such records, make such returns, and furnish such information as the Secretary may by regulations prescribe.

''(c) RETURN OF WINDFALL PROFIT TAX.—The Secretary shall provide for the filing and

the time of such filing of the return of the tax imposed under section 5896.

''(d) CRUDE OIL.—The term 'crude oil' includes crude oil condensates and natural gasoline.

''(e) BUSINESSES UNDER COMMON CONTROL.—For purposes of this chapter, all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter.''.

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle E of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''CHAPTER 56. WINDFALL PROFIT ON CRUDE OIL.''.

(c) DEDUCTIBILITY OF WINDFALL PROFIT TAX.—The first sentence of section 164(a) of the Internal Revenue Code of 1986 (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

''(6) The windfall profit tax imposed by section 5896.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

**SEC. 104. ENERGY INDEPENDENCE AND SECURITY TRUST FUND.**

(a) ESTABLISHMENT.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end the following new section:

**''SEC. 9511. ENERGY INDEPENDENCE AND SECURITY TRUST FUND.**

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as 'Energy Independence and Security Trust Fund' (referred to in this section as the 'Trust Fund'), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

''(b) TRANSFERS TO TRUST FUND.—There is hereby appropriated to the Trust Fund an amount equivalent to the increase in the revenues received in the Treasury as the result of the amendments made by sections 101, 102, and 103 of the Consumer-First Energy Act of 2008.

''(c) DISTRIBUTION OF AMOUNTS IN TRUST FUND.—Amounts in the Trust Fund shall be available, as provided by appropriation Acts, for the purposes of reducing the dependence of the United States on foreign and unsustainable energy sources and reducing the risks of global warming through programs and measures that—

''(1) reduce the burdens on consumers of rising energy prices;

''(2) diversify and expand the use of secure, efficient, and environmentally-friendly energy supplies and technologies;

''(3) result in net reductions in emissions of greenhouse gases; and

''(4) prevent energy price gouging, profiteering, and market manipulation.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding at the end the following new item:

''Sec. 9511. Energy Independence and Security Trust Fund.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

**TITLE II—PRICE GOUGING**

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''Petroleum Consumer Price Gouging Protection Act''.

**SEC. 202. DEFINITIONS.**

In this title:

(1) AFFECTED AREA.—The term ''affected area'' means an area covered by a Presidential declaration of energy emergency.

(2) SUPPLIER.—The term ''supplier'' means any person engaged in the trade or business of selling or reselling, at retail or wholesale, or distributing crude oil, gasoline, petroleum distillates, or biofuel.

(3) PRICE GOUGING.—The term ''price gouging'' means the charging of an unconscionably excessive price by a supplier in an affected area.

(4) UNCONSCIONABLY EXCESSIVE PRICE.—The term ''unconscionably excessive price'' means an average price charged during an energy emergency declared by the President in an area and for a product subject to the declaration, that—

(A)(i)(I) constitutes a gross disparity from the average price at which it was offered for sale in the usual course of the supplier's business during the 30 days prior to the President's declaration of an energy emergency; and

(II) grossly exceeds the prices at which the same or similar crude oil, gasoline, petroleum distillates, or biofuel was readily obtainable by purchasers from other suppliers in the same relevant geographic market within the affected area; or

(ii) represents an exercise of unfair leverage or unconscionable means on the part of the supplier, during a period of declared energy emergency; and

(B) is not attributable to increased wholesale or operational costs, including replacement costs, outside the control of the supplier, incurred in connection with the sale of crude oil, gasoline, petroleum distillates, or biofuel, and is not attributable to local, regional, national, or international market conditions.

(5) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

**SEC. 203. ENERGY EMERGENCY AND ADDITIONAL PRICE GOUGING ENFORCEMENT.**

(a) IN GENERAL.—During any energy emergency declared by the President under section 204 of this title, it is unlawful for any supplier to sell, or offer to sell crude oil, gasoline, petroleum distillates, or biofuel subject to that declaration in, or for use in, the area to which that declaration applies at an unconscionably excessive price.

(b) FACTORS CONSIDERED.—In determining whether a violation of subsection (a) has occurred, there shall be taken into account, among other factors, whether—

(1) the price charged was a price that would reasonably exist in a competitive and freely functioning market; and

(2) the amount of gasoline, other petroleum distillates, or biofuel the seller produced, distributed, or sold during the period the Proclamation was in effect increased over the average amount during the preceding 30 days.

**SEC. 204. PRESIDENTIAL DECLARATION OF ENERGY EMERGENCY.**

(a) IN GENERAL.—If the President finds that the health, safety, welfare, or economic well-being of the citizens of the United States is at risk because of a shortage or imminent shortage of adequate supplies of crude oil, gasoline, petroleum distillates, or biofuel due to a disruption in the national distribution system for crude oil, gasoline, petroleum distillates, or biofuel (including such a shortage related to a major disaster (as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2))), or significant pricing anomalies in national energy markets for crude oil, gasoline, petroleum distillates, or biofuel the President may declare that a Federal energy emergency exists.

(b) SCOPE AND DURATION.—The emergency declaration shall specify—

(1) the period, not to exceed 30 days, for which the declaration applies;

(2) the circumstance or condition necessitating the declaration; and

(3) the area or region to which it applies which may not be limited to a single State; and

(4) the product or products to which it applies.

(c) EXTENSIONS.—The President may—

(1) extend a declaration under subsection (a) for a period of not more than 30 days;

(2) extend such a declaration more than once; and

(3) discontinue such a declaration before its expiration.

**SEC. 205. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.**

(a) ENFORCEMENT.—This title shall be enforced by the Federal Trade Commission in the same manner, by the same means, and with the same jurisdiction as though all applicable terms of the Federal Trade Commission Act were incorporated into and made a part of this title. In enforcing section 203 of this title, the Commission shall give priority to enforcement actions concerning companies with total United States wholesale or retail sales of crude oil, gasoline, petroleum distillates, and biofuel in excess of $500,000,000 per year but shall not exclude enforcement actions against companies with total United States wholesale sales of $500,000,000 or less per year.

(b) VIOLATION IS TREATED AS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—The violation of any provision of this title shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(c) COMMISSION ACTIONS.—Following the declaration of an energy emergency by the President under section 204 of this title, the Commission shall—

(1) maintain within the Commission—

(A) a toll-free hotline that a consumer may call to report an incident of price gouging in the affected area; and

(B) a program to develop and distribute to the public informational materials to assist residents of the affected area in detecting, avoiding, and reporting price gouging;

(2) consult with the Attorney General, the United States Attorney for the districts in which a disaster occurred (if the declaration is related to a major disaster), and State and local law enforcement officials to determine whether any supplier in the affected area is charging or has charged an unconscionably excessive price for crude oil, gasoline, petroleum distillates, or biofuel in the affected area; and

(3) conduct investigations as appropriate to determine whether any supplier in the affected area has violated section 203 of this title, and upon such finding, take any action the Commission determines to be appropriate to remedy the violation.

**SEC. 206. ENFORCEMENT BY STATE ATTORNEYS GENERAL.**

(a) IN GENERAL.—A State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of section 203 of this title, or to impose the civil penalties authorized by section 207 for violations of section 203, whenever the attorney general of the State has reason to believe that the interests of the residents of

the State have been or are being threatened or adversely affected by a supplier engaged in the sale or resale, at retail or wholesale, or distribution of crude oil, gasoline, petroleum distillates, or biofuel in violation of section 203 of this title.

(b) NOTICE.—The State shall serve written notice to the Commission of any civil action under subsection (a) prior to initiating the action. The notice shall include a copy of the complaint to be filed to initiate the civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting the civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the Commission may intervene in the civil action and, upon intervening—

(1) may be heard on all matters arising in such civil action; and

(2) may file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the Attorney General by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which—

(A) the defendant operates;

(B) the defendant was authorized to do business; or

(C) where the defendant in the civil action is found;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated with the defendant in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted a civil action or an administrative action for violation of this title, a State attorney general, or official or agency of a State, may not bring an action under this section during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this title alleged in the Commission's civil or administrative action.

(g) NO PREEMPTION.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of that State.

**SEC. 207. PENALTIES.**

(a) CIVIL PENALTY.—

(1) IN GENERAL.—In addition to any penalty applicable under the Federal Trade Commission Act, any supplier—

(A) that violates section 203 of this title is punishable by a civil penalty of not more than $1,000,000; and

(B) that violates section 203 of this title is punishable by a civil penalty of—

(i) not more than $500,000, in the case of an independent small business marketer of gasoline (within the meaning of section 324(c) of the Clean Air Act (42 U.S.C. 7625(c))); and

(ii) not more than $5,000,000 in the case of any other supplier.

(2) METHOD.—The penalties provided by paragraph (1) shall be obtained in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by subsection (a)—

(A) each day of a continuing violation shall be considered a separate violation; and

(B) the court shall take into consideration, among other factors, the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

(b) CRIMINAL PENALTY.—Violation of section 203 of this title is punishable by a fine of not more than $5,000,000, imprisonment for not more than 5 years, or both.

**SEC. 208. EFFECT ON OTHER LAWS.**

(a) OTHER AUTHORITY OF THE COMMISSION.—Nothing in this title shall be construed to limit or affect in any way the Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(b) STATE LAW.—Nothing in this title preempts any State law.

## TITLE III—STRATEGIC PETROLEUM RESERVE

**SEC. 301. SUSPENSION OF PETROLEUM ACQUISITION FOR STRATEGIC PETROLEUM RESERVE.**

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act and ending on December 31, 2008—

(1) the Secretary of the Interior shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(b) RESUMPTION.—Not earlier than 30 days after the date on which the President notifies Congress that the President has determined that the weighted average price of petroleum in the United States for the most recent 90-day period is $75 or less per barrel—

(1) the Secretary of the Interior may resume acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy may resume acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(c) EXISTING CONTRACTS.—In the case of any oil scheduled to be delivered to the Strategic Petroleum Reserve pursuant to a contract entered into by the Secretary of Energy prior to, and in effect on, the date of enactment of this Act, the Secretary shall, to the maximum extent practicable, negotiate a deferral of the delivery of the oil for a period of not less than 1 year, in accordance with procedures of the Department of Energy in effect on the date of enactment of this Act for deferrals of oil.

## TITLE IV—NO OIL PRODUCING AND EXPORTING CARTELS

**SEC. 401. NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2008.**

(a) SHORT TITLE.—This section may be cited as the ''No Oil Producing and Exporting Cartels Act of 2008'' or ''NOPEC''.

(b) SHERMAN ACT.—The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

**''SEC. 7A. OIL PRODUCING CARTELS.**

''(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

''(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

''(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

''(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

''(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

''(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

''(d) ENFORCEMENT.—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.''.

(c) SOVEREIGN IMMUNITY.—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking ''or'' after the semicolon;

(2) in paragraph (7), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(8) in which the action is brought under section 7A of the Sherman Act.''.

## TITLE V—MARKET SPECULATION

**SEC. 501. SPECULATIVE LIMITS AND TRANSPARENCY FOR OFF-SHORE OIL TRADING.**

Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended by adding at the end the following:

''(e) FOREIGN BOARDS OF TRADE.—

''(1) IN GENERAL.—In the case of any foreign board of trade for which the Commission has granted or is considering an application to grant a board of trade located outside of the United States relief from the requirement of subsection (a) to become a designated contract market, derivatives transaction execution facility, or other registered entity, with respect to an energy commodity that is physically delivered in the United States, prior to continuing to or initially granting the relief, the Commission shall determine that the foreign board of trade—

''(A) applies comparable principles or requirements regarding the daily publication of trading information and position limits or accountability levels for speculators as apply to a designated contract market, derivatives transaction execution facility, or other registered entity trading energy commodities physically delivered in the United States; and

''(B) provides such information to the Commission regarding the extent of speculative and nonspeculative trading in the energy commodity that is comparable to the information the Commission determines necessary to publish a Commitment of Traders report for a designated contract market, derivatives transaction execution facility, or other registered entity trading energy commodities physically delivered in the United States.

''(2) EXISTING FOREIGN BOARDS OF TRADE.—During the period beginning 1 year after the

date of enactment of this subsection and ending 18 months after the date of enactment of this subsection, the Commission shall determine whether to continue to grant relief in accordance with paragraph (1) to any foreign board of trade for which the Commission granted relief prior to the date of enactment of this subsection.''.

**SEC. 502. MARGIN LEVEL FOR CRUDE OIL.**

(a) IN GENERAL.—Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)) is amended by adding at the end the following:

''(G) MARGIN LEVEL FOR CRUDE OIL.—Not later than 90 days after the date of enactment of this subparagraph, the Commission shall promulgate regulations to set a substantial increase in margin levels for crude oil traded on any trading facility or as part of any agreement, contract, or transaction covered by this Act in order to reduce excessive speculation and protect consumers.''.

(b) STUDIES.—

(1) STUDY RELATING TO EFFECT OF CERTAIN REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Commodity Futures Trading Commission shall submit to the appropriate committees of Congress a report describing the effect of the amendment made by subsection (a) on any trading facilities and agreements, contracts, and transactions covered by the Commodity Exchange Act (7 U.S.C. 1 et seq.).

(2) STUDY RELATING TO EFFECTS OF CHANGES IN MARGIN LEVELS.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report describing the effect (including any effect relating to trade volume or volatility) of any change of a margin level that occurred during the 10-year period ending on the date of enactment of this Act.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 571—RECOGNIZING THE 100TH BIRTHDAY OF LYNDON BAINES JOHNSON, 36TH PRESIDENT, DESIGNER OF THE GREAT SOCIETY, POLITICIAN, EDUCATOR, AND CIVIL RIGHTS ENFORCER

Mr. REID (for himself, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. CORNYN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, MRS. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of NEBRASKA, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 571

Whereas August 27, 2008, marks the 100th birthday of Lyndon Baines Johnson;

Whereas Lyndon B. Johnson was born in Stonewall, Texas, to Samuel Ealy Johnson, Jr., a Texas representative, and Rebekah Baines, on August 27, 1908;

Whereas upon graduation, Lyndon B. Johnson enrolled in Southwest Texas State Teachers' College, where he vigorously participated in debate, campus politics, and edited the school newspaper;

Whereas Lyndon B. Johnson had several teaching positions throughout Texas, including at the Welhausen School in La Salle County, at Pearsall High School, and as a public speaking teacher at Sam Houston High School in Houston;

Whereas Lyndon B. Johnson went to work as a congressional assistant at the age of 23;

Whereas Lyndon B. Johnson served the 10th Congressional District in the Texas House of Representatives from April 10, 1937, to January 3, 1949;

Whereas Lyndon B. Johnson became a commissioned officer in the Navy Reserve in December 1941;

Whereas, during World War II, Lyndon B. Johnson was recommended by Undersecretary of the Navy James Forrestal to President Franklin D. Roosevelt, who assigned Johnson to a 3-man survey team in the southwest Pacific;

Whereas Lyndon B. Johnson was conferred the Silver Star, which is the military's 3rd highest medal, by General Douglas MacArthur;

Whereas, in 1948, Lyndon B. Johnson was elected to the Senate at the age of 41;

Whereas, in 1951, Lyndon B. Johnson was elected Senate minority leader at the age of 44, and elected Senate majority leader at the age of 46, the youngest in United States history;

Whereas Lyndon B. Johnson was elected Vice President at the age of 52, becoming president of the Senate;

Whereas Lyndon B. Johnson's congressional career and his leadership spanned the stock market crash, the Great Depression, World War II, the nuclear age, the Cold War, the space age, and the civil rights movement, some of the most turbulent years in American history;

Whereas Vice President Lyndon B. Johnson was appointed as head of the President's Committee on Equal Employment Opportunities, through which he worked with African-Americans and other minorities;

Whereas an hour and 38 minutes after the assassination of President Kennedy, Lyndon B. Johnson was sworn in as President aboard Air Force One;

Whereas Lyndon B. Johnson was a bold leader and an idealist, who had the energy, determination, and leadership to turn those dreams into reality;

Whereas Lyndon B. Johnson was a ''can-do'' President because no matter how difficult and daunting the task at hand, he never rested until it was completed;

Whereas, in 1964, at the request of the Johnson Administration, Congress passed the landmark Civil Rights Act of 1964, which banned de jure segregation in the Nation's schools and public places;

Whereas Congress passed by request of the Johnson Administration the Voting Rights Act of 1965, which outlawed obstructive provisions that were determined to be impractical and potentially biased against prospective voters;

Whereas, in January of 1965, the Johnson Administration introduced by request the legislation that encompassed the Great Society programs;

Whereas, in 1967, President Johnson nominated Thurgood Marshall as the 1st African-American to serve on the Supreme Court;

Whereas, during President Johnson's time in office, the National Aeronautics and Space Administration made spectacular steps forward in space exploration when 3 astronauts successfully orbited the moon in December 1968;

Whereas Lyndon B. Johnson died at 4:33 p.m. on January 22, 1973, at his ranch in Johnson City, Texas, at the age of 64;

Whereas Lyndon B. Johnson was posthumously awarded the Presidential Medal of Freedom in 1980; and

Whereas Lyndon B. Johnson is honored, venerated, and revered for his drive to establish equality for all Americans, illustrated in the momentous legislation passed during his Administration: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors Lyndon B. Johnson for his fortitude in bringing about the passage of the historic Civil Rights Act of 1964 and Voting Rights Act of 1965;

(2) extols the contributions of Lyndon B. Johnson to the United States;

(3) commends Lyndon B. Johnson for establishing the Medicare Act of 1965 that has helped millions of Americans; and

(4) recognizes the 100th birthday of Lyndon Baines Johnson, the 36th President, designer of the Great Society, politician, educator, and civil rights enforcer.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 4789. Mr. REID proposed an amendment to House amendment numbered 2 to the Senate amendment to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

SA 4790. Mr. REID proposed an amendment to amendment SA 4789 proposed by Mr. REID to the House amendment numbered 2 to the amendment of the Senate to the bill H.R. 2642, supra.

SA 4791. Mr. KERRY submitted an amendment intended to be proposed by him to the amendment of the House numbered 1 to the amendment of the Senate to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4792. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4789 proposed by Mr. REID to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4793. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4789 proposed by Mr. REID to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4794. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4789 proposed by Mr. REID to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4795. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4789 proposed by Mr. REID to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4796. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4797. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4798. Mr. REID (for Mr. SCHUMER (for himself and Mr. MCCAIN proposed an amendment to the bill S. 431, to require convicted sex offenders to register online identifiers, and for other purposes.

SA 4799. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4789 proposed by Mr. REID to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 4800. Mr. WARNER (for himself, Mr. WEBB, Mr. HAGEL, Mr. LEVIN, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4801. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 4789 proposed by Mr. REID to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4802. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 4789 proposed by Mr. REID to the bill H.R. 2642, supra; which was ordered to lie on the table.

SA 4803. Mr: REID proposed an amendment to the House amendment numbered 2 to the amendment of the Senate to the bill H.R. 2642, supra.

SA 4804. Mr. REID proposed an amendment to amendment SA 4803 proposed by Mr. REID to the House amendment numbered 2 to the amendment of the Senate to the bill H.R. 2642, supra.

## TEXT OF AMENDMENTS

**SA 4789.** Mr. REID proposed an amendment to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

(The amendment will be printed in a future edition of the RECORD.)

**SA 4790.** Mr. REID proposed an amendment to amendment SA 4789 proposed by Mr. REID to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

(The amendment will be printed as a future edition of the RECORD.)

**SA 4791.** Mr. KERRY submitted an amendment intended to be proposed by him to the amendment of the House numbered 1 to the amendment of the Senate to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, line 23, insert after ''agreements'' the following: '': *Provided further*, That of the funds appropriated under this heading, $2,000,000 shall be made available as a contribution for the witness and victims support, protection, and participation program within the United Nations Assistance to the Khmer Rouge Trials Trust Fund''.

**SA 4792.** Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4789 proposed by Mr. REID to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 8021.

**SA 4793.** Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4789 proposed by Mr. REID to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

### DIVISION __—IMMIGRATION ENFORCEMENT

**SEC. __1. SHORT TITLE.**

This division may be cited as the ''Secure America Through Verification and Enforcement Act of 2007'' or as the ''SAVE Act of 2007''.

### TITLE I—SECURING AMERICA'S INTERNATIONAL BORDERS

### Subtitle A—Manpower, Technology, and Infrastructure Improvements

**SEC. 101. MANPOWER.**

(a) BORDER PATROL AGENTS.—Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended to read as follows:

**''SEC. 5202. INCREASE IN FULL-TIME BORDER PATROL AGENTS.**

''(a) ANNUAL INCREASES.—The Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase the number of positions for full-time active-duty Border Patrol agents within the Department of Homeland Security (above the number of positions for which funds were appropriated for the preceding fiscal year), by—

''(1) 2,500 in fiscal year 2008;

''(2) 2,000 in fiscal year 2009;

''(3) 1,500 in fiscal year 2010;

''(4) 1,000 in fiscal year 2011; and

''(5) 1,000 in fiscal year 2012.

''(b) ALLOCATIONS.—Of the Border Patrol agents hired under subsection (a), 80 percent shall be deployed along the southern border of the United States and 20 percent shall be deployed along the northern border of the United States.

''(c) AUTHORIZATION OF APPROPRIATIONS.—The necessary funds are authorized to be appropriated for each of fiscal years 2008 through 2012 to carry out this section.''.

(b) INVESTIGATIVE PERSONNEL.—

(1) ADDITIONAL INVESTIGATIVE PERSONNEL FOR ALIEN SMUGGLING.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by paragraph (1), during each of the fiscal years 2008 through 2012, the Secretary shall, subject to the availability of appropriations, increase by not less than 350 the number of positions for personnel within the Department assigned to specifically investigate alien smuggling.

(2) ADDITIONAL FUNDS AND PERSONNEL FOR THE TUNNEL TASK FORCE.—Subject to appropriations, the fiscal year 2008 budget of the Tunnel Task Force, a joint force comprised of Immigration and Customs Enforcement (ICE), Customs and Border Patrol (CBP) and Drug Enforcement Administration (DEA) personnel tasked to pinpoint tunnels that are utilized by drug lords and ''coyotes'' to smuggle narcotics, illegal aliens, and weapons of mass destruction, shall be increased by 50 percent above the fiscal year 2007 budget. Such increase shall be used to increase personnel, improve communication and coordination between participant agencies, upgrade technology, and offer cash rewards and appropriate security to individuals who provide the Tunnel Task Force with accurate information on existing tunnels that breach the international borders of the United States.

(3) AUTHORIZATION OF APPROPRIATIONS.—The necessary funds are authorized to be appropriated to the Secretary for each of the fiscal years 2008 through 2012 to carry out this section.

(c) RECRUITMENT OF FORMER MEMBERS OF THE ARMED FORCES AND MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.—

(1) REQUIREMENT FOR PROGRAM.—The Secretary, in conjunction with the Secretary of Defense, shall establish a program to actively recruit covered members (a member of a reserve component of the Armed Forces) or former members of the Armed Forces and National Guard to serve in United States Customs and Border Protection.

(2) REPORT ON RECRUITMENT INCENTIVES.—Not later than 90 days after the date of enactment of this Act, the Secretary and the Secretary of Defense shall jointly submit to the ''appropriate'' committees of Congress a report that shall include an assessment of the desirability and feasibility of offering an incentive to a covered member or former member of the Armed Forces for the purpose of encouraging such member to serve in United States Customs and Border Patrol and Immigration and Customs Enforcement—

(A) the Secretary must provide a description of various monetary and non-monetary incentives considered for purposes of the report; and

(B) the Secretary must provide an assessment of the desirability and feasibility of utilizing any such incentive.

(3) RECOMMENDATIONS FOR RECRUITMENT INCENTIVES.—

(A) MAXIMUM STUDENT LOAN REPAYMENTS FOR UNITED STATES BORDER PATROL AGENTS WITH A TWO YEAR COMMITMENT.—Section 5379(b) of title 5, United States Code, is amended by adding at the end the following:

''(4) In the case of an employee (otherwise eligible for benefits under this section) who is serving as a full-time active-duty United States Border Patrol agent within the Department of Homeland Security—

''(A) paragraph (2)(A) shall be applied by substituting '$20,000' for '$10,000'; and

''(B) paragraph (2)(B) shall be applied by substituting '$80,000' for '$60,000'.''.

(B) RECRUITMENT AND RELOCATION BONUSES AND RETENTION ALLOWANCES FOR PERSONNEL OF THE DEPARTMENT OF HOMELAND SECURITY.—The Secretary of Homeland Security shall ensure that the authority to pay recruitment and relocation bonuses under section 5753 of title 5, United States Code, the authority to pay retention bonuses under section 5754 of such title, and any other similar authorities available under any other provision of law, rule, or regulation, are exercised to the fullest extent allowable in

order to encourage service in the Department of Homeland Security.

(4) DEFINITION.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security and Governmental Affairs of the Senate.

**SEC. 102. TECHNOLOGY.**

(a) EQUIPMENT SHARING BETWEEN DEPARTMENT OF HOMELAND SECURITY AND DEPARTMENT OF DEFENSE.—The Secretaries of these two departments shall develop and implement a plan to use authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act (and then annually from that point), the Secretary and the Secretary of Defense shall submit to Congress a report that contains—

(1) a description of the current use of Department of Defense equipment to assist the Secretary in carrying out surveillance of the international land borders of the United States and assessment of the potential risks to citizens of the United States and key foreign policy interests associated with the use of such equipment;

(2) the plan developed under subsection (a) to increase the use of Department of Defense equipment to assist such surveillance activities; and

(3) a description of the types of equipment and other support to be provided by the Secretary of Defense under such plan during the 1-year period beginning on the date of the submission of the report.

(c) SECURE COMMUNICATION.—The secretary shall, as expeditiously as practicable, develop and implement a plan to improve the use of satellite communications and other technologies to ensure clear and secure 2-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations; and

(3) between all appropriate law enforcement agencies of the Department and State, local, and tribal law enforcement agencies.

(d) OTHER TECHNOLOGY UPGRADES.—The Secretary shall purchase and implement new technology to secure the borders, including, but not limited to drones, infrared cameras, sensors, mobile lighting units, radar and infrared heat.

(e) AUTHORIZATION OF APPROPRIATIONS.—The necessary funds are authorized to be appropriated to the Secretary for each of the fiscal years 2008 through 2012 to carry out this section.

**SEC. 103. INFRASTRUCTURE.**

(a) INFRASTRUCTURE IMPROVEMENTS.—Subject to the availability of appropriations, the Secretary shall construct or purchase—

(1) office facilities to accommodate additional border patrol manpower;

(2) sport utility vehicles for officers;

(3) all weather roads for better vehicle access and performance on remote and rugged terrain (road construction should be done in consultation with the owner of the land and take into account any environmental or other land-use issues that are relevant);

(4) additional fencing (and aesthetic fencing in business districts) in urban areas of the border; and

(5) vehicle barriers, to support, not replace, manpower, in rural and remote areas of the border necessary to achieve operational control of the international borders of the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—The necessary funds are authorized to be appropriated to the Secretary for each of the fiscal years 2008 through 2012 to carry out this section.

**SEC. 104. AERIAL VEHICLES AND SURVEILLANCE SYSTEMS.**

(a) UNMANNED AERIAL VEHICLE PILOT PROGRAM.—During the 1-year period beginning on the date on which the report is submitted under section 102(b), the Secretary shall conduct a pilot program to test unmanned aerial vehicles for border surveillance along the international border between Canada and the United States.

(b) UNMANNED AERIAL VEHICLES AND ASSOCIATED INFRASTRUCTURE.—The Secretary shall acquire and maintain unmanned aerial vehicles and related equipment for use to patrol the international borders of the United States, including equipment such as—

(1) additional sensors;

(2) satellite command and control; and

(3) other necessary equipment for operational support.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2008 and 2009 such sums as may be necessary to carry out subsection (b).

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) are authorized to remain available until expended.

(d) AERIAL SURVEILLANCE PROGRAM.—

(1) IN GENERAL.—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1701 note), the Secretary, not later than 90 days after the date of enactment of this Act, shall develop and implement a program to fully integrate and utilize aerial surveillance technologies, including unmanned aerial vehicles, to enhance the security of the international border between the United States and Canada and the international border between the United States and Mexico. The goal of the program shall be to ensure continuous monitoring of each mile of each border.

(2) ASSESSMENT AND CONSULTATION REQUIREMENTS.—In developing the program under this subsection, the Secretary shall—

(A) consider current and proposed aerial surveillance technologies;

(B) assess the feasibility and advisability of utilizing such technologies to address border threats, including an assessment of the technologies considered best suited to address respective threats;

(C) consult with the Secretary of Defense regarding any technologies or equipment, which the Secretary may deploy along an international border of the United States; and

(D) consult with the Administrator of the Federal Aviation Administration regarding safety, airspace coordination and regulation, and any other issues necessary for implementation of the program.

(3) AUTHORIZATION OF APPROPRIATIONS.—The necessary funds are authorized to be appropriated to carry out this subsection.

(e) INTEGRATED AND AUTOMATED SURVEILLANCE PROGRAM.—

(1) REQUIREMENT FOR PROGRAM.—Subject to the availability of appropriations, the Secretary shall establish a program to procure additional unmanned aerial vehicles, drones, cameras, poles, sensors, satellites, radar coverage, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a ''virtual fence'' along such international borders to provide a barrier to illegal immigration.

(2) PROGRAM COMPONENTS.—The Secretary shall ensure, to the maximum extent feasible, that—

(A) the technologies utilized in the Integrated and Automated Surveillance Program are integrated and function cohesively in an automated fashion, including the integration of motion sensor alerts and cameras in a manner where a sensor alert automatically activates a corresponding camera to pan and tilt in the direction of the triggered sensor;

(B) cameras utilized in the program do not have to be manually operated;

(C) such camera views and positions are not fixed;

(D) surveillance video taken by such cameras is able to be viewed at multiple designated communications centers;

(E) a standard process is used to collect and record, catalog, and report intrusion and response data collected under the Program;

(F) future remote surveillance technology investments and upgrades for the program can be integrated with existing systems;

(G) performance measures are developed and applied that can evaluate whether the program is providing desired results and increasing response effectiveness in monitoring and detecting illegal intrusions along the international borders of the United States;

(H) plans are developed under the program to streamline site selection and site validation processes to minimize delays of installing surveillance technology infrastructure;

(I) standards are developed under the program to expand the shared use of existing private and governmental structures to install remote surveillance technology infrastructure where possible;

(J) standards are developed under the program to identify and deploy the use of nonpermanent or mobile surveillance platforms that will increase the Secretary's mobility and ability to identify illegal border intrusions; and

(K) Border Patrol agents respond to each reported intrusion that appears to involve aliens or smugglers.

(3) EVALUATION OF CONTRACTORS.—

(A) REQUIREMENT FOR STANDARDS.—The Secretary shall develop appropriate standards to evaluate the performance of any contractor providing goods or services to carry out the Integrated and Automated Surveillance Program.

(B) REVIEW BY THE COMPTROLLER GENERAL OF THE UNITED STATES.—

(i) IN GENERAL.—The Comptroller General of the United States shall review each new contract related to the Program and should report to Congress regarding contracts with a value of more than $5,000,000 in a timely manner, to determine whether such contract fully complies with applicable cost requirements, performance objectives, program milestones, and schedules.

(ii) REPORTS.—The Comptroller General of the United States shall report the findings of each review carried out under clause (i) to the Secretary in a timely manner.

(4) AUTHORIZATION OF APPROPRIATIONS.—The necessary funds are authorized to be appropriated to carry out this subsection.

**Subtitle B—Strategies and Progress Reports for Securing America's Borders**

**SEC. 111. NATIONAL STRATEGY TO SECURE THE BORDERS.**

(a) REQUIREMENT FOR NATIONAL STRATEGY.—The Secretary, in consultation with

the heads of other appropriate Federal agencies, shall develop a national strategy to secure the borders that describes actions to be carried out to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States by December 31, 2010.

(b) CONTENT.—The national strategy to secure the borders shall include the following:

(1) An assessment of the threats posed by terrorists and terrorist groups that may try to infiltrate the United States at locations along the international land and maritime borders of the United States.

(2) A risk assessment for all United States ports of entry and all portions of the international land and maritime borders of the United States that includes a description of activities being undertaken—

(A) to prevent the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) to protect critical infrastructure at or near such ports of entry or borders.

(3) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(4) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(5) A description of the border security roles and missions of Federal Government, State government, local government, and tribal authorities, and recommendations regarding actions the Secretary can carry out to improve coordination with such authorities to enable border security and enforcement activities to be carried out in a more efficient and effective manner.

(6) An assessment of existing efforts and technologies used for border security and the effect of the use of such efforts and technologies on civil rights, private property rights, privacy rights, and civil liberties, including an assessment of efforts to take into account asylum seekers, trafficking victims, unaccompanied minor aliens, refugees and other vulnerable populations, as well as the effects on Americans living in the border region and local, State, and Federal law enforcement officers working in the border region.

(7) A prioritized list of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(8) A description of ways to ensure that the free flow of lawful travel and commerce is not unreasonably diminished by efforts, activities, and programs aimed at securing the international land and maritime borders of the United States.

(9) An assessment of additional detention facilities and beds that are needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States.

(10) A description of the performance metrics to be used to ensure accountability by the bureaus of the Department in implementing such strategy.

(11) A schedule for the implementation of the security measures described in said strategy, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, an estimate of the resources needed to carry out such measures, and a description of how such resources should be allocated.

(c) CONSULTATION.—In developing the national strategy for border security, the Secretary shall consult with representatives of—

(1) State, local, and tribal governmental authorities with responsibility for locations along the international land and maritime borders of the United States; and

(2) appropriate private sector entities, nongovernmental organizations, and affected communities that have expertise in areas related to border security.

(d) COORDINATION.—The national strategy for border security shall be consistent with the National Strategy for Maritime Security developed pursuant to Homeland Security Presidential Directive 13, dated December 21, 2004.

(e) SUBMISSION TO CONGRESS.—

(1) STRATEGY.—Not later than December 31, 2008, the Secretary shall submit to Congress the national strategy for border security.

(2) UPDATES.—The Secretary shall submit to Congress any update of such strategy that the Secretary determines is necessary, not later than 30 days after such update is developed.

(f) IMMEDIATE ACTION.—Nothing in this section may be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.

**SEC. 112. ACCOUNTABLE FINANCING OF A SECURE BORDER INITIATIVE.**

(a) COMPTROLLER GENERAL OF THE UNITED STATES.—

(1) ACTION.—If the Comptroller General of the United States becomes aware of any improper conduct or wrongdoing in the course of conducting a contract review under the Secure Border Initiative, the Comptroller General of the United States shall, as expeditiously as practicable, refer information relating to such improper conduct or wrongdoing to Congress and to the Secretary of Homeland Security, or to another appropriate official of the Department of Homeland Security, who shall determine whether to temporarily suspend the contractor from further participation in the Secure Border Initiative or make said contract null and void.

(2) REPORT.—Upon the completion of each review described in paragraph (1), the Comptroller General of the United States shall submit to Congress and to the Secretary a report containing the findings of the review, including findings regarding—

(A) cost overruns;

(B) significant delays in contract execution;

(C) lack of rigorous departmental contract management;

(D) insufficient departmental financial oversight;

(E) bundling that limits the ability of small businesses to compete; or

(F) other high-risk business practices.

(b) REPORTS BY THE SECRETARY.—

(1) IN GENERAL.—Not later than 30 days after the receipt of each report required under subsection (a)(2), the Secretary shall submit a report to the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives and the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, that describes the steps the Secretary has taken, or plans to take, to address the problems identified in such report.

(2) CONTRACTS WITH FOREIGN COMPANIES.—Not later than 60 days after the initiation of each contract action with a company whose headquarters are not based in the United States, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, regarding the Secure Border Initiative.

(c) REPORTS ON UNITED STATES PORTS.—Not later that 60 days after receiving information regarding a proposed purchase of a contract to manage the operations of a United States port by a foreign entity, the Secretary of Homeland Security shall submit a report to Congress that describes—

(1) the proposed purchase;

(2) any security concerns related to the proposed purchase; and

(3) the manner in which such security concerns have been addressed.

**Subtitle C—Rapid Response Measures**

**SEC. 121. DEPLOYMENT OF BORDER PATROL AGENTS.**

(a) EMERGENCY DEPLOYMENT OF BORDER PATROL AGENTS.—

(1) IN GENERAL.—If the Governor of a State on an international border of the United States declares an international border security emergency and requests additional agents of the Border Patrol (referred to in this subtitle as ''agents'') from the Secretary, the Secretary, subject to paragraphs (2) and (3), may provide the State with not more than 1,000 additional agents for the purpose of patrolling and defending the international border, in order to prevent individuals from crossing the international border into the United States at any location other than an authorized port of entry.

(2) CONSULTATION.—Upon receiving a request for agents under paragraph (1), the Secretary, after consultation with the President, shall grant such request to the extent that providing such agents will not significantly impair the Department's ability to provide border security for any other State.

(3) COLLECTIVE BARGAINING.—Emergency deployments under this subsection shall be made in accordance with all applicable collective bargaining agreements and obligations under current law.

(b) FLEXIBLE DEPLOYMENT OF BORDER PATROL AGENTS.—The Secretary shall ensure that agents are not precluded from performing patrol duties and apprehending violators of law, except in unusual circumstances if the temporary use of fixed deployment positions is necessary.

**SEC. 122. BORDER PATROL MAJOR ASSETS.**

(a) CONTROL OF DEPARTMENT OF HOMELAND SECURITY ASSETS.—The Department of Homeland Security shall have exclusive administrative and operational control over all the assets utilized in carrying out its mission, including aircraft, watercraft, vehicles, detention space, transportation, and all of the personnel associated with such assets.

(b) HELICOPTERS AND POWER BOATS.—

(1) HELICOPTERS.—The Secretary shall increase the number of helicopters under the control of the Border Patrol and Immigration and Customs Enforcement (ICE). The Secretary shall ensure that appropriate types and quantities of helicopters are procured for the various missions being performed.

(2) POWER BOATS.—The Secretary shall increase the number of power boats under the control of the Border Patrol. The Secretary shall ensure that the types of power boats that are procured are appropriate for both the waterways in which they are used and the mission requirements.

(3) USE AND TRAINING.—The Secretary shall—

(A) establish an overall policy on how the helicopters and power boats procured under this subsection will be used; and

(B) implement training programs for the agents who use such assets, including safe operating procedures and rescue operations.

(c) MOTOR VEHICLES.—

(1) QUANTITY.—The Secretary shall establish a fleet of motor vehicles appropriate for use by the Border Patrol that will permit a ratio of not less than 1 police-type vehicle for every 4 agents with safety glass and other protections. The Secretary shall ensure that there are sufficient numbers and types of other motor vehicles to support the mission of the Border Patrol.

(2) FEATURES.—All motor vehicles purchased for the Border Patrol shall—

(A) be appropriate for the mission of the Border Patrol; and

(B) have a panic button and a global positioning system device that is activated solely in emergency situations to track the location of agents in distress.

**SEC. 123. ELECTRONIC EQUIPMENT.**

(a) PORTABLE COMPUTERS.—The Secretary shall ensure that each police-type motor vehicle in the fleet of the Border Patrol is equipped with a portable computer with access to all necessary law enforcement databases and otherwise suited to the unique operational requirements of the Border Patrol.

(b) RADIO EQUIPMENT.—The Secretary shall augment the existing radio communications system so that all law enforcement personnel, including Immigration and Customs Enforcement, working in each area where Border Patrol operations are conducted have clear and encrypted 2-way radio communication capabilities at all times. Each portable communications device shall be equipped with a panic button and a global positioning system device that is activated solely in emergency situations to track the location of agents in distress.

(c) HANDHELD GLOBAL POSITIONING SYSTEM DEVICES.—The Secretary shall ensure that Border Patrol agents are issued a state-of-the-art handheld global positioning system device for navigational purposes.

(d) NIGHT VISION EQUIPMENT.—The Secretary shall ensure that sufficient quantities of state-of-the-art night vision equipment are procured and maintained to enable each Border Patrol agent working during the hours of darkness to be equipped with a portable night vision device.

**SEC. 124. PERSONAL EQUIPMENT.**

(a) BODY ARMOR.—The Secretary shall ensure that every agent on duty is issued high-quality body armor that is appropriate for the climate and risks faced by the agent. Enough body armor must be purchased to cover every agent in the field.

(b) WEAPONS.—The Secretary shall ensure that agents are equipped with weapons that are reliable and effective to protect themselves, their fellow agents, and innocent third parties from the threats posed by armed criminals. The Secretary shall ensure that the policies of the Department authorize all agents to carry weapons that are suited to the potential threats that they face, and that all agents receive appropriate training in the use of such weapons.

(c) UNIFORMS.—The Secretary shall ensure that all agents are provided with all necessary uniform items, including outerwear suited to the climate, footwear, belts, holsters, and personal protective equipment, at no cost to such agents. Such items shall be replaced at no cost to such agents as such items become worn or unserviceable or no longer fit properly.

**SEC. 125. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out this subtitle.

**Subtitle D—Border Infrastructure and Technology Modernization**

**SEC. 131. DEFINITIONS.**

In this subtitle:

(1) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of United States Customs and Border Protection.

(2) NORTHERN BORDER.—The term ''northern border'' means the international border between the United States and Canada.

(3) SOUTHERN BORDER.—The term ''southern border'' means the international border between the United States and Mexico.

**SEC. 132. EXPANSION OF COMMERCE SECURITY PROGRAMS.**

(a) CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commissioner, in consultation with the Secretary, shall develop a plan to expand the programs of the Customs-Trade Partnership Against Terrorism established pursuant to section 211 of the SAFE Port Act (6 U.S.C. 961), including adding additional personnel for such programs, along the northern border and southern border, including the following programs:

(A) The Business Anti-Smuggling Coalition.

(B) The Carrier Initiative Program.

(C) The Americas Counter Smuggling Initiative.

(D) The Container Security Initiative established pursuant to section 205 of the SAFE Port Act (6 U.S.C. 945).

(E) The Free and Secure Trade Initiative.

(F) Other industry partnership programs administered by the Commissioner.

(b) DEMONSTRATION PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall establish a demonstration program to develop a cooperative trade security system to improve supply chain security.

**Subtitle E—Other Border Security Initiatives**

**SEC. 141. ALIEN SMUGGLING AND TERRORISM PREVENTION.**

(a) CHECKS AGAINST TERRORIST WATCHLIST.—The Department of Homeland Security shall check against all available terrorist watchlists those alien smugglers and smuggled individuals who are interdicted at the land, air, and sea borders of the United States.

(b) STRENGTHENING PROSECUTION AND PUNISHMENT OF ALIEN SMUGGLERS.—Section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) is amended—

(1) by amending the subsection heading to read as follows: ''SMUGGLING OF UNLAWFUL AND TERRORIST ALIENS.—'';

(2) by redesignating clause (iv) of paragraph (1)(B) as clause (vii);

(3) in paragraph (1), by striking ''(1)(A)'' and all that follows through clause (iii) of subparagraph (B) and inserting the following:

''(1)(A) Whoever, knowing or in reckless disregard of the fact that an individual is an alien who lacks lawful authority to come to, enter, or reside in the United States, knowingly—

''(i) brings that individual to the United States in any manner whatsoever regardless of any future official action which may be taken with respect to such alien;

''(ii) recruits, encourages, or induces that individual to come to, enter, or reside in the United States;

''(iii) transports or moves that individual in the United States, in furtherance of their unlawful presence; or

''(iv) harbors, conceals, or shields from detection the individual in any place in the United States, including any building or any means of transportation, or attempts or conspires to do so, shall be punished as provided in subparagraph (C).

''(B) Whoever, knowing that an individual is an alien, brings that individual to the United States in any manner whatsoever at a place other than a designated port of entry or place other than as designated by the Secretary of Homeland Security, regardless of whether such alien has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien, or attempts or conspires to do so, shall be punished as provided in subparagraph (C).

''(C) A violator of this paragraph shall, for each alien in respect to whom such a violation occurs—

''(i) unless the offense is otherwise described in another clause of this subparagraph, be fined under title 18, United States Code or imprisoned not more than 5 years, or both;

''(ii) if the offense involved the transit of the defendant's spouse, child, sibling, parent, grandparent, or niece or nephew, and the offense is not described in any of clauses (iii) through (vii), be fined under title 18, United States Code or imprisoned not more than 1 year, or both;

''(iii) if the offense is a violation of paragraphs (1)(A)(ii), (iii), or (iv), or paragraph (1)(B), and was committed for the purpose of profit, commercial advantage, or private financial gain, be fined under title 18, United States Code or imprisoned not more than 10 years, or both;

''(iv) if the offense is a violation of paragraph (1)(A)(i) and was committed for the purpose of profit, commercial advantage, or private financial gain, or if the offense was committed with the intent or reason to believe that the individual unlawfully brought into the United States will commit an offense against the United States or any State that is punishable by imprisonment for more than 1 year, be fined under title 18, United States Code, and imprisoned, in the case of a first or second violation, not less than 3 nor more than 10 years, and for any other violation, not less than 5 nor more than 15 years;

''(v) if the offense results in serious bodily injury (as defined in section 1365 of title 18, United States Code) or places in jeopardy the life of any person, be fined under title 18, United States Code or imprisoned not more than 20 years, or both;

''(vi) if the offense involved an individual who the defendant knew was engaged in or intended to engage in terrorist activity (as defined in section 212(a)(3)(B)), be fined under title 18, United States Code or imprisoned not more than 30 years, or both; and'';

(4) in the clause (vii) so redesignated by paragraph (2) of this subsection (which now becomes clause (vii) of the new subparagraph (C))—

(A) by striking ''in the case'' and all that follows through ''(v) resulting'' and inserting ''if the offense results''; and

(B) by inserting ''and if the offense involves kidnapping, an attempt to kidnap, the conduct required for aggravated sexual abuse (as defined in section 2241 without regard to where it takes place), or an attempt to commit such abuse, or an attempt to kill, be fined under such title or imprisoned for any term of years or life, or both'' after ''or both''; and

(5) by striking existing subparagraph (C) of paragraph (1) (without affecting the new subparagraph (C) added by the amendments made by this Act) and all that follows through paragraph (2) and inserting the following:

''(2)(A) There is extraterritorial jurisdiction over the offenses described in paragraph (1).

''(B) In a prosecution for a violation of, or an attempt or conspiracy to violate subsection (a)(1)(A)(i), (a)(1)(A)(ii), or (a)(1)(B), that occurs on the high seas, no defense based on necessity can be raised unless the defendant—

''(i) as soon as practicable, reported to the Coast Guard the circumstances of the necessity, and if a rescue is claimed, the name, description, registry number, and location of the vessel engaging in the rescue; and

''(ii) did not bring, attempt to bring, or in any manner intentionally facilitate the entry of any alien into the land territory of the United States without lawful authority, unless exigent circumstances existed that placed the life of that alien in danger, in which case the reporting requirement set forth in clause (i) of this subparagraph is satisfied by notifying the Coast Guard as soon as practicable after delivering the alien to emergency medical or law enforcement personnel ashore.

''(C) It is a defense to a violation of, or an attempt or conspiracy to violate, clause (iii) or (iv) of subsection (a)(1)(A) for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officer of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least one year.

''(D) For purposes of this paragraph and paragraph (1)—

''(i) the term 'United States' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States; and

''(ii) the term 'lawful authority' means permission, authorization, or waiver that is expressly provided for in the immigration laws of the United States or the regulations prescribed under those laws and does not include any such authority secured by fraud or otherwise obtained in violation of law or authority that has been sought but not approved.''.

(c) MARITIME LAW ENFORCEMENT.—

(1) PENALTIES.—Subsection (b) of section 2237 of title 18, United States Code, is amended to read as follows:

''(b)(1) Whoever intentionally violates this section shall, unless the offense is described in paragraph (2), be fined under this title or imprisoned for not more than 5 years, or both.

''(2) If the offense—

''(A) is committed in the course of a violation of section 274 of the Immigration and Nationality Act (alien smuggling); chapter 77 (peonage, slavery, and trafficking in persons), section 111 (shipping), 111A (interference with vessels), 113 (stolen property), or 117 (transportation for illegal sexual activity) of this title; chapter 705 (maritime drug law enforcement) of title 46, or title II of the Act of June 15, 1917 (Chapter 30; 40 Stat. 220), the offender shall be fined under this title or imprisoned for not more than 10 years, or both;

''(B) results in serious bodily injury (as defined in section 1365 of this title) or transportation under inhumane conditions, the offender shall be fined under this title, imprisoned not more than 15 years, or both; or

''(C) results in death or involves kidnapping, an attempt to kidnap, the conduct required for aggravated sexual abuse (as defined in section 2241 without regard to where it takes place), or an attempt to commit such abuse, or an attempt to kill, be fined under such title or imprisoned for any term of years or life, or both.''.

(2) LIMITATION ON NECESSITY DEFENSE.—Section 2237(c) of title 18, United States Code, is amended—

(A) by inserting ''(1)'' after ''(c)''; and

(B) by adding at the end the following:

''(2) In a prosecution for a violation of this section, no defense based on necessity can be raised unless the defendant—

''(A) as soon as practicable upon reaching shore, delivered the person with respect to which the necessity arose to emergency medical or law enforcement personnel;

''(B) as soon as practicable, reported to the Coast Guard the circumstances of the necessity resulting giving rise to the defense; and

''(C) did not bring, attempt to bring, or in any manner intentionally facilitate the entry of any alien, as that term is defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(3)), into the land territory of the United States without lawful authority, unless exigent circumstances existed that placed the life of that alien in danger, in which case the reporting requirement of subparagraph (B) is satisfied by notifying the Coast Guard as soon as practicable after delivering that person to emergency medical or law enforcement personnel ashore.''.

(3) DEFINITION.—Section 2237(e) of title 18, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(C) by adding at the end the following:

''(5) the term 'transportation under inhumane conditions' means the transportation of persons in an engine compartment, storage compartment, or other confined space, transportation at an excessive speed, transportation of a number of persons in excess of the rated capacity of the means of transportation, or intentionally grounding a vessel in which persons are being transported.''.

(d) AMENDMENT TO THE SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this subsection, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable to persons convicted of alien smuggling offenses and criminal failure to heave to or obstruction of boarding.

(2) CONSIDERATIONS.—In carrying out this subsection, the Sentencing Commission, shall—

(A) consider providing sentencing enhancements or stiffening existing enhancements for those convicted of offenses described in paragraph (1) of this subsection that—

(i) involve a pattern of continued and flagrant violations;

(ii) are part of an ongoing commercial organization or enterprise;

(iii) involve aliens who were transported in groups of 10 or more;

(iv) involve the transportation or abandonment of aliens in a manner that endangered their lives; or

(v) involve the facilitation of terrorist activity; and

(B) consider cross-references to the guidelines for Criminal Sexual Abuse and Attempted Murder.

(3) EXPEDITED PROCEDURES.—The Commission may promulgate the guidelines or amendments under this subsection in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

**SEC. 142. BORDER SECURITY ON CERTAIN FEDERAL LAND.**

(a) DEFINITIONS.—In this section:

(1) PROTECTED LAND.—The term ''protected land'' means land under the jurisdiction of the Secretary concerned.

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) BORDER PROTECTION STRATEGY.—The Secretary, the Secretary of the Interior, and the Secretary of Agriculture shall jointly develop a border protection strategy that supports the border security needs of the United States in the manner that best protects—

(1) units of the National Park System;

(2) National Forest System land;

(3) land under the jurisdiction of the United States Fish and Wildlife Service and Bureau of Land Management; and

(4) other relevant land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture.

(c) ADDITIONAL UNIFORMED LAW ENFORCEMENT OFFICERS AND SPECIAL AGENTS OF THE DEPARTMENT OF THE INTERIOR.—There are authorized to be appropriated to the Secretary of the Interior for employment of uniformed law enforcement officers and special agents, in addition to the number of such officers and agents employed immediately before the enactment of this Act, such sums as may be necessary for—

(1) 22 such officers of the United States Fish and Wildlife Service, including—

(A) 4 for California;

(B) 9 for Arizona;

(C) 2 for New Mexico; and

(D) 7 for Texas;

(2) 2 such agents of the United States Fish and Wildlife Service, for Texas;

(3) 22 such officers of the National Park Service, including—

(A) 13 for Arizona; and

(B) 9 for Texas;

(4) 2 such agents of the National Park Service, for Texas;

(5) 19 such officers of the Bureau of Land Management, including—

(A) 5 for California;

(B) 4 for Arizona;

(C) 4 for New Mexico; and

(D) 6 for Texas;

(6) 2 such agents of the Bureau of Land Management, including—

(A) 1 for California;

(B) 2 for Arizona; and

(C) 1 for New Mexico; and

(7) one such agent of the Bureau of Indian Affairs, for Texas.

(d) ADDITIONAL SPECIAL ASSISTANT UNITED STATES ATTORNEY.—There are authorized to be appropriated to the Attorney General such sums as may be necessary to increase by 1 the number of special assistant United States attorneys in the district of Arizona dedicated to prosecution of cases generated by the Secretary of Interior, in addition to the number of such attorneys appointed immediately before the enactment of this Act.

**Subtitle F—Border Law Enforcement**

**SEC. 151. SHORT TITLE.**

This Act may be cited as the ''Border Law Enforcement Act''.

**SEC. 152. FINDINGS.**

The Congress finds as follows:

(1) It is the obligation of the Federal Government of the United States to adequately secure the Nation's borders and prevent the flow of unauthorized aliens and illegal drugs into the United States.

(2) Despite the fact that the United States Border Patrol apprehends over 1,000,000 people each year trying to illegally enter the United States, according to the Congressional Research Service, the net growth in the number of unauthorized aliens has increased by approximately 500,000 each year. The southwest border accounts for approximately 94 percent of all migrant apprehensions each year. Currently, there are an estimated 11,000,000 unauthorized aliens in the United States.

(3) The border region is also a major corridor for the shipment of drugs. According to the El Paso Intelligence Center, 65 percent of the narcotics that are sold in the markets of the United States enter the country through the Southwest Border.

(4) Border communities continue to incur significant costs due to the lack of adequate border security. A 2001 study by the United States-Mexico Border Counties Coalition found that law enforcement and criminal justice expenses associated with illegal immigration exceed $89,000,000 annually for the Southwest border counties.

(5) In August 2005, the States of New Mexico and Arizona declared states of emergency in order to provide local law enforcement immediate assistance in addressing criminal activity along the Southwest border.

(6) While the Federal Government provides States and localities assistance in covering costs related to the detention of certain criminal aliens and the prosecution of Federal drug cases, local law enforcement along the border are provided no assistance in covering such expenses and must use their limited resources to combat drug trafficking, human smuggling, kidnappings, the destruction of private property, and other border-related crimes.

(7) The United States shares 5,525 miles of border with Canada and 1,989 miles with Mexico. Many of the local law enforcement agencies located along the border are small, rural departments charged with patrolling large areas of land. Counties along the Southwest United States-Mexico border are some of the poorest in the country and lack the financial resources to cover the additional costs associated with illegal immigration, drug trafficking, and other border-related crimes.

(8) Federal assistance is required to help local law enforcement operating along the border address the unique challenges that arise as a result of their proximity to an international border and the lack of overall border security in the region.

**SEC. 153. BORDER RELIEF GRANT PROGRAM.**

(a) IN GENERAL.—From amounts made available under section 154, the Secretary of Homeland Security may make grants to—

(1) sheriffs' offices of counties any part of which is within 25 miles of the southern border of the United States; and

(2) police departments serving a city, town, or other political subdivision in a county any part of which is within 25 miles of the southern border of the United States (including tribal police departments serving a community any part of which is within 25 miles of such border).

(b) USE OF FUNDS.—

(1) IN GENERAL.—Grant funds received under subsection (a) may be used for the following:

(A) To conduct law enforcement operations in order to enforce criminal laws, prevent and punish criminal activity, and protect the lives, property, and security of the people within the jurisdiction of the grant recipient.

(B) To transfer aliens detained or in the custody of the grant recipient who are not lawfully present in the United States to appropriate Federal law enforcement officials.

(C) To enforce State and Federal laws relating to controlled substance trafficking and enforce other State and Federal criminal laws.

(2) PAYMENT OF COSTS.—Use of funds under paragraph (1) shall include payment for costs of—

(A) hiring, equipping, training, and otherwise controlling the operations and deployment of, law enforcement officials engaged in duties described in paragraph (1), as well as the costs of paying overtime to such officials; and

(B) detaining, housing, and transporting aliens who are not lawfully present in the United States, and who are taken into custody by the grant recipient, until the aliens are transferred to appropriate Federal law enforcement officials.

(3) DETENTION FACILITIES.—In accordance with paragraph (2)(B), grant funds received under subsection (a) may be used for the construction, maintenance, and operation of detention facilities to detain aliens who are unlawfully present in the United States, except that not more than 20 percent of such funds may be used for the construction or renovation of detention or similar facilities.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary of Homeland Security at such time, in such manner, and accompanied by such information as the Secretary of Homeland Security may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary of Homeland Security determines to be essential to ensure compliance with the requirements of this section.

**SEC. 154. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary of Homeland Security to carry out this Act $200,000,000 for fiscal year 2008 and each succeeding fiscal year.

**SEC. 155. REGULATIONS.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall issue regulations to carry out this Act.

## TITLE II—ENDING UNLAWFUL EMPLOYMENT

### Subtitle A—Employee Verification

**SEC. 201. MANDATORY EMPLOYMENT AUTHORIZATION VERIFICATION.**

(a) MAKING BASIC PILOT PROGRAM PERMANENT.—Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by adding before the period at the end of the last sentence the following '', except that the basic pilot program described in section 403(a) shall be a permanent program''.

(b) MANDATORY USE OF E-VERIFY SYSTEM.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), every person or other entity that hires one or more individuals for employment in the United States shall verify through the E-Verify program, established as the basic pilot program by section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note), that each such individual is authorized to work in the United States. The Secretary of Homeland Security shall ensure that verification by means of a toll-free telephone line is an available option in complying with the preceding sentence.

(2) SELECT ENTITIES REQUIRED TO USE E-VERIFY PROGRAM IMMEDIATELY.—The following entities must satisfy the requirement in paragraph (1) by not later than one year after the date of the enactment of this Act:

(A) FEDERAL AGENCIES.—Each department and agency of the Federal Government.

(B) FEDERAL CONTRACTORS.—A contractor that—

(i) has entered into a contract with the Federal Government to which section 2(b)(1) of the Service Contract Act of 1965 (41 U.S.C. 351(b)(1)) applies, and any subcontractor under such contract; or

(ii) has entered into a contract exempted from the application of such Act by section 6 of such Act (41 U.S.C. 356), and any subcontractor under such contract.

(C) LARGE EMPLOYERS.—An employer that employs more than 250 individuals in the United States.

(3) PHASING-IN FOR OTHER EMPLOYERS.—

(A) 2 YEARS FOR EMPLOYERS OF 100 OR MORE.—Entities that employ 100 or more individuals in the United States must satisfy the requirement in paragraph (1) by not later than two years after the date of the enactment of this Act.

(B) 3 YEARS FOR EMPLOYERS WITH 30 OR MORE EMPLOYEES.—All entities that employ 30 or more individuals in the United States must satisfy the requirement in paragraph (1) by not later than three years after the date of the enactment of this Act.

(C) 4 YEARS FOR ALL EMPLOYERS.—All entities that employ one or more individuals in the United States must satisfy the requirement in paragraph (1) by not later than four years after the date of the enactment of this Act.

(4) VERIFYING EMPLOYMENT AUTHORIZATION OF CURRENT EMPLOYEES.—Every person or other entity that employs one or more persons in the United States shall verify through the E-Verify program by not later than four years after the date of the enactment of this Act that each employee is authorized to work in the United States.

(5) DEFENSE.—An employer who has complied with the requirements in paragraphs (1) and (4) shall not be liable for hiring an unauthorized alien, if—

(A) such hiring occurred due to an error in the E-Verify program that was unknown to the employer at the time of such hiring; and

(B) the employer terminates the employment of the alien upon being informed of the error.

(6) SANCTIONS FOR NONCOMPLIANCE.—The failure of an employer to comply with the requirements in paragraphs (1) or (4) shall—

(A) be treated as a violation of section 274A(a)(1)(B) with respect to each offense; and

(B) create a rebuttable presumption that the employer has violated section 274A(a)(1)(A).

(7) VOLUNTARY PARTICIPATION OF EMPLOYERS NOT IMMEDIATELY SUBJECT TO REQUIREMENT.—Nothing in this subsection shall be construed as preventing a person or other entity that is not immediately subject to the requirement of paragraph (1) pursuant to paragraph (2) or (3) from voluntarily using the E-Verify program to verify the employment authorization of new hires or current employees.

(8) STATE INTERFERENCE.—No State may prohibit a person or other entity from using the E-verify program to verify the employment authorization of new hires or current employees.

**SEC. 202. MANDATORY NOTIFICATION OF SSN MISMATCHES AND MULTIPLE USES.**

(a) NOTIFICATION OF MISMATCHED NAME AND SOCIAL SECURITY NUMBER.—The Commissioner of Social Security shall notify on an annual basis each United States employer with one or more employees whose social security account number does not match the

employees name or date of birth in the Commissioners records. Such notification shall instruct employers to notify listed employees that they have 10 business days to correct the mismatch with the Social Security Administration or the employer will be required to terminate their employment. The notification also shall inform employers that they may not terminate listed employees prior to the close of the 10-day period.

(b) NOTIFICATION OF MULTIPLE USES OF INDIVIDUAL SOCIAL SECURITY NUMBERS.—Prior to crediting any individual with concurrent earnings from more than one employer, the Commissioner of Social Security shall notify the individual that earnings from two or more employers are being reported under the individual's social security account number. Such notice shall include, at a minimum, the name and location of each employer and shall direct the individual to contact the Social Security Administration to submit proof that the individual is the person to whom the social security account number was issued and, if applicable, to submit, either in person or via electronic transmission, a pay stub or other documentation showing that such individual is employed by both or all employers reporting earnings to that social security account number.

(c) INFORMATION SHARING WITH THE DEPARTMENT OF HOMELAND SECURITY.—

(1) Not later than 180 days following the date of enactment of this act, the Commissioner of Social Security shall promulgate regulations in accord with section 1306, title 42 (42 U.S.C. 1306), to require that information regarding all unresolved mismatch notifications and regarding all multiple use notifications that lead to the identification of an unauthorized user of a social security account number be shared with the Secretary of the Department of Homeland Security on a timely basis.

(2) Information to be shared with the Secretary shall include, at a minimum, the name and mailing address of all employees who are the subject of an unresolved mismatch notification or who are unauthorized users of another individual's social security account number.

**SEC. 203. ESTABLISHMENT OF ELECTRONIC BIRTH AND DEATH REGISTRATION SYSTEMS.**

(a) In consultation with the Secretary of Health and Human Services and the Commissioner of Social Security, the Secretary shall take the following actions:

(1) Work with the States to establish a common data set and common data exchange protocol for electronic birth registration systems and death registration systems.

(2) Coordinate requirements for such systems to align with a national model.

(3) Ensure that fraud prevention is built into the design of electronic vital registration systems in the collection of vital event data, the issuance of birth certificates, and the exchange of data among government agencies.

(4) Ensure that electronic systems for issuing birth certificates, in the form of printed abstracts of birth records or digitized images, employ a common format of the certified copy, so that those requiring such documents can quickly confirm their validity.

(5) Establish uniform field requirements for State birth registries.

(6) Not later than 1 year after the date of the enactment of this Act, establish a process with the Department of Defense that will result in the sharing of data, with the States and the Social Security Administration, regarding deaths of United States military personnel and the birth and death of their dependents.

(7) Not later than 1 year after the date of the enactment of this Act, establish a process with the Department of State to improve registration, notification, and the sharing of data with the States and the Social Security Administration, regarding births and deaths of United States citizens abroad.

(8) Not later than 3 years after the date of establishment of databases provided for under this section, require States to record and retain electronic records of pertinent identification information collected from requestors who are not the registrants.

(9) Not later than 6 months after the date of the enactment of this Act, submit to Congress a report on whether there is a need for Federal laws to address penalties for fraud and misuse of vital records and whether violations are sufficiently enforced.

**SEC. 204. PENALTY FOR FAILURE TO FILE CORRECT INFORMATION RETURNS.**

Section 6721 of the Internal Revenue Code of 1986 (26 U.S.C. 6721) is amended by adding at the end the following:

''(f) The Secretary shall assess the maximum allowable penalties on 100 percent of the employers designated in any tax year by the Social Security Administration as the most egregious noncompliant employers.

''(g) Notwithstanding any other provision in this section, in the case of a failure described in subsection (a)(2) with respect to any person employing an alien not authorized to be so employed, the penalty under this section shall be determined in accordance with the following table:

| ''In the case of— | Not less than— | Not more than— |
|---|---|---|
| The first offense | $2,500 | $5,000 |
| The second offense | $7,500 | $10,000 |
| The third offense | $25,000 | $40,000.''. |

**SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be required to carry out this subtitle.

**Subtitle B—Nondeductibility of Wages Paid to Unauthorized Aliens**

**SEC. 211. CLARIFICATION THAT WAGES PAID TO UNAUTHORIZED ALIENS MAY NOT BE DEDUCTED FROM GROSS INCOME.**

(a) IN GENERAL.—Subsection (c) of section 162 of the Internal Revenue Code of 1986 (relating to illegal bribes, kickbacks, and other payments) is amended by adding at the end the following new paragraph:

''(4) WAGES PAID TO OR ON BEHALF OF UNAUTHORIZED ALIENS.—

''(A) IN GENERAL.—No deduction shall be allowed under subsection (a) for any wage paid to or on behalf of an unauthorized alien, as defined under section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

''(B) WAGES.—For the purposes of this paragraph, the term 'wages' means all remuneration for employment, including the cash value of all remuneration (including benefits) paid in any medium other than cash.

''(C) SAFE HARBOR.—If a person or other entity is participating in the basic pilot program described in section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) and obtains confirmation of identity and employment eligibility in compliance with the terms and conditions of the program with respect to the hiring (or recruitment or referral) of an employee, subparagraph (A) shall not apply with respect to wages paid to such employee.''.

(b) 6-YEAR LIMITATION ON ASSESSMENT AND COLLECTION.—Subsection (c) of section 6501 of such Code (relating to exceptions) is amended by adding at the end the following new paragraph:

''(11) DEDUCTION CLAIMED FOR WAGES PAID TO UNAUTHORIZED ALIENS.—In the case of a return of tax on which a deduction is shown in violation of section 162(c)(4), any tax under chapter 1 may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time within 6 years after the return was filed.''.

(c) USE OF DOCUMENTATION FOR ENFORCEMENT PURPOSES.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in subparagraph (b)(5), by inserting '', section 162(c)(4) of the Internal Revenue Code of 1986,'' after ''enforcement of this Act'';

(2) in subparagraph (d)(2)(F), by inserting '', section 162(c)(4) of the Internal Revenue Code of 1986,'' after ''enforcement of this Act''; and

(3) in subparagraph (d)(2)(G), by inserting ''section 162(c)(4) of the Internal Revenue Code of 1986 or'' after ''or enforcement of''.

(d) AVAILABILITY OF INFORMATION.—The Commissioner of Social Security and the Secretary of the Department of Homeland Security shall make available to the Commissioner of Internal Revenue any information related to the investigation and enforcement of section 162(c)(4) of the Internal Revenue Code of 1986, including any no-match letter and any information in the earnings suspense file.

(e) EFFECTIVE DATE.—

(1) Except as provided in paragraph (2), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(2) The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 2007.

**TITLE III—ENHANCING AND FULLY UTILIZING CURRENT METHODS OF INTERIOR ENFORCEMENT**

**SEC. 301. INCREASE INVESTIGATIVE EFFORTS.**

(a) FEDERAL AGENTS.—An increase of personnel and resources will be needed to successfully enforce U.S. immigration laws and punish those who violate them. To this end, sufficient funds are authorized to be appropriated to employ 1,150 additional Immigration and Customs Enforcement Agents.

(b) CRIMINAL ALIEN PROGRAM (CAP).—An additional 140 CAP officers are authorized to identify and remove criminal aliens encountered in Federal, State, and local detention facilities.

(c) STATE AND LOCAL LAW ENFORCEMENT SUPPORT.—The Secretary of Homeland Security shall take necessary steps to allow for the training of a minimum of 250 State and local law enforcement officers in Federal immigration law enforcement procedure. This would be an expansion of an already active and successful program.

**SEC. 302. INCREASED OVERSIGHT OF AGENTS.**

To ensure the ability of Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP) to enforce integrity and ethical behavior throughout their expanded ranks, an increase of 5 in the number of Special Agents in the Office of Professional Responsibility.

**SEC. 303. REWARDS PROGRAM.**

(a) REWARDS PROGRAM.—Section 274 (8 U.S.C. 1324) is amended by adding at the end the following:

''(e) REWARDS PROGRAM.—

''(1) IN GENERAL.—There is established in the Department of Homeland Security a program for the payment of rewards to carry out the purposes of this section.

''(2) PURPOSE.—The rewards program shall be designed to assist in the elimination of commercial operations to produce or sell fraudulent documents to be used for entering or remaining in the United States unlawfully and to assist in the investigation, prosecution, or disruption of a commercial alien smuggling operation.

''(3) ADMINISTRATION.—The rewards program shall be administered by the Secretary of Homeland Security, in consultation, as appropriate, with the Attorney General and the Secretary of State.

''(4) REWARDS AUTHORIZED.—In the sole discretion of the Secretary of Homeland Security, such Secretary, in consultation, as appropriate, with the Attorney General and the Secretary of State, may pay a reward to any individual who furnishes information or testimony leading to—

''(A) the arrest or conviction of any individual conspiring or attempting to produce or sell fraudulent documents to be used for entering or remaining in the United States unlawfully or to commit an act of commercial alien smuggling involving the transportation of aliens;

''(B) the arrest or conviction of any individual committing such an act;

''(C) the arrest or conviction of any individual aiding or abetting the commission of such an act;

''(D) the prevention, frustration, or favorable resolution of such an act, including the dismantling of an operation to produce or sell fraudulent documents to be used for entering or remaining in the United States, or commercial alien smuggling operations, in whole or in significant part; or

''(E) the identification or location of an individual who holds a key leadership position in an operation to produce or sell fraudulent documents to be used for entering or remaining in the United States unlawfully or a commercial alien smuggling operation involving the transportation of aliens.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection. Amounts appropriated under this paragraph shall remain available until expended.

''(6) INELIGIBILITY.—An officer or employee of any Federal, State, local, or foreign government who, while in performance of his or her official duties, furnishes information described in paragraph (4) shall not be eligible for a reward under this subsection for such furnishing.

''(7) PROTECTION MEASURES.—If the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines that an individual who furnishes information or testimony described in paragraph (4), or any spouse, child, parent, son, or daughter of such an individual, must be protected, such official may take such lawful action as the official considers necessary to effect such protection.

''(8) LIMITATIONS AND CERTIFICATION.—

''(A) MAXIMUM AMOUNT.—No reward under this subsection may exceed $100,000.

''(B) APPROVAL.—Any reward under this subsection exceeding $50,000 shall be personally approved by the Secretary of Homeland Security.

''(C) CERTIFICATION FOR PAYMENT.—Any reward granted under this subsection shall be certified for payment by the Secretary of Homeland Security.

''(9) PUBLICITY.—The Department of Homeland Security shall be responsible for developing and implementing an advertising strategy to make known the rewards described within this section in order to solicit informants.''.

**SEC. 304. INCREASED DETENTION FACILITIES FOR ALIENS APPREHENDED FOR ILLEGAL ENTRY.**

(a) IN GENERAL.—The Secretary of Homeland Security shall make arrangements for the availability of 8,000 additional beds for detaining aliens taken into custody by immigration officials.

(b) IMPLEMENTATION.—Efforts shall be made to—

(1) contract private facilities whenever possible to promote efficient use and to limit the Federal Government's maintenance of and liability for additional infrastructure;

(2) utilize State and local facilities for the provision of additional beds; and

(3) utilize BRAC facilities or active duty facilities.

(c) CONSTRUCTION.—The Department of Homeland Security shall construct facilities as necessary to meet the remainder of the 8,000 new beds to be provided.

(d) FAMILY DETENTION FACILITY.—To further meet the special needs of detained families, the Department of Homeland Security shall retain or construct a family detention facility, similar to the T. Don Hutto Family Residential Facility, offering no less than 500 beds.

(e) RESPONSIBILITIES.—The Secretary of Homeland Security shall be responsible for providing humane conditions, health care and nutrition, psychological services, and education for minors.

(f) AUTHORIZATION.—All funds necessary to accomplish the directives within this section are authorized to be appropriated.

**SEC. 305. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Based on the recommendations made by the 2007 Judicial Conference and the statistical data provided by the 2006 Federal Court Management Statistics (issued by the Administrative Office of the United States Courts), the Congress finds the following:

(1) Federal courts along the southwest border of the United States have a greater percentage of their criminal caseload affected by immigration cases than other Federal courts.

(2) The percentage of criminal immigration cases in most southwest border district courts totals more than 49 percent of the total criminal caseloads of those districts.

(3) The current number of judges authorized for those courts is inadequate to handle the current caseload.

(4) Such an increase in the caseload of criminal immigration filings requires a corresponding increase in the number of Federal judgeships.

(5) The 2007 Judicial Conference recommended the addition of judgeships to meet this growing burden.

(6) The Congress should authorize the additional district court judges necessary to carry out the 2007 recommendations of the Judicial Conference for district courts in which the criminal immigration filings represented more than 49 percent of all criminal filings for the 12-month period ending September 30, 2006.

(b) PURPOSE.—The purpose of this Act is to increase the number of Federal judgeships, in accordance with the recommendations of the 2007 Judicial Conference, in district courts that have an extraordinarily high criminal immigration caseload.

**SEC. 306. ADDITIONAL DISTRICT COURT JUDGESHIPS.**

(a) PERMANENT JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 4 additional district judges for the district of Arizona;

(B) 5 additional district judges for the southern district of California;

(C) 1 additional district judge for the district of New Mexico;

(D) 2 additional district judges for the southern district of Texas; and

(E) 1 additional district judge for the western district of Texas.

(2) CONFORMING AMENDMENTS.—In order that the table contained in section 133(a) of title 28, United States Code, reflect the number of additional judges authorized under paragraph (1), such table is amended—

(A) in the item relating to Arizona, by striking ''12'' and inserting ''16'';

(B) in the item relating to California, by striking ''13'' and inserting ''18'';

(C) in the item relating to New Mexico, by striking ''6'' and inserting ''7'';

(D) in the item relating to Texas—

(i) by striking ''19'' and inserting ''21''; and

(ii) by striking ''13'' and inserting ''14''.

(b) TEMPORARY JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 1 additional district judge for the district of Arizona; and

(B) 1 additional district judge for the district of New Mexico.

(2) VACANCY NOT FILLED.—For each of the judicial districts named in this subsection, the first vacancy arising on the district court 10 years or more after a judge is first confirmed to fill the temporary district judgeship created in that district by this subsection shall not be filled.

**SEC. 307. MEDIA CAMPAIGN.**

(a) IN GENERAL.—The Secretary of Labor and the Secretary of Homeland Security shall develop strategies to inform the public of changes in immigration policies created by provisions in this legislation.

(b) NOTIFICATION OF CHANGES TO EMPLOYMENT VERIFICATION PROCESS.—The Secretary of Labor shall employ, at his or her discretion, a combination of print, television, internet, and radio media to notify employers of changes to the employment verification process. These multilingual media campaigns should be targeted toward non-citizen communities and those most likely to employ non-citizens. Announcements should encourage compliance with new legislation and should explain penalties for noncompliance with provisions within this Act.

(c) MULTILINGUAL MEDIA CAMPAIGN.—The Secretary of Homeland Security shall also develop a multilingual media campaign explaining the extent of this legislation, the timelines therein, and the penalties for noncompliance with this Act. Announcements should be targeted toward undocumented aliens and should emphasize—

(1) provisions in this Act that enhance border security and interior enforcement;

(2) the benefits of voluntary removal of undocumented aliens;

(3) punishment for apprehension and forced removal of undocumented aliens; and

(4) legal methods of reentering the United States, including temporary work visas.

(d) COOPERATION WITH OTHER GOVERNMENTS.—The Secretary of Homeland Security shall make all reasonable attempts to cooperate with the Governments of Mexico and the countries of Central America in implementing a media campaign that raises awareness of the issues in paragraph (2).

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**SA 4794.** Mr. VITTER submitted an amendment intended to be proposed to

amendment SA 4789 proposed by Mr. REID to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. USE OF FUNDS FOR CONSTRUCTION.**

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall use for construction, at the alignment and elevation described in the programmatic environmental impact statement, of the project identified in the report of the Chief of Engineers for Morganza to the Gulf of Mexico, Louisiana, authorized by section 1001(24) of the Water Resources Development Act of 2007 (121 Stat. 1053) (including any modifications to that project agreed to by the Secretary and the non-Federal interest)—

(1) of the unexpended funds made available under the heading ''FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE'', under the heading ''CORPS OF ENGINEERS–CIVIL'', under the heading ''DEPARTMENT OF THE ARMY'' of chapter 3 of title I of division B of Public Law 109–148 (119 Stat. 2762; 120 Stat. 455), $20,000,000; and

(2) of the funds made available for non-Federal levees and associated protection measures in Terrebonne Parish under the heading ''FLOOD CONTROL AND COASTAL EMERGENCIES'', under the heading ''CORPS OF ENGINEERS–CIVIL'', under the heading ''DEPARTMENT OF THE ARMY'' of chapter 3 of title II of Public Law 109–234 (120 Stat. 455), $2,000,000.

(b) TREATMENT OF CERTAIN DATA.—The Secretary shall consider to be current any data, including previously developed environmental and economic data contained in the report and environmental impact statement described in subsection (a), collected for the project described in that subsection.

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**SA 4795.** Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4789 proposed by Mr. REID to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

Strike Title VIII.

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**SA 4796.** Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE _____ GI BILL FINANCING PROVISION**

**SEC. _____. GI BILL FINANCING PROVISION.**

(a) IN GENERAL.—Part I of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 1 the following new section:

**''SEC. 1A. INCREASE IN TAX ON HIGH INCOME INDIVIDUALS TO FINANCE THE GI BILL.**

''(a) GENERAL RULE.—In the case of a taxpayer other than a corporation, there is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to 0.47 percent of so much of modified adjusted gross income as exceeds $500,000 ($1,000,000 in the case of a joint return or a surviving spouse (as defined in section 2(a)).

''(b) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this section, the term 'modified adjusted gross income' means adjusted gross income reduced by any deduction allowed for investment interest (as defined in section 163(d)). In the case of an estate or trust, a rule similar to the rule of section 67(e) shall apply for purposes of determining adjusted gross income for purposes of this section.

''(c) NONRESIDENT ALIEN.—In the case of a nonresident alien individual, only amounts taken into account in connection with the tax imposed by section 871(b) shall be taken into account under this section.

''(d) MARITAL STATUS.—For purposes of this section, marital status shall be determined under section 7703.

''(e) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.''.

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 1 the following new item:

''Sec. 1A. Increase in tax on high income individuals to finance the GI bill.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(d) SECTION 15 NOT TO APPLY.—The amendment made by subsection (a) shall not be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

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**SA 4797.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___ (a) The Secretary of the Army (referred to in this section as the ''Secretary'') shall initiate the construction of the project authorized by section 1001(24) of the Water Resources Development Act of 2007 (121 Stat. 1053), as described in the programmatic environmental impact statement of the project.

(b) To initiate the construction of the project described in subsection (a), the Secretary shall accept from the Terrebonne Levee and Conservation District, Louisiana, and the State of Louisiana (referred to in this section as the ''non-Federal interests'') advanced funding that the Secretary shall credit toward the non-Federal share of the cost of the project.

(c) The Secretary shall credit toward the non-Federal share of the cost of the project described in subsection (a) the cost of design and construction work carried out by the non-Federal interests before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(d) In carrying out subsection (a), the Secretary shall consider current any data collected for the project described in that subsection.

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**SA 4798.** Mr. REID (for Mr. SCHUMER (for himself and Mr. MCCAIN)) proposed an amendment to the bill S. 431, to require convicted sex offenders to register online identifiers, and for other purposes; as follows:

On page 2, line 3, strike ''2007'' and insert ''2008''.

On page 2, line 4, strike ''2007'' and insert ''2008''.

On page 2, lines 18 and 19, strike '', instant message address,''.

On page 2, line 20, strike ''an''.

On page 2, strike line 22, and all that follows through page 3, line 5, and insert the following:

(b) UPDATING OF INFORMATION.—Section 113(c) of the Sex Offender Registration and Notification Act (42 U.S.C. 16913(c)) is amended by adding at the end the following: ''The Attorney General shall have the authority to specify the time and manner for reporting of other changes in registration information, including any addition or change of an electronic mail address or other designation used for self-identification or routing in Internet communication or posting.''.

On page 3, strike line 12 and all that follows through page 4, line 3, and insert the following:

''(d) KNOWING FAILURE TO REGISTER ONLINE IDENTIFIERS.—Whoever—

''(1) is required to register under the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.); and

''(2) uses an email address or any other designation used for self-identification or routing in Internet communication or posting which the individual knowingly failed to provide for inclusion in a sex offender registry as required under that Act;

shall be fined under this title or imprisoned not more than 10 years, or both.''.

On page 4, strike lines 11 through 13, and insert the following:

**SEC. 3. CHECKING OF ONLINE IDENTIFIERS AGAINST SEX OFFENDER REGISTRATION INFORMATION.**

On page 4, line 23 strike '', instant'' and all that follows through ''offender'' on line 25, and insert ''or designation used for self-identification or routing in Internet communication or posting''.

On page 5, strike line 1 and all that follows through page 9, line 6, and insert the following:

(b) ONLINE IDENTIFIER CHECKING SYSTEM FOR SOCIAL NETWORKING WEBSITES.—Section 121 of the Sex Offender Registration and Notification Act (42 U.S.C. 16921) is amended by adding at the end the following:

''(d) CHECKING SYSTEM FOR SOCIAL NETWORKING WEBSITES.—

''(1) IN GENERAL.—The Attorney General shall maintain a system available to social networking websites that permits the automated comparison of lists or databases of the electronic mail addresses and other designations used for self-identification or routing in Internet communication or posting of the registered users of such websites, to the corresponding information contained in or derived from sex offender registries.

''(2) QUALIFICATION FOR USE OF SYSTEM.—A social networking website seeking to use the system established under paragraph (1) shall submit an application to the Attorney General which provides—

''(A) the name and legal status of the website;

''(B) the contact information for the website;

''(C) a description of the nature and operations of the website;

''(D) a statement explaining why the website seeks to use the system; and

''(E) such other information or attestations as the Attorney General may require to ensure that the website will use the system—

''(i) to protect the safety of the users of such website; and

''(ii) not for any unlawful or improper purpose.

''(3) SEARCHES AGAINST THE SYSTEM.—

''(A) IN GENERAL.—A social networking website approved to use the system established under paragraph (1) shall—

''(i) submit the information to be compared in a form satisfying the technical requirements for searches against the system; and

''(ii) pay any fee established by the Attorney General for use of the system.

''(B) FREQUENCY OF USE OF THE SYSTEM.—A social networking website approved by the Attorney General to use the system established under paragraph (1) may conduct searches under the system as frequently as the Attorney General may allow.

''(C) AUTHORITY OF AG TO SUSPEND USE.—The Attorney General may deny, suspend, or terminate use of the system by a social networking website that—

''(i) provides false information in its application for use of the system; or

''(ii) may be using or seeks to use the system for any unlawful or improper purpose.

''(4) LIMITATION ON RELEASE OF INTERNET IDENTIFIERS.—

''(A) NO PUBLIC RELEASE.—Neither the Attorney General nor a social networking website approved to use the system established under paragraph (1) may release to the public any list of the e-mail addresses or other designations used for self-identification or routing in Internet communication or posting of sex offenders contained in the system.

''(B) ADDITIONAL LIMITATIONS.—The Attorney General shall limit the release of information obtained through the use of the system established under paragraph (1) by social networking websites approved to use such system.

''(C) STRICT ADHERENCE TO LIMITATION.—The use of the system established under paragraph (1) by a social networking website shall be conditioned on the website's agreement to observe the limitations required under this paragraph.

''(D) RULE OF CONSTRUCTION.—This subsection shall not be construed to limit the authority of the Attorney General under any other provision of law to conduct or to allow searches or checks against sex offender registration information.''.

On page 9, line 9, strike ''commercial''.

On page 9, line 10, insert ''parent,''after ''employee,''.

On page 9, line 11, strike ''commercial''.

On page 9, line 17, strike ''commercial''.

On page 9, line 19, strike ''commercial''.

On page 10, line 10, strike ''commercial''.

On page 10, line 16, strike ''commercial''.

On page 10, lines 19 and 20, strike '', instant message addresses,''.

On page 10, lines 20 and 21, strike ''and other similar Internet identifiers of'' and insert ''and other designations used for self-identification or routing in Internet communication or posting by''.

On page 10, line 25, strike ''commercial''.

On page 11, lines 2 and 3, strike '', instant message addresses,''.

On page 11, lines 3 and 4, strike ''and other similar Internet identifiers of'' and insert ''and other designations used for self-identification or routing in Internet communication or posting by''.

On page 11, line 21, strike ''commercial''.

On page 11, line 22, strike ''a commercially operated'' and insert ''an''.

On page 12, line 8, strike '', such as a forum'' and all that follows through ''messenger'' on line 9.

On page 12, strike lines 15 through 19.

On page 12, line 20, strike ''(17)'' and insert ''(16)''.

On page 12, line 23, strike ''(18)'' and insert ''(17)''.

On page 13, strike line 3 and all that follows through the first period on line 6.

On page 13, strike line 10 and all that follows through page 14, line 13, and insert the following:

Section 2422 of title 18, United States Code, is amended by adding at the end the following:

''(c) MISREPRESENTATION OF AGE.—Whoever knowingly misrepresents his or her age using the Internet or any other facility or means of interstate or foreign commerce or the mail, with the intent to further or facilitate a violation of this section, shall be fined under this title and imprisoned not more than 20 years. A sentence imposed under this subsection shall be in addition and consecutive to any sentence imposed for the offense the age misrepresentation was intended to further or facilitate.''.

On page 14, line 15, strike ''**WATCH**'' and insert ''**VIEW**''.

On page 15, line 21, strike ''and''.

On page 15, between lines 21 and 22, insert the following:

(C) in subsection (c), by striking ''computer'' each place that term appears and inserting ''using any means or facility of interstate or foreign commerce''; and

On page 15, line 22, strike ''(C)'' and insert ''(D)''.

On page 16, line 15, strike ''and''.

On page 16, between lines 15 and 16, insert the following:

(C) in paragraph (3)—

(i) by inserting ''using any means or facility of interstate or foreign commerce'' after ''so shipped or transported''; and

(ii) by striking ''by any means,''; and

On page 16, line 16, strike ''(C)'' and insert ''(D)''.

On page 16, between lines 23 and 24, insert the following:

(B) in paragraph (2), by inserting ''using any means or facility of interstate or foreign commerce'' after ''mailed, or'' each place it appears;

On page 16, line 24, strike ''(B)'' and insert ''(C)''.

On page 17, line 3, strike ''(C)'' and insert ''(D)''.

On page 17, line 7, strike ''(D)'' and insert ''(E)''.

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**SA 4799.** Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4789 proposed by Mr. REID to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 101, line 16, strike ''$73,000,000'' and insert ''$70,000,000''.

On page 101, line 23, strike '', and not'' and all that follows through ''designees:'' on page 102, line 1, and insert a colon.

On page 103, line 1, strike ''$3,000,000'' and insert ''$6,000,000''.

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**SA 4800.** Mr. WARNER (for himself, Mr. WEBB, Mr. HAGEL, Mr. LEVIN, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. PILOT PROGRAM ON TRANSFERABILITY OF POST-9/11 VETERANS EDUCATIONAL ASSISTANCE BY CERTAIN MEMBERS OF THE ARMED FORCES.**

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense may carry out a pilot program to assess the feasability and advisability, for purposes of enhancing the recruitment and retention of members of the Armed Forces, of authorizing the Secretaries of the military departments to permit an individual described in subsection (c) who is entitled to educational assistance under chapter 33 of title 38, United States Code (as added by section _____ of this Act), to elect to transfer to one or more of the dependents specified in subsection (d) a portion of such individual's entitlement to such assistance, subject to the limitation in subsection (e).

(b) DURATION OF PILOT PROGRAM.—An individual may not be approved to transfer educational assistance under the pilot program under this section after the end of the two-year period beginning on the date of the commencement of the pilot program.

(c) ELIGIBLE INDIVIDUALS.—An individual described in this subsection is a member of the Armed Forces who, at the time of the approval by the Secretary of the military department concerned of the individual's request to transfer entitlement to educational assistance under the pilot program under this section—

(1) has completed at least four years of service in the Armed Forces;

(2) meets such other requirements as the Secretary of Defense may prescribe for purposes of this section; and

(3) enters into an agreement to serve at least six more years as a member of the Armed Forces.

(d) ELIGIBLE DEPENDENTS.—An individual approved to transfer an entitlement to educational assistance under the pilot program under this section may transfer the individual's entitlement as follows:

(1) To the individual's spouse.

(2) To one or more of the individual's children.

(3) To a combination of the individuals referred to in paragraphs (1) and (2).

(e) LIMITATION ON MONTHS OF TRANSFER.—

(1) IN GENERAL.—Except as provided in paragraph (2), the total number of months of entitlement transferrable by an individual under the pilot program under this section may not exceed 18 months.

(2) ADDITIONAL MONTHS TRANSFERRABLE AFTER CERTAIN SERVICE.—The total number of months of entitlement transferrable under the pilot program by an individual who serves at least 10 years of service in the Armed Forces may not exceed 36 months.

(f) DESIGNATION OF TRANSFEREE.—An individual transferring entitlement to educational assistance under the pilot program under this section shall—

(1) designate the dependent or dependents to whom such entitlement is being transferred;

(2) designate the number of months of such entitlement to be transferred to each such dependent; and

(3) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

(g) TIME FOR TRANSFER; REVOCATION AND MODIFICATION.—

(1) TIME FOR TRANSFER.—Subject to the time limitation for use of entitlement under

section 3321 of title 38, United State Code (as so added), an individual approved to transfer entitlement to educational assistance under the pilot program under this section may transfer such entitlement at any time after the approval of the individual's request to transfer such entitlement without regard to whether the individual is a member of the Armed Forces when the transfer is executed or the authority for approvals of transfers of entitlement has ceased under subsection (b).

(2) MODIFICATION OR REVOCATION.—

(A) IN GENERAL.—An individual transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred.

(B) NOTICE.—The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary of the military department concerned and the Secretary of Veterans Affairs.

(3) PROHIBITION ON TREATMENT OF TRANSFERRED ENTITLEMENT AS MARITAL PROPERTY.—Entitlement transferred under this section may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.

(h) COMMENCEMENT OF USE.—A dependent to whom entitlement to educational assistance is transferred under the pilot program under this section may not commence the use of the transferred entitlement until—

(1) in the case of entitlement transferred to either a spouse or a child, the completion by the individual making the transfer of four years of service in the Armed Forces; and

(2) in the case of entitlement transferred to a child—

(A) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

(B) the attainment by the child of 18 years of age.

(i) ADDITIONAL ADMINISTRATIVE MATTERS.—

(1) NATURE OF TRANSFERRED ENTITLEMENT.—Except as provided under subsection (f)(2) and subject to the provisions of this subsection, a dependent to whom entitlement is transferred under the pilot program this section is entitled to educational assistance under chapter 33 of title 38, United States Code (as so added), in the same manner as the individual from whom the entitlement was transferred.

(2) RATE OF PAYMENT.—Educational assistance payable to a dependent to whom entitlement is transferred under this section shall be payable at the same rate as such entitlement would otherwise be payable under chapter 33 of title 38, United States Code (as so added), to the individual making the transfer.

(3) USE.—The use of any entitlement to educational assistance transferred under this section shall be charged against the entitlement of the individual making the transfer at the rate of one month for each month of transferred entitlement that is used (as determined pursuant to regulations prescribed by the Secretary of Veterans Affairs for purposes of this section) by the dependent concerned.

(4) DEATH OF TRANSFERROR.—The death of an individual transferring entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.

(5) LIMITATION ON AGE OF USE BY CHILD TRANSFEREES.—A child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

(6) SCOPE OF USE BY TRANSFEREES.—The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

(7) ADDITIONAL ADMINISTRATIVE PROVISIONS.—The administrative provisions of chapter 33 of title 38, United States Code (as so added), shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible individual for purposes of such provisions.

(j) OVERPAYMENT.—

(1) JOINT AND SEVERAL LIABILITY.—In the event of an overpayment of educational assistance with respect to a dependent to whom entitlement is transferred under the pilot program under this section, the dependent and the individual making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of title 38, United States Code.

(2) FAILURE TO COMPLETE SERVICE AGREEMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), if an individual transferring entitlement under this section fails to complete the service agreed to by the individual under subsection (c)(3) in accordance with the terms of the agreement of the individual under that subsection, the amount of any transferred entitlement under this section that is used by a dependent of the individual as of the date of such failure shall be treated as an overpayment of educational assistance under paragraph (1).

(B) EXCEPTION.—Subparagraph (A) shall not apply in the case of an individual who fails to complete service agreed to by the individual—

(i) by reason of the death of the individual; or

(ii) for a reason referred to in section 3311(c)(4) of this title (as so added).

(k) REGULATIONS.—The Secretary of Veterans Affairs shall prescribe regulations for purposes of the pilot program under this section. Such regulations shall specify the following:

(1) The manner and effect of an election to modify or revoke a transfer of entitlement under subsection (g)(2).

(2) The manner of determining the rates of educational assistance payable to dependents for purposes of subsection (i)(2) and of determining the charge against entitlement of transferring individuals for educational assistance utilized by dependents for purposes of subsection (i)(3).

(3) The manner of the applicability of the administrative provisions referred to in subsection (i)(7) to a dependent to whom entitlement is transferred under this section.

(l) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the cessation under subsection (b)(2) of approvals for transfer of entitlement under the pilot program under this section, the Secretary of Defense shall submit to Congress a report on the pilot program.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the use of the authorities under the pilot program by the Secretaries of the military departments.

(B) An assessment of the utility of the authorities under the pilot program in enhancing recruitment and retention of members of the Armed Forces.

(C) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

(m) SECRETARY OF A MILITARY DEPARTMENT DEFINED.—In this section, the term ''Secretary of a military department'', with respect to the Coast Guard, means the Secretary of Defense or the Secretary of Homeland Security when the Coast Guard is not operating as a service in the Navy.

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**SA 4801.** Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 4789 proposed by Mr. REID to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill (amendment #4789) include the following:

''SEC.____. Section 433 of Division F of P.L. 110–161 is hereby repealed. Notwithstanding the Energy Policy Act of 2005 (Public Law 109–58), the Secretary of the Interior shall not issue any final regulations pursuant to subsection 369(d) of such Act sooner than 90 days after publication of proposed regulations pursuant to such subsection and shall not conduct a competitive oil shale lease sale pursuant to subsection 369(e) of such Act prior to December 31, 2011.''

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**SA 4802.** Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 4789 proposed by Mr. REID to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill (amendment #4789) insert the following:

''SEC.____. Funds provided in this Act for the Department of the Interior shall be used to prepare and publish final regulations regarding a commercial leasing program for oil shale resources on public lands pursuant to subsection 369(d) of the Energy Policy Act of 2005 (Public Law 109–58).''

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**SA 4803.** Mr. REID proposed an amendment to the House amendment numbered 2 to the amendment of the Senate to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

In lieu of the language proposed to be inserted, insert the following:

TITLE I

OTHER SECURITY, MILITARY CONSTRUCTION, AND INTERNATIONAL MATTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for ''Public Law 480 Title II Grants'', $850,000,000, to remain available until expended.

For an additional amount for ''Public Law 480 Title II Grants'', $395,000,000, to become available on October 1, 2008, and to remain available until expended.

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of the Inspector General, $4,000,000, to remain available until September 30, 2009.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'', $1,648,000, to remain available until September 30, 2009.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for ''Salaries and Expenses, United States Attorneys'', $5,000,000, to remain available until September 30, 2009.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $18,621,000, to remain available until September 30, 2009.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $164,965,000, to remain available until September 30, 2009.

For an additional amount for ''Salaries and Expenses'', $82,600,000 to become available on October 1, 2008 and to remain available until September 30, 2009.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $22,666,000, to remain available until September 30, 2009.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $4,000,000, to remain available until September 30, 2009.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $9,100,000, to remain available until September 30, 2009.

CHAPTER 3

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $1,170,200,000: *Provided,* That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further,* That of the funds made available under this heading, $1,033,000,000 shall remain available until September 30, 2009, and $137,200,000 shall remain available until September 30, 2012: *Provided further,* That funds made available under this heading for military construction projects in Iraq shall not be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that none of the funds are to be used for the purpose of providing facilities for the permanent basing of U.S. military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $300,084,000: *Provided,* That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further,* That of the funds made available under this heading, $270,785,000 shall remain available until September 30, 2009, and $29,299,000 shall remain available until September 30, 2012.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $361,900,000: *Provided,* That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further,* That of the funds made available under this heading, $324,300,000 shall remain available until September 30, 2009, and $37,600,000 shall remain available until September 30, 2012: *Provided further,* That funds made available under this heading for military construction projects in Iraq shall not be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that none of the funds are to be used for the purpose of providing facilities for the permanent basing of U.S. military personnel in Iraq.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for ''Military Construction, Defense-Wide'', $27,600,000, to remain available until September 30, 2009: *Provided,* That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Family Housing Construction, Navy and Marine Corps'', $11,766,000, to remain available until September 30, 2012: *Provided,* That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $1,202,886,000, to remain available until expended.

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for ''General Operating Expenses'', $100,000,000, to remain available until expended.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for ''Information Technology Systems'', $20,000,000, to remain available until expended.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for ''Construction, Major Projects'', $437,100,000, to remain available until expended, which shall be for acceleration and completion of planned major construction of Level I polytrauma rehabilitation centers as identified in the Department of Veterans Affairs' Five Year Capital Plan: *Provided,* That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical facility construction not otherwise authorized by law: *Provided further,* That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Army'', there is hereby appropriated an additional $70,600,000, to remain available until September 30, 2012, for the acceleration and completion of child development center construction as proposed in the fiscal year 2009 budget request for the Department of the Army: *Provided,* That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1302. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Navy and Marine Corps'', there is hereby appropriated an additional $89,820,000, to remain available until September 30, 2012, for the acceleration and completion of child development and youth center construction as proposed in the fiscal year 2009 budget request for the Department of the Navy: *Provided,* That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1303. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Air Force'', there is hereby appropriated an additional $8,100,000, to remain available until September 30, 2012, for the acceleration and completion of child development center construction as proposed in the fiscal year 2009 budget request for the Department of the Air Force: *Provided,* That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1304. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Army'', there is hereby appropriated an additional $200,000,000, to remain available until September 30, 2012, to accelerate barracks improvements at Department of the Army installations: *Provided,* That such funds may be obligated and expended to carry out planning and design and barracks construction not otherwise authorized by law: *Provided further,* That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for barracks construction prior to obligation.

SEC. 1305. COLLECTION OF CERTAIN INDEBTEDNESS OF MEMBERS OF THE ARMED FORCES AND VETERANS WHO DIE OF INJURY INCURRED OR AGGRAVATED IN SERVICE IN THE LINE OF DUTY IN A COMBAT ZONE. (a) LIMITATION ON AUTHORITY.—

(1) IN GENERAL.—Chapter 53 of title 38, United States Code, is amended by inserting after section 5302 the following new section:

**''§ 5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone**

''(a) LIMITATION ON AUTHORITY.—The Secretary may not collect all or any part of an amount owed to the United States by a member of the Armed Forces or veteran described in subsection (b) under any program under the laws administered by the Secretary, other than a program referred to in subsection (c), if the Secretary determines that termination of collection is in the best interest of the United States.

''(b) COVERED INDIVIDUALS.—A member of the Armed Forces or veteran described in this subsection is any member or veteran who dies as a result of an injury incurred or aggravated in the line of duty while serving in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) in a war or in combat against a hostile force during a period of hostilities (as that term is defined in section 1712A(a)(2)(B) of this title) after September 11, 2001.

''(c) INAPPLICABILITY TO HOUSING AND SMALL BUSINESS BENEFIT PROGRAMS.—The limitation on authority in subsection (a) shall not apply to any amounts owed the United States under any program carried out under chapter 37 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of

such title is amended by inserting after the item relating to section 5302 the following new item:

''5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone.''.

(b) EQUITABLE REFUND.—In any case where all or any part of an indebtedness of a covered individual, as described in section 5302A(a) of title 38, United States Code, as added by subsection (a)(1), was collected after September 11, 2001, and before the date of the enactment of this Act, and the Secretary of Veterans Affairs determines that such indebtedness would have been terminated had such section been in effect at such time, the Secretary may refund the amount so collected if the Secretary determines that the individual is equitably entitled to such refund.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to collections of indebtedness of members of the Armed Forces and veterans who die on or after September 11, 2001.

(d) SHORT TITLE.—This section may be cited as the ''Combat Veterans Debt Elimination Act of 2008''.

CHAPTER 4

SUBCHAPTER A—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'', $1,413,700,000, to remain available until September 30, 2009, of which $212,400,000 for worldwide security protection is available until expended: *Provided,* That not more than $1,095,000,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq: *Provided further,* That of the funds appropriated under this heading, not more than $30,000,000 shall be made available to establish and implement a coordinated civilian response capacity at the United States Department of State: *Provided further*, That of the funds appropriated under this heading, up to $5,000,000 shall be made available to establish a United States Consulate in Lhasa, Tibet: *Provided further*, That the Department of State shall not consent to the opening of a consular post in the United States by the People's Republic of China until such time as a United States Consulate in Lhasa, Tibet is established.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of Inspector General'', $12,500,000, to remain available until September 30, 2009: *Provided,* That $2,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and up to $5,000,000 may be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for ''Educational and Cultural Exchange Programs'', $10,000,000, to remain available until September 30, 2009, of which $5,000,000 shall be for programs and activities in Africa, and $5,000,000 shall be for programs and activities in the Western Hemisphere.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'', $76,700,000, to remain available until expended, for facilities in Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for ''Contributions to International Organizations'', $66,000,000, to remain available until September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'', $383,600,000, to remain available until September 30, 2009, of which $333,600,000 shall be made available for the United Nations-African Union Hybrid Mission in Darfur.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'', $3,000,000, to remain available until September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $240,000,000, to remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $149,500,000, to remain available until September 30, 2009: *Provided,* That of the funds appropriated under this heading, not more than $25,000,000 shall be made available to establish and implement a coordinated civilian response capacity at the United States Agency for International Development.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', $4,000,000, to remain available until September 30, 2009.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $1,962,500,000, to remain available until September 30, 2009, of which not more than $398,000,000 may be made available for assistance for Iraq, $150,000,000 shall be made available for assistance for Jordan to meet the needs of Iraqi refugees, and up to $53,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law: *Provided,* That not more than $200,000,000 of the funds appropriated under this heading in this subchapter shall be made available for assistance for the West Bank: *Provided further,* That funds made available pursuant to the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That the funds made available under this heading for energy-related assistance for North Korea may be made available to support the goals of the Six Party Talks Agreements after the Secretary of State determines and reports to the Committees on Appropriations that North Korea is continuing to fulfill its commitments under such agreements.

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for ''Democracy Fund'', $76,000,000, to remain available until September 30, 2009, of which $75,000,000 shall be for democracy programs in Iraq and $1,000,000 shall be for democracy programs in Chad.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $520,000,000, to remain available until September 30, 2009, of which not more than $25,000,000 shall be made available for security assistance for the West Bank: *Provided,* That of the funds appropriated under this heading, $1,000,000 shall be made available for the Office of the United Nations High Commissioner for Human Rights in Mexico.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $330,500,000, to remain available until expended.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for ''United States Emergency Refugee and Migration Assistance Fund'', $36,608,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $10,000,000, to remain available until September 30, 2009.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $10,000,000, to remain available until September 30, 2009.

SUBCHAPTER B—BRIDGE FUND APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'', $652,400,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: *Provided,* That of the funds appropriated under this heading, $78,400,000 is for worldwide security protection and shall remain available until expended: *Provided further,* That not more than $500,000,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of Inspector General'', $57,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: *Provided,* That $36,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight and up to $5,000,000 shall be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'', $41,300,000, which shall become available on October 1, 2008 and remain available until expended, for facilities in Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for ''Contributions to International Organizations'', $75,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'', $150,500,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'', $6,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for ''Global Health and Child Survival'', $75,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, for programs to combat avian influenza.

DEVELOPMENT ASSISTANCE

For an additional amount for ''Development Assistance'', $200,000,000, for assistance for developing countries to address the international food crisis notwithstanding any other provision of law, which shall become available on October 1, 2008 and remain available through September 30, 2010: *Provided,* That such assistance should be carried out consistent with the purposes of section 103(a)(1) of the Foreign Assistance Act of 1961: *Provided further,* That not more than $50,000,000 should be made available for local or regional purchase and distribution of food: *Provided further,* That the Secretary of State shall submit to the Committees on Appropriations not later than 45 days after enactment of this Act, and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of such funds to alleviate hunger and malnutrition, including a list of those countries facing significant food shortages.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $200,000,000, which shall become available on October 1, 2008 and remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $93,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', $1,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $1,132,300,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which not more than $110,000,000 may be made available for assistance for Iraq, $100,000,000 shall be made available for assistance for Jordan, not more than $455,000,000 may be made available for assistance for Afghanistan, not more than $150,000,000 may be made available for assistance for Pakistan, not more than $150,000,000 shall be made available for assistance for the West Bank, and $15,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $151,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which not more than $50,000,000 shall be made available for security assistance for the West Bank.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $350,000,000, which shall become available on October 1, 2008 and remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $4,500,000, for humanitarian demining assistance for Iraq, which shall become available on October 1, 2008 and remain available through September 30, 2009.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $145,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which $100,000,000 shall be made available for assistance for Jordan: *Provided,* That section 3802(c) of title III, chapter 8 of Public of Law 110–28 shall apply to funds made available under this heading for assistance for Lebanon.

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $85,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

SUBCHAPTER C—GENERAL PROVISIONS—THIS CHAPTER

EXTENSION OF AUTHORITIES

SEC. 1401. Funds appropriated by this chapter may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Year 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

IRAQ

SEC. 1402. (a) ASSET TRANSFER AGREEMENT.—

(1) None of the funds appropriated by this chapter for infrastructure maintenance activities in Iraq may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that the Governments of the United States and Iraq have entered into, and are implementing, an asset transfer agreement that includes commitments by the Government of Iraq to maintain United States-funded infrastructure in Iraq.

(2) None of the funds appropriated by this chapter may be made available for the construction of prison facilities in Iraq.

(b) ANTI-CORRUPTION.—None of the funds appropriated by this chapter for rule of law programs in Iraq may be made available for assistance for the Government of Iraq until the Secretary of State certifies and reports to the Committees on Appropriations that a comprehensive anti-corruption strategy has been developed, and is being implemented, by the Government of Iraq, and the Secretary of State submits a list, in classified form if necessary, to the Committees on Appropriations of senior Iraqi officials who the Secretary has credible evidence to believe have committed corrupt acts.

(c) PROVINCIAL RECONSTRUCTION TEAMS.—None of the funds appropriated by this chapter for the operational or program expenses of Provincial Reconstruction Teams (PRTs) in Iraq may be made available until the Secretary of State submits a report to the Committees on Appropriations detailing—

(1) the strategy for the eventual winding down and close out of PRTs;

(2) anticipated costs associated with PRT operations, programs, and eventual winding down and close out, including security for PRT personnel and anticipated Government of Iraq contributions; and

(3) anticipated placement and cost estimates of future United States Consulates in Iraq.

(d) COMMUNITY STABILIZATION PROGRAM.—None of the funds appropriated by this chapter for the Community Stabilization Program in Iraq may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that the United States Agency for International Development is implementing recommendations contained in Office of Inspector General Audit Report No. E–267–08–001–P to ensure accountability of funds.

(e) MATCHING REQUIREMENT.—

(1) Notwithstanding any other provision of law, funds appropriated by this chapter for assistance for Iraq shall be made available only to the extent that the Government of Iraq matches such assistance on a dollar-for-dollar basis.

(2) Subsection (e)(1) shall not apply to funds made available for—

(A) grants and cooperative agreements for programs to promote democracy and human rights;

(B) the Community Action Program and other assistance through civil society organizations;

(C) humanitarian demining; or

(D) assistance for refugees, internally displaced persons, and civilian victims of the military operations.

(3) The Secretary of State shall certify to the Committees on Appropriations prior to the initial obligation of funds pursuant to this section that the Government of Iraq has committed to obligate matching funds on a dollar-for-dollar basis. The Secretary shall submit a report to the Committees on Appropriations not later than September 30, 2008 and 180 days thereafter, detailing the amounts of funds obligated and expended by the Government of Iraq to meet the requirements of this section.

(4) Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the amounts provided by the Government of Iraq since June 30, 2004, to assist Iraqi refugees in Syria, Jordan, and elsewhere, and the amount of such assistance the Government of Iraq plans to provide in fiscal year 2008. The Secretary shall work expeditiously with the Government of Iraq to establish an account within its annual budget sufficient to, at a minimum, match United States contributions on a dollar-for-dollar basis to organizations and programs for the purpose of assisting Iraqi refugees.

(f) VETTING.—Prior to the initial obligation of funds appropriated for assistance for Iraq in this chapter, the Secretary of State shall, in consultation with the heads of other Federal departments and agencies, take appropriate steps to ensure that such funds are

not provided to or through any individual, private entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, or engages in, terrorist activities.

(g) IRAQ RELIEF AND RECONSTRUCTION FUND.—

(1) Notwithstanding any other provision of law, the expired balances of funds appropriated or otherwise made available under the heading ''Iraq Relief and Reconstruction Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs shall be rescinded.

(2) None of the funds made available under the heading ''Iraq Relief and Reconstruction Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs may be reprogrammed for any purpose other than that previously notified to the Committees on Appropriations prior to April 30, 2008, and none of such funds may be made available to initiate any new projects or activities.

(3) Not later than 30 days after enactment of this Act, the Secretary of State shall report to the Committees on Appropriations on the balances of obligated funds referenced in subsection (g)(1), and estimates of the amount of funds required to close out ongoing projects or for outstanding claims.

AFGHANISTAN

SEC. 1403. (a) ASSISTANCE FOR WOMEN AND GIRLS.—Funds appropriated by this chapter under the heading ''Economic Support Fund'' that are available for assistance for Afghanistan shall be made available, to the maximum extent practicable, through local Afghan provincial and municipal governments and Afghan civil society organizations and in a manner that emphasizes the participation of Afghan women and directly improves the economic, social and political status of Afghan women and girls.

(b) HIGHER EDUCATION.—Of the funds appropriated by this chapter under the heading ''Economic Support Fund'' that are made available for education programs in Afghanistan, not less than 50 percent shall be made available to support higher education and vocational training programs in law, accounting, engineering, public administration, and other disciplines necessary to rebuild the country, in which the participation of women is emphasized.

(c) CIVILIAN ASSISTANCE.—Of the funds appropriated by this chapter under the heading ''Economic Support Fund'' that are available for assistance for Afghanistan, not less than $10,000,000 shall be made available for continued support of the United States Agency for International Development's Afghan Civilian Assistance Program, and not less than $2,000,000 shall be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund.

(d) ANTI-CORRUPTION.—Not later than 90 days after the enactment of this Act, the Secretary of State shall—

(1) submit a report to the Committees on Appropriations on actions being taken by the Government of Afghanistan to combat corruption within the national and provincial governments, including to remove and prosecute officials who have committed corrupt acts;

(2) submit a list to the Committees on Appropriations, in classified form if necessary, of senior Afghan officials who the Secretary has credible evidence to believe have committed corrupt acts; and

(3) certify and report to the Committees on Appropriations that effective mechanisms are in place to ensure that assistance to national government ministries and provincial governments will be properly accounted for.

WAIVER OF CERTAIN SANCTIONS AGAINST NORTH KOREA

SEC. 1404. (a) ANNUAL WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (b), the President may waive in whole or in part, with respect to North Korea, the application of any sanction under section 102(b) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)), for the purpose of—

(A) assisting in the implementation and verification of the compliance by North Korea with its commitment, undertaken in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula; and

(B) promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction and their delivery systems.

(2) DURATION OF WAIVER.—Any waiver issued under this subsection shall expire at the end of the calendar year in which it is issued.

(b) EXCEPTIONS.—

(1) LIMITED EXCEPTION RELATED TO CERTAIN SANCTIONS AND PROHIBITIONS.—The authority under subsection (a) shall not apply with respect to a sanction or prohibition under subparagraph (B), (C), or (G) of section 102(b)(2) of the Arms Export Control Act, unless the President determines and certifies to the appropriate congressional committees that—

(A) all reasonable steps will be taken to assure that the articles or services exported or otherwise provided will not be used to improve the military capabilities of the armed forces of North Korea; and

(B) such waiver is in the national security interests of the United States.

(2) LIMITED EXCEPTION RELATED TO CERTAIN ACTIVITIES.—Unless the President determines and certifies to the appropriate congressional committees that using the authority under subsection (a) is vital to the national security interests of the United States, such authority shall not apply with respect to—

(A) an activity described in subparagraph (A) of section 102(b)(1) of the Arms Export Control Act that occurs after September 19, 2005, and before the date of the enactment of this Act;

(B) an activity described in subparagraph (C) of such section that occurs after September 19, 2005; or

(C) an activity described in subparagraph (D) of such section that occurs after the date of enactment of this Act.

(3) EXCEPTION RELATED TO CERTAIN ACTIVITIES OCCURRING AFTER DATE OF ENACTMENT.—The authority under subsection (a) shall not apply with respect to an activity described in subparagraph (A) or (B) of section 102(b)(1) of the Arms Export Control Act that occurs after the date of the enactment of this Act.

(c) NOTIFICATIONS AND REPORTS.—

(1) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees in writing not later than 15 days before exercising the waiver authority under subsection (a).

(2) ANNUAL REPORT.—Not later than January 31, 2009, and annually thereafter, the President shall submit to the appropriate congressional committees a report that—

(A) lists all waivers issued under subsection (a) during the preceding year;

(B) describes in detail the progress that is being made in the implementation of the commitment undertaken by North Korea, in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula;

(C) discusses specifically any shortcomings in the implementation by North Korea of that commitment; and

(D) lists and describes the progress and shortcomings, in the preceding year, of all other programs promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction or their delivery systems.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives.

MEXICO

SEC. 1405. (a) ASSISTANCE FOR MEXICO.—Of the funds appropriated in subchapter A under the heading ''International Narcotics Control and Law Enforcement'', not more than $350,000,000 may be made available for assistance for Mexico, only to combat drug trafficking and related violence and organized crime, and for judicial reform, anticorruption, and rule of law activities: *Provided*, That none of the funds made available under this section shall be made available for budget support or as cash payments: *Provided further*, That none of the funds made available under this section shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that members and units of the Mexican military and police forces that receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.

(b) ALLOCATION OF FUNDS.—Twenty-five percent of the funds made available by subchapter A for assistance for Mexico under the heading ''International Narcotics Control and Law Enforcement'' may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that:

(1) The Government of Mexico is—

(A) strengthening the legal authority and independence of the National Human Rights Commission;

(B) establishing police complaints commissions with authority and independence to receive complaints and carry out effective investigations;

(C) establishing an independent mechanism, with representation from civil society, to monitor programs to combat drug trafficking and related violence and organized crime, judicial reform, anti-corruption, and rule of law activities to ensure due process and the protection of freedoms of expression, association, and assembly, and rights of privacy, in accordance with Mexican and international law;

(D) is enforcing the prohibition on the use of testimony obtained through torture or other ill-treatment in violation of Mexican and international law;

(E) is ensuring that the Mexican military justice system is transferring all cases involving allegations of human rights violations by military personnel to civilian prosecutors and judicial authorities, and that the armed forces are fully cooperating with civilian prosecutors and judicial authorities in prosecuting and punishing in civilian courts members of the armed forces who have been credibly alleged to have committed such violations; and

(F) is ensuring that federal and state police forces are fully cooperating with prosecutors and judicial authorities in prosecuting and punishing members of the police forces who

have been credibly alleged to have committed violations of human rights.

(2) Civilian prosecutors and judicial authorities are investigating, prosecuting and punishing members of the Mexican military and police forces who have been credibly alleged to have committed human rights violations.

(c) EXCEPTION.—Notwithstanding subsection (b), of the funds made available for assistance for Mexico pursuant to this section, $3,000,000 shall be made available for technical and other assistance to enable the Government of Mexico to implement a unified national registry of federal, state, and municipal police officers, and $5,000,000 should be made available to the Bureau of Alcohol, Tobacco, Firearms and Explosives to deploy special agents in Mexico to support Mexican law enforcement agencies in tracing seized firearms and investigating firearms trafficking cases.

(d) REPORT.—The report required in subsection (b) shall include a description of actions taken with respect to each requirement specified in subsection (b) and the cases or issues brought to the attention of the Secretary of State for which the response or action taken has been inadequate.

(e) NOTIFICATION.—Funds made available for Mexico in subchapter A shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(f) SPENDING PLAN.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for Mexico in subchapter A, which shall include a strategy for combating drug trafficking and related violence and organized crime, judicial reform, preventing corruption, and strengthening the rule of law, with concrete goals, actions to be taken, budget proposals, and anticipated results.

(g) CONSULTATION.—Not later than 90 days after the date of the enactment of this Act, and every 120 days thereafter until September 30, 2010, the Secretary of State shall consult with Mexican and internationally recognized human rights organizations on progress in meeting the requirements described in subsection (b).

CENTRAL AMERICA

SEC. 1406. (a) ASSISTANCE FOR THE COUNTRIES OF CENTRAL AMERICA.—Of the funds appropriated in subchapter A under the headings ''International Narcotics Control and Law Enforcement'' and ''Economic Support Fund'', not more than $100,000,000 may be made available for assistance for the countries of Central America, Haiti, and the Dominican Republic only to combat drug trafficking and related violence and organized crime, and for judicial reform, anti-corruption, and rule of law activities: *Provided,* That of the funds appropriated under the heading ''Economic Support Fund'', $40,000,000 shall be made available through the United States Agency for International Development for an Economic and Social Development Fund for Central America: *Provided further,* That of the funds made available pursuant to this section, $5,000,000 shall be made available for assistance for Haiti and $5,000,000 shall be made available for assistance for the Dominican Republic: *Provided further,* That of the funds made available pursuant to this section that are available for assistance for Guatemala, not less than $1,000,000 shall be made available for a United States contribution to the International Commission Against Impunity in Guatemala: *Provided further,* That none of the funds shall be made available for budget support or as cash payments: *Provided further,* That, with the exception of the first and third provisos in this section, none of the funds shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that members and units of the military and police forces of the countries of Central America, Haiti and the Dominican Republic that receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.

(b) ALLOCATION OF FUNDS.—Twenty-five percent of the funds made available by subchapter A for assistance for the countries of Central America, Haiti and the Dominican Republic under the heading ''International Narcotics Control and Law Enforcement'' may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that the government of such country is—

(1) establishing a police complaints commission with authority and independence to receive complaints and carry out effective investigations;

(2) implementing reforms to improve the capacity and ensure the independence of the judiciary; and

(3) suspending, prosecuting and punishing members of the military and police forces who have been credibly alleged to have committed violations of human rights and corrupt acts.

(c) REPORT.—The report required in subsection (b) shall include actions taken with respect to each requirement and the cases or issues brought to the attention of the Secretary for which the response or action taken has been inadequate.

(d) NOTIFICATION.—Funds made available for assistance for the countries of Central America, Haiti and the Dominican Republic in subchapter A shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(e) SPENDING PLAN.—Not later than 45 days after enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for the countries of Central America, Haiti and the Dominican Republic in subchapter A, which shall include a strategy for combating drug trafficking and related violence and organized crime, judicial reform, preventing corruption, and strengthening the rule of law, with concrete goals, actions to be taken, budget proposals and anticipated results.

(f) CONSULTATION.—Not later than 90 days after the date of enactment of this Act and every 120 days thereafter until September 30, 2010, the Secretary of State shall consult with internationally recognized human rights organizations, and human rights organizations in the countries of Central America, Haiti and the Dominican Republic receiving assistance pursuant to this section, on progress in meeting the requirements described in subsection (b).

(g) DEFINITION.—For the purposes of this section, the term ''countries of Central America'' means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

TECHNICAL PROVISIONS

SEC. 1407. (a) ADMINISTRATIVE EXPENSES.—Of the funds appropriated or otherwise made available under the heading ''Economic Support Fund'' by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), up to $7,800,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development for alternative development programs in the Andean region of South America. These funds may be used to reimburse funds appropriated under the heading ''Operating Expenses of the United States Agency for International Development'' for obligations incurred for the purposes provided under this section prior to enactment of this Act.

(b) AUTHORITY.—Funds appropriated or otherwise made available by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) under the heading ''Economic Support Fund'' that are available for a competitively awarded grant for nuclear security initiatives relating to North Korea shall be made available notwithstanding any other provision of law.

(c) EXTENSION OF AUTHORITY.—Not more than $1,350,000 of the funds appropriated or otherwise made available under the heading ''Foreign Military Financing Program'' by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) that were previously transferred to and merged with ''Diplomatic and Consular Programs'' may be made available for any purposes authorized for that account, of which up to $500,000 shall be made available to increase the capacity of the United States Embassy in Mexico City to vet members and units of Mexican military and police forces that receive assistance made available by this Act and to monitor the uses of such assistance.

(d) REIMBURSEMENTS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall include the provision of sufficient funds to fully reimburse the United States Agency for International Development for the administrative costs, including the cost of direct hire personnel, incurred in implementing and managing the programs and activities under such transfer or allocation. Such funds transferred or allocated to the United States Agency for International Development for administrative costs shall be transferred to and merged with ''Operating Expenses of the United States Agency for International Development''.

(e) EXCEPTION.—Section 8002 of title VIII of this Act shall not apply to this section.

(f) SPENDING AUTHORITY.—Funds made available by this chapter may be expended notwithstanding section 699K of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161).

BUYING POWER MAINTENANCE ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

SEC. 1408. (a) Of the funds appropriated under the heading ''Diplomatic and Consular Programs'' and allocated by section 3810 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28), $26,000,000 shall be transferred to and merged with funds in the ''Buying Power Maintenance Account'': *Provided,* That of the funds made available by this chapter up to an additional $74,000,000 may be transferred to and merged with the ''Buying Power Maintenance Account'', subject to the regular notification procedures of the Committees on

Appropriations and in accordance with the procedures in section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706). Any funds transferred pursuant to this section shall be available, without fiscal year limitation, pursuant to section 24 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696).

(b) Section 24(b)(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)(7)) is amended by amending subparagraph (D) to read as follows:

''(D) The authorities contained in this paragraph may be exercised only with respect to funds appropriated or otherwise made available after fiscal year 2008.''.

SERBIA

SEC. 1409. (a) Of the funds made available for assistance for Serbia under the heading ''Assistance for Eastern Europe and the Baltic States'' by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), an amount equivalent to the costs of damage to the United States Embassy in Belgrade, Serbia, as estimated by the Secretary of State, resulting from the February 21, 2008 attack on such Embassy, shall be transferred to, and merged with, funds provided under the heading ''Embassy Security, Construction, and Maintenance'' to be used for necessary repairs or future construction.

(b) The requirements of subsection (a) shall not apply if the Secretary of State certifies to the Committees on Appropriations that the Government of Serbia has provided full compensation to the Department of State for damages to the United States Embassy in Belgrade, Serbia resulting from the February 21, 2008 attack on such Embassy.

(c) Section 8002 of title VIII of this Act shall not apply to this section.

RESCISSIONS

(INCLUDING RESCISSIONS)

SEC. 1410. (a) WORLD FOOD PROGRAM.—

(1) For an additional amount for a contribution to the World Food Program to assist farmers in countries affected by food shortages to increase crop yields, notwithstanding any other provision of law, $20,000,000, to remain available until expended.

(2) Of the funds appropriated under the heading ''Andean Counterdrug Initiative'' in prior acts making appropriations for foreign operations, export financing, and related programs, $20,000,000 are rescinded.

(b) SUDAN.—

(1) For an additional amount for ''International Narcotics Control and Law Enforcement'', $10,000,000, for assistance for Sudan to support formed police units, to remain available until September 30, 2009, and subject to prior consultation with the Committees on Appropriations.

(2) Of the funds appropriated under the heading ''International Narcotics Control and Law Enforcement'' in prior acts making appropriations for foreign operations, export financing, and related programs, $10,000,000 are rescinded.

(c) MEXICO.—Of the unobligated balances of funds appropriated for ''Iraq Relief and Reconstruction Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs, $50,000,000 are rescinded, notwithstanding section 1402(g) of this Act.

(d) HORN OF AFRICA.—

(1) For an additional amount for ''Economic Support Fund'', $40,000,000 for programs to promote development and counter extremism in the Horn of Africa, to be administered by the United States Agency for International Development, and to remain available until September 30, 2009.

(2) Of the unobligated balances of funds appropriated for ''Iraq Relief and Reconstruction Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs, $40,000,000 are rescinded, notwithstanding section 1402(g) of this Act.

(e) EXCEPTION.—Section 8002 of title VIII of this Act shall not apply to subsections (a) and (b) of this section.

DARFUR PEACEKEEPING

SEC. 1411. Funds appropriated under the headings ''Foreign Military Financing Program'' and ''Peacekeeping Operations'' by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) and by prior Acts making appropriations for foreign operations, export financing, and related programs may be used to transfer or lease helicopters necessary to the operations of the African Union/United Nations peacekeeping operation in Darfur, Sudan, that was established pursuant to United Nations Security Council Resolution 1769. The President may utilize the authority of sections 506 or 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318, 2321j) or section 61 of the Arms Export Control Act (22 U.S.C. 2796) in order to effect such transfer or lease, notwithstanding any other provision of law except for sections 502B(a)(2), 620A and 620J of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(2), 2371, 2378d) and section 40A of the Arms Export Control Act (22 U.S.C. 2780). Any exercise of the authority of section 506 of the Foreign Assistance Act pursuant to this section may include the authority to acquire helicopters by contract.

FOOD SECURITY AND CYCLONE NARGIS RELIEF

(INCLUDING RESCISSION OF FUNDS)

SEC. 1412. (a) For an additional amount for ''International Disaster Assistance'', $225,000,000, to address the international food crisis globally and for assistance for Burma to address the effects of Cyclone Nargis: *Provided*, That not less than $125,000,000 should be made available for the local or regional purchase and distribution of food to address the international food crisis: *Provided further*, That notwithstanding any other provision of law, none of the funds appropriated under this heading may be made available for assistance for the State Peace and Development Council.

(b) Of the unexpended balances of funds appropriated under the heading ''Millennium Challenge Corporation'' in prior Acts making appropriations for foreign operations, export financing and related programs, $225,000,000 are rescinded.

(c) Section 8002 of title VIII of this Act shall not apply to this section.

JORDAN

(INCLUDING RESCISSION OF FUNDS)

SEC. 1413. (a) For an additional amount for ''Economic Support Fund'' for assistance for Jordan, $100,000,000, to remain available until September 30, 2009.

(b) For an additional amount for ''Foreign Military Financing Program'' for assistance for Jordan, $200,000,000, to remain available until September 30, 2009.

(c) Of the unexpended balances of funds appropriated under the heading ''Millennium Challenge Corporation'' in prior Acts making appropriations for foreign operations, export financing, and related programs, $300,000,000 are rescinded.

(d) Section 8002 of title VIII of this Act shall not apply to this section.

ALLOCATIONS

SEC. 1414. (a) Funds provided by this chapter for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the explanatory statement accompanying this Act:

''Diplomatic and Consular Programs''.

''Economic Support Fund''.

(b) Any proposed increases or decreases to the amounts contained in such tables in the statement accompanying this Act shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

REPROGRAMMING AUTHORITY

SEC. 1415. Notwithstanding any other provision of law, to include minimum funding requirements or funding directives, funds made available under the headings ''Development Assistance'' and ''Economic Support Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs may be made available to address critical food shortages, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPENDING PLANS AND NOTIFICATION PROCEDURES

SEC. 1416. (a) SUBCHAPTER A SPENDING PLAN.—Not later than 45 days after the enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in subchapter A, except for funds appropriated under the headings ''International Disaster Assistance'', ''Migration and Refugee Assistance'', and ''United States Emergency Refugee and Migration Assistance Fund''.

(b) SUBCHAPTER B SPENDING PLAN.—The Secretary of State shall submit to the Committees on Appropriations not later than November 1, 2008, and prior to the initial obligation of funds, a detailed spending plan for funds appropriated or otherwise made available in subchapter B, except for funds appropriated under the headings ''International Disaster Assistance'', ''Migration and Refugee Assistance'', and ''United States Emergency Refugee and Migration Assistance Fund''.

(c) NOTIFICATION.—Funds made available in this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

TERMS AND CONDITIONS

SEC. 1417. Unless otherwise provided for in this Act, funds appropriated, or otherwise made available, by this chapter shall be available under the authorities and conditions provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161).

TITLE II

DOMESTIC MATTERS

CHAPTER 1

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the Food and Drug Administration, $265,000,000, to remain available until September 30, 2009: *Provided*, That of the amount provided: (1) $119,000,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $48,500,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $23,500,000 shall be for the Center for Biologics Evaluation and Research and related field activities

in the Office of Regulatory Affairs; (4) $10,700,000 shall be for the Center for Veterinary Medicine and related field activities in the Office of Regulatory Affairs; (5) $35,500,000 shall be for the Center for Devices and Radiological Health and related field activities in the Office of Regulatory Affairs; (6) $6,000,000 shall be for the National Center for Toxicological Research; and (7) $21,800,000 shall be for other activities, including the Office of the Commissioner, the Office of Scientific and Medical Programs; the Office of Policy, Planning and Preparedness; the Office of International and Special Programs; the Office of Operations; and central services for these offices.

BUILDINGS AND FACILITIES

For an additional amount for plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $10,000,000, to remain available until expended.

CHAPTER 2

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

For an additional amount for ''Periodic Censuses and Programs'', $210,000,000, to remain available until expended, for necessary expenses related to the 2010 Decennial Census: *Provided*, That not less than $3,000,000 shall be transferred to the ''Office of Inspector General'' at the Department of Commerce for necessary expenses associated with oversight activities of the 2010 Decennial Census: *Provided further*, That $1,000,000 shall be used only for a reimbursable agreement with the Defense Contract Management Agency to provide continuing contract management oversight of the 2010 Decennial Census.

DEPARTMENT OF JUSTICE

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $50,000,000 for the United States Marshals Service to implement and enforce the Adam Walsh Child Protection and Safety Act (Public Law 109–248) to track down and arrest non-compliant sex offenders.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $178,000,000, to remain available until September 30, 2008.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of Omnibus Crime Control and Safe Street Act of 1968 (''1968 Act''), (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of the 1968 Act, shall not apply for purposes of this Act), $490,000,000, to remain available until September 30, 2008.

For an additional amount for ''State and Local Law Enforcement Assistance'', $100,000,000 for competitive grants to provide assistance and equipment to local law enforcement along the Southern border and in High-Intensity Drug Trafficking Areas to combat criminal narcotic activity stemming from the Southern border, of which $10,000,000 shall be for the ATF Project Gunrunner.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RETURN TO FLIGHT

For necessary expenses, not otherwise provided for, in carrying out return to flight activities associated with the space shuttle and activities from which funds were transferred to accommodate return to flight activities, $200,000,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For additional expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $150,000,000.

EDUCATION AND HUMAN RESOURCES

For additional expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $50,000,000.

CHAPTER 3

DEPARTMENT OF ENERGY

NON-DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for ''Non-Defense Environmental Cleanup'', $5,000,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For an additional amount for ''Uranium Enrichment Decontamination and Decommissioning Fund'', $52,000,000, to remain available until expended.

SCIENCE

For an additional amount for ''Science'', $100,000,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for ''Defense Environmental Cleanup'', $243,000,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

SEC. 2301. INCENTIVES FOR ADDITIONAL DOWNBLENDING OF HIGHLY ENRICHED URANIUM BY THE RUSSIAN FEDERATION. The USEC Privatization Act (42 U.S.C. 2297h et seq.) is amended—

(1) in section 3102, by striking ''For purposes'' and inserting ''Except as provided in section 3112A, for purposes'';

(2) in section 3112(a), by striking ''The Secretary'' and inserting ''Except as provided in section 3112A(d), the Secretary''; and

(3) by inserting after section 3112 the following:

**''SEC. 3112A. INCENTIVES FOR ADDITIONAL DOWNBLENDING OF HIGHLY ENRICHED URANIUM BY THE RUSSIAN FEDERATION.**

''(a) DEFINITIONS.—In this section:

''(1) COMPLETION OF THE RUSSIAN HEU AGREEMENT.—The term 'completion of the Russian HEU Agreement' means the importation into the United States from the Russian Federation pursuant to the Russian HEU Agreement of uranium derived from the downblending of not less than 500 metric tons of highly enriched uranium of weapons origin.

''(2) DOWNBLENDING.—The term 'downblending' means processing highly enriched uranium into a uranium product in any form in which the uranium contains less than 20 percent uranium-235.

''(3) HIGHLY ENRICHED URANIUM.—The term 'highly enriched uranium' has the meaning given that term in section 3102(4).

''(4) HIGHLY ENRICHED URANIUM OF WEAPONS ORIGIN.—The term 'highly enriched uranium of weapons origin' means highly enriched uranium that—

''(A) contains 90 percent or more uranium-235; and

''(B) is verified by the Secretary of Energy to be of weapons origin.

''(5) LOW-ENRICHED URANIUM.—The term 'low-enriched uranium' means a uranium product in any form, including uranium hexafluoride ($UF_6$) and uranium oxide ($UO_2$), in which the uranium contains less than 20 percent uranium-235, without regard to whether the uranium is incorporated into fuel rods or complete fuel assemblies.

''(6) RUSSIAN HEU AGREEMENT.—The term 'Russian HEU Agreement' has the meaning given that term in section 3102(11).

''(7) URANIUM-235.—The term 'uranium-235' means the isotope $^{235}U$.

''(b) STATEMENT OF POLICY.—It is the policy of the United States to support the continued downblending of highly enriched uranium of weapons origin in the Russian Federation in order to protect the essential security interests of the United States with respect to the nonproliferation of nuclear weapons.

''(c) PROMOTION OF DOWNBLENDING OF RUSSIAN HIGHLY ENRICHED URANIUM.—

''(1) INCENTIVES FOR THE COMPLETION OF THE RUSSIAN HEU AGREEMENT.—Prior to the completion of the Russian HEU Agreement, the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation and is not imported pursuant to the Russian HEU Agreement may not exceed the following amounts:

''(A) In each of the calendar years 2008 and 2009, not more than 22,500 kilograms.

''(B) In each of the calendar years 2010 and 2011, not more than 45,000 kilograms.

''(C) In calendar year 2012 and each calendar year thereafter through the calendar year of the completion of the Russian HEU Agreement, not more than 67,500 kilograms.

''(2) INCENTIVES TO CONTINUE DOWNBLENDING RUSSIAN HIGHLY ENRICHED URANIUM AFTER THE COMPLETION OF THE RUSSIAN HEU AGREEMENT.—

''(A) IN GENERAL.—In each calendar year beginning after the calendar year of the completion of the Russian HEU Agreement and before the termination date described in paragraph (8), the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation, whether or not such low-enriched uranium is derived from highly enriched uranium of weapons origin, may not exceed 400,000 kilograms.

''(B) ADDITIONAL IMPORTS.—

''(i) IN GENERAL.—In addition to the amount authorized to be imported under subparagraph (A) and except as provided in clause (ii), 20 kilograms of low-enriched uranium, whether or not such low-enriched uranium is derived from highly enriched uranium of weapons origin, may be imported for every 3 kilograms of Russian highly enriched uranium of weapons origin that was downblended in the preceding calendar year, subject to the verification of the Secretary of Energy under paragraph (10).

''(ii) MAXIMUM ANNUAL IMPORTS.—Not more than 200,000 kilograms of low-enriched uranium may be imported in a calendar year under clause (i).

''(3) EXCEPTION WITH RESPECT TO INITIAL CORES.—The import limitations described in paragraphs (1) and (2) shall not apply to low-enriched uranium produced in the Russian Federation that is imported into the United States for use in the initial core of a new nuclear reactor.

''(4) ANNUAL ADJUSTMENT.—

''(A) IN GENERAL.—Beginning in the second calendar year after the calendar year of the completion of the Russian HEU Agreement, the Secretary of Energy shall increase or decrease the amount of low-enriched uranium that may be imported in a calendar year under paragraph (2) (including the amount of low-enriched uranium that may be imported for each kilogram of highly enriched uranium downblended under paragraph (2)(B)(i)) by a percentage equal to the percentage increase or decrease, as the case may be, in the average amount of uranium loaded into nuclear power reactors in the United States in the most recent 3-calendar-year period for which data are available, as reported by the Energy Information Administration of the Department of Energy, compared to the average amount of uranium loaded into such reactors during the 3-calendar-year period beginning on January 1, 2011, as reported by the Energy Information Administration.

''(B) PUBLICATION OF ADJUSTMENTS.—As soon as practicable, but not later than July 31 of each calendar year, the Secretary of Energy shall publish in the Federal Register the amount of low-enriched uranium that may be imported in the current calendar year after the adjustment under subparagraph (A).

''(5) AUTHORITY FOR ADDITIONAL ADJUSTMENT.—In addition to the annual adjustment under paragraph (4), the Secretary of Commerce may adjust the import limitations under paragraph (2)(A) for a calendar year if the Secretary—

''(A) in consultation with the Secretary of Energy, determines that the available supply of low-enriched uranium from the Russian Federation and the available stockpiles of uranium of the Department of Energy are insufficient to meet demand in the United States in the following calendar year; and

''(B) notifies Congress of the adjustment not less than 45 days before making the adjustment.

''(6) EQUIVALENT QUANTITIES OF LOW-ENRICHED URANIUM IMPORTS.—

''(A) IN GENERAL.—The import limitations described in paragraphs (1) and (2) are expressed in terms of uranium containing 4.4 percent uranium-235 and a tails assay of 0.3 percent.

''(B) ADJUSTMENT FOR OTHER URANIUM.—Imports of low-enriched uranium under paragraphs (1) and (2) shall count against the import limitations described in such paragraphs in amounts calculated as the quantity of low-enriched uranium containing 4.4 percent uranium-235 necessary to equal the total amount of uranium-235 contained in such imports.

''(7) DOWNBLENDING OF OTHER HIGHLY ENRICHED URANIUM.—

''(A) IN GENERAL.—The downblending of highly enriched uranium not of weapons origin may be counted for purposes of paragraph (2)(B) or (8)(B), subject to verification under paragraph (10), if the Secretary of Energy determines that the highly enriched uranium to be downblended poses a risk to the national security of the United States.

''(B) EQUIVALENT QUANTITIES OF HIGHLY ENRICHED URANIUM.—For purposes of determining the additional low-enriched uranium imports allowed under paragraph (2)(B) and for purposes of paragraph (8)(B), highly enriched uranium not of weapons origin downblended pursuant to subparagraph (A) shall count as downblended highly enriched uranium of weapons origin in amounts calculated as the quantity of highly enriched uranium containing 90 percent uranium-235 necessary to equal the total amount of uranium-235 contained in the highly enriched uranium not of weapons origin downblended pursuant to subparagraph (A).

''(8) TERMINATION OF IMPORT RESTRICTIONS AFTER DOWNBLENDING OF AN ADDITIONAL 300 METRIC TONS OF HIGHLY ENRICHED URANIUM.—The provisions of this subsection shall terminate on the later of—

''(A) December 31, 2020; or

''(B) the date on which the Secretary of Energy certifies to Congress that, after the completion of the Russian HEU Agreement, not less than an additional 300 metric tons of Russian highly enriched uranium of weapons origin have been downblended.

''(9) SPECIAL RULE IF IMPORTATION UNDER RUSSIAN HEU AGREEMENT TERMINATES EARLY.—Notwithstanding any other provision of law, no low-enriched uranium produced in the Russian Federation that is not derived from highly enriched uranium of weapons origin, including low-enriched uranium obtained under contracts for separative work units, may be imported into the United States if, before the completion of the Russian HEU Agreement, the Secretary of Energy determines that the Russian Federation has taken deliberate action to disrupt or halt the importation into the United States of low-enriched uranium under the Russian HEU Agreement.

''(10) TECHNICAL VERIFICATIONS BY SECRETARY OF ENERGY.—

''(A) IN GENERAL.—The Secretary of Energy shall verify the origin, quantity, and uranium-235 content of the highly enriched uranium downblended for purposes of paragraphs (2)(B), (7), and (8)(B).

''(B) METHODS OF VERIFICATION.—In conducting the verification required under subparagraph (A), the Secretary of Energy shall employ the transparency measures provided for in the Russian HEU Agreement for monitoring the downblending of Russian highly enriched uranium of weapons origin and such other methods as the Secretary determines appropriate.

''(11) ENFORCEMENT OF IMPORT LIMITATIONS.—The Secretary of Commerce shall be responsible for enforcing the import limitations imposed under this subsection and shall enforce such import limitations in a manner that imposes a minimal burden on the commercial nuclear industry.

''(12) EFFECT ON OTHER AGREEMENTS.—

''(A) RUSSIAN HEU AGREEMENT.—Nothing in this section shall be construed to modify the terms of the Russian HEU Agreement, including the provisions of the Agreement relating to the amount of low-enriched uranium that may be imported into the United States.

''(B) OTHER AGREEMENTS.—If a provision of any agreement between the United States and the Russian Federation, other than the Russian HEU Agreement, relating to the importation of low-enriched uranium into the United States conflicts with a provision of this section, the provision of this section shall supersede the provision of the agreement to the extent of the conflict.

''(d) DOWNBLENDING OF HIGHLY ENRICHED URANIUM IN THE UNITED STATES.—The Secretary of Energy may sell uranium in the jurisdiction of the Secretary, including downblended highly enriched uranium, at fair market value to a licensed operator of a nuclear reactor in the United States—

''(1) in the event of a disruption in the nuclear fuel supply in the United States; or

''(2) after a determination of the Secretary under subsection (c)(9) that the Russian Federation has taken deliberate action to disrupt or halt the importation into the United States of low-enriched uranium under the Russian HEU Agreement.''.

CHAPTER 4

GENERAL PROVISION—THIS CHAPTER

SEC. 2401. VETERANS BUSINESS RESOURCE CENTERS. There are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, $600,000 for the ''Salaries and Expenses'' account of the Small Business Administration, for grants in the amount of $200,000 to veterans business resource centers that received grants from the National Veterans Business Development Corporation in fiscal years 2006 and 2007.

CHAPTER 5

GENERAL PROVISION—THIS CHAPTER

SEC. 2501. For fiscal year 2008, there is appropriated $400,000,000, to remain available until December 31, 2008, for payments described in sections 101, 102(b)(3), and 103(b)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393).

CHAPTER 6

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for ''State Unemployment Insurance and Employment Service Operations'' for grants to the States for the administration of State unemployment insurance, $110,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, to be used for unemployment insurance workloads experienced by the States through September 30, 2008, which shall be available for Federal obligation through December 31, 2008.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for ''Disease Control, Research, and Training'', $26,000,000, for the prevention of and response to medical errors including research, education and outreach activities; of which no less than $5,000,000 shall be for responding to outbreaks of communicable diseases related to the re-use of syringes in outpatient clinics, including reimbursement of local health departments for testing and genetic sequencing of persons potentially exposed.

NATIONAL INSTITUTES OF HEALTH

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of the Director, National Institutes of Health'', $400,000,000.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2601. In addition to amounts otherwise made available for fiscal year 2008, there are appropriated, out of any money in the Treasury not otherwise appropriated, $1,000,000,000 for fiscal year 2008, for making payments under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623).

SEC. 2602. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES. (a) IN GENERAL.—Section 8104 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 189) is amended to read as follows:

**''SEC. 8104. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES.**

''(a) STUDY.—Beginning on the date that is 60 days after the date of enactment of this Act, and every year thereafter until the minimum wage in the respective territory is $7.25 per hour, the Government Accountability Office shall conduct a study to—

''(1) assess the impact of the minimum wage increases that occurred in American

Samoa and the Commonwealth of the Northern Mariana Islands in 2007 and 2008, as required under Public Law 110–28, on the rates of employment and the living standards of workers, with full consideration of the other factors that impact rates of employment and the living standards of workers such as inflation in the cost of food, energy, and other commodities; and

''(2) estimate the impact of any further wage increases on rates of employment and the living standards of workers in American Samoa and the Commonwealth of the Northern Mariana Islands, with full consideration of the other factors that may impact the rates of employment and the living standards of workers, including assessing how the profitability of major private sector firms may be impacted by wage increases in comparison to other factors such as energy costs and the value of tax benefits.

''(b) REPORT.—No earlier than March 15, 2009, and not later than April 15, 2009, the Government Accountability Office shall transmit its first report to Congress concerning the findings of the study required under subsection (a). The Government Accountability Office shall transmit any subsequent reports to Congress concerning the findings of a study required by subsection (a) between March 15 and April 15 of each year.

''(c) ECONOMIC INFORMATION.—To provide sufficient economic data for the conduct of the study under subsection (a)—

''(1) the Department of Labor shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its household surveys and establishment surveys;

''(2) the Bureau of Economic Analysis of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its gross domestic product data; and

''(3) the Bureau of the Census of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its population estimates and demographic profiles from the American Community Survey,

with the same regularity and to the same extent as the Department or each Bureau collects and reports such data for the 50 States. In the event that the inclusion of American Samoa and the Commonwealth of the Northern Mariana Islands in such surveys and data compilations requires time to structure and implement, the Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census (as the case may be) shall in the interim annually report the best available data that can feasibly be secured with respect to such territories. Such interim reports shall describe the steps the Department or the respective Bureau will take to improve future data collection in the territories to achieve comparability with the data collected in the United States. The Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census, together with the Department of the Interior, shall coordinate their efforts to achieve such improvements.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

CHAPTER 7

RELATED AGENCY

AMERICAN BATTLE MONUMENTS COMMISSION

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For an additional amount for ''Foreign Currency Fluctuations Account'', $10,000,000, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

TITLE III

HURRICANES KATRINA AND RITA, AND OTHER NATURAL DISASTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For the purposes of carrying out the Emergency Conservation Program, there is hereby appropriated $49,413,000, to remain available until expended.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for ''Watershed and Flood Prevention Operations'', for emergency recovery operations, $130,464,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

(INCLUDING RESCISSION)

SEC. 3101. Of the funds made available in the second paragraph under the heading ''Rural Utilities Service, Rural Electrification and Telecommunications Loans Program Account'' in chapter 1 of division B of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2746), the Secretary may use an amount not to exceed $1,000,000 of remaining unobligated funds for the cost of loan modifications to rural electric loans made or guaranteed under the Rural Electrification Act of 1936, to respond to damage caused by any weather related events since Hurricane Katrina, to remain available until expended: *Provided,* That $1,000,000 of the remaining unobligated funds under such paragraph are rescinded.

CHAPTER 2

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for economic development assistance as provided by section 3082(a) of the Water Resources Development Act of 2007 (Public Law 110–114), $75,000,000.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'' for necessary expenses related to economic impacts associated with commercial fishery failures, fishery resource disasters, and regulations on commercial fishing industries, $75,000,000.

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for ''State and Local Law Enforcement Assistance'', for discretionary grants authorized by subpart 2 of part E, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as in effect on September 30, 2006, $75,000,000: *Provided,* That the amount made available under this heading shall be for local law enforcement initiatives in the Gulf Coast region related to the aftermath of Hurricane Katrina.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, and for recovery from other natural disasters $5,033,345,000, to remain available until expended: *Provided,* That the Secretary of the Army is directed to use $4,362,000,000 of the funds appropriated under this heading to modify authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas to provide the levels of protection necessary to achieve the certification required for participation in the National Flood Insurance Program under the base flood elevations current at the time of this construction; $1,657,000,000 shall be used for the Lake Pontchartrain and Vicinity; $1,415,000,000 shall be used for the West Bank and Vicinity project; and $1,290,000,000 shall be for elements of the Southeast Louisiana Urban Drainage project, that are within the geographic perimeter of the West Bank and Vicinity and Lake Pontchartrain and Vicinity projects to provide for interior drainage of runoff from rainfall with a 10 percent annual exceedance probability: *Provided further,* That none of this $4,362,000,000 shall become available for obligation until October 1, 2008: *Provided further,* That non-Federal cost allocations for these projects shall be consistent with the cost-sharing provisions under which the projects were originally constructed: *Provided further,* That the $1,315,000,000 non-Federal cost share for these projects shall be repaid in accordance with provisions of section 103(k) of Public Law 99–662 over a period of 30 years: *Provided further,* That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: *Provided further,* That the Secretary of the Army is directed to use $604,745,000 of the funds appropriated under this heading to provide hurricane and storm damage reduction, flood damage reduction and ecosystem restoration along the Gulf Coast of Mississippi and surrounding areas generally as described in the Mobile District Engineer's Mississippi Coastal Improvements Program Comprehensive Plan Report; $173,615,000 shall be used for ecosystem restoration projects; $4,550,000 shall be used for the Moss Point Municipal Relocation project; $5,000,000 shall be used for the Waveland Floodproofing project; $150,000 shall be used for the Mississippi Sound Sub Aquatic Vegetation project; $15,430,000 shall be used for the Coast-wide Dune Restoration project; $397,000,000 shall be used for the Homeowners Assistance and Relocation project; and $9,000,000 shall be used for the Forrest Heights Hurricane and Storm Damage Reduction project: *Provided further,* That none of this $604,745,000 shall become available for obligation until October 1, 2008: *Provided further,* That these projects shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further,* That the $211,661,000 non-Federal cost share for these projects shall be repaid in accordance with the provisions of section 103(k) of Public Law 99–662 over a period of 30 years: *Provided further,* That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds

that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: *Provided further*, That the Secretary of the Army is directed to use $66,600,000 of the funds appropriated under this heading to address emergency situations at Corps of Engineers projects and rehabilitate and repair damages to Corps projects caused by recent natural disasters: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for ''Mississippi River and Tributaries'' for recovery from natural disasters, $17,700,000, to remain available until expended to repair damages to Federal projects caused by recent natural disasters.

OPERATIONS AND MAINTENANCE

For an additional amount for ''Operations and Maintenance'' to dredge navigation channels and repair other Corps projects related to natural disasters, $338,800,000, to remain available until expended: *Provided*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricane Katrina and other hurricanes, and for recovery from other natural disasters, $3,368,400,000, to remain available until expended: *Provided*, That the Secretary of the Army is directed to use $2,926,000,000 of the funds appropriated under this heading to modify, at full Federal expense, authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas; $704,000,000 shall be used to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; $90,000,000 shall be used for stormproofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; $459,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $53,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; $456,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; $412,000,000 shall be used for reinforcing or replacing flood walls, as necessary, in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve the performance of the systems; $393,000,000 shall be used for repair and restoration of authorized protections and floodwalls; $359,000,000 shall be to complete the authorized protection for the Lake Ponchartrain and Vicinity Project and for the West Bank and Vicinity Project: *Provided further*, That none of this $2,926,000,000 shall become available for obligation until October 1, 2008: *Provided further*, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the Secretary of the Army, within available funds, is directed to continue the NEPA alternative evaluation of all options with particular attention to Options 1, 2 and 2a of the report to Congress, dated August 30, 2007, provided in response to the requirements of chapter 3, section 4303 of Public Law 110–28, and within 90 days of enactment of this Act provide the House and Senate Committees on Appropriations cost estimates to implement Options 1, 2 and 2a of the above cited report: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: *Provided further*, That $348,000,000 of the amount provided under this heading shall be used for barrier island restoration and ecosystem restoration to restore historic levels of storm damage reduction to the Mississippi Gulf Coast: *Provided further*, That none of this $348,000,000 shall become available for obligation until October 1, 2008: *Provided further*, That this work shall be carried out at full Federal expense: *Provided further*, That the Secretary of the Army is directed to use $94,400,000 of the funds appropriated under this heading to support emergency operations, to repair eligible projects nationwide, and for other activities in response to recent natural disasters: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

GENERAL EXPENSES

For an additional amount for ''General Expenses'' for increased efforts by the Mississippi Valley Division to oversee emergency response and recovery activities related to the consequences of hurricanes in the Gulf of Mexico in 2005, $1,500,000, to remain available until expended.

CHAPTER 4

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3401. Notwithstanding any other provision of law, and not later than 30 days after the date of submission of a request for a single payment, the Federal Emergency Management Agency shall provide a single payment for any eligible costs under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for any police station, fire station, or criminal justice facility that was damaged by Hurricane Katrina of 2005 or Hurricane Rita of 2005: *Provided*, That nothing in this section may be construed to alter the appeal or review process relating to assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Federal Emergency Management Agency shall not reduce the amount of assistance provided under section 406(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for such facilities.

SEC. 3402. Until such time as the updating of flood insurance rate maps under section 19 of the Flood Modernization Act of 2007 is completed (as determined by the district engineer) for all areas located in the St. Louis District of the Mississippi Valley Division of the Corps of Engineers, the Administrator of the Federal Emergency Management Agency shall not adjust the chargeable premium rate for flood insurance under this section for any type or class of property located in an area in that District nor require the purchase of flood insurance for any type or class of property located in an area in that District not subject to such purchase requirement prior to the updating of such national flood insurance program rate map: *Provided*, That for purposes of this section, the term ''area'' does not include any area (or subdivision thereof) that has chosen not to participate in the flood insurance program under this section as of the date of enactment of this Act.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Wildland Fire Management'', $125,000,000, to remain available until expended, of which $100,000,000 is for emergency wildland fire suppression activities, and of which $25,000,000 is for rehabilitation and restoration of Federal lands: *Provided*, That emergency wildland fire suppression funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the ''Historic Preservation Fund'', for expenses related to the consequences of Hurricane Katrina, $15,000,000, to remain available until expended: *Provided*, That the funds provided under this heading shall be provided to the Louisiana State Historic Preservation Officer, after consultation with the National Park Service, for grants for restoration and rehabilitation at Jackson Barracks: *Provided further*, That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses.

ENVIRONMENTAL PROTECTION AGENCY

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for ''State and Tribal Assistance Grants'', for expenses related to the consequences of Hurricane Katrina, $5,000,000, to remain available until expended, for a grant to Cameron Parish, Louisiana, for construction of drinking water, wastewater and storm water infrastructure and for water quality protection: *Provided*, That for purposes of this grant, the grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Wildland Fire Management'', $325,000,000, to remain available until expended, of which $250,000,000 shall be available for emergency wildfire suppression, and of which $75,000,000 shall be available for rehabilitation and restoration of Federal lands and may be transferred to other Forest Service accounts as necessary: *Provided*, That emergency wildfire suppression funds are also available for repayment to other appropriations accounts

from which funds were transferred for wildfire suppression.

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR MEDICARE AND MEDICAID SERVICES

For grants to States, consistent with section 6201(a)(4) of the Deficit Reduction Act of 2005, to make payments as defined by the Secretary in the methodology used for the Provider Stabilization grants to those Medicare participating general acute care hospitals, as defined in section 1886(d) of the Social Security Act, and currently operating in Jackson, Forrest, Hancock, and Harrison Counties of Mississippi and Orleans and Jefferson Parishes of Louisiana which continue to experience severe financial exigencies and other economic losses attributable to Hurricane Katrina or its subsequent flooding, and are in need of supplemental funding to relieve the financial pressures these hospitals face resulting from increased wage rates in hiring and retaining staff in order to stabilize access to patient care, $350,000,000, to be made available until September 30, 2010.

CHAPTER 7

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for ''Military Construction, Army National Guard'', $11,503,000, to remain available until September 30, 2012: *Provided,* That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds appropriated for ''Military Construction, Army National Guard'' under Public Law 109–234, $7,000,000 are hereby rescinded.

GENERAL PROVISION—THIS CHAPTER

SEC. 3701. Within the funds available in the Department of Defense Family Housing Improvement Fund as credited in accordance with 10 U.S.C. 2883(c), $10,500,000 shall be available for use at the Naval Construction Battalion Center, Gulfport, Mississippi, under the terms and conditions specified by 10 U.S.C. 2883, to remain available until expended.

CHAPTER 8

DEPARTMENT OF TRANSPORTATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, for eligible disasters occurring in fiscal years 2005 to the present, $451,126,383, to remain available until expended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PERMANENT SUPPORTIVE HOUSING

For the provision of permanent supportive housing units as identified in the plan of the Louisiana Recovery Authority and approved by the Secretary of Housing and Urban Development, $73,000,000 to remain available until expended, of which not less than $20,000,000 shall be for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)), not less than $50,000,000 shall be for grants under the Shelter Plus Care Program as authorized under subtitle F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11403 et seq.), and not more than $3,000,000 shall be for related administrative expenses of the State of Louisiana or its designee or designees: *Provided,* That the Secretary of Housing and Urban Development shall, upon request, make funds available under this paragraph to the State of Louisiana or its designee or designees: *Provided further*, That notwithstanding any other provision of law, for the purpose of administering the amounts provided under this paragraph, the State of Louisiana or its designee or designees may act in all respects as a public housing agency as defined in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)): *Provided further,* That subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to vouchers made available under this paragraph.

PROJECT-BASED RENTAL ASSISTANCE

For an additional amount to areas impacted by Hurricane Katrina in the State of Mississippi for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)13)), $20,000,000, to remain available until expended.

HOUSING TRANSITION ASSISTANCE

For an additional amount to the State of Louisiana for case management and housing transition services for families in areas impacted by Hurricanes Katrina and Rita of 2005, $3,000,000, to remain available until expended.

COMMUNITY DEVELOPMENT FUND

For an additional amount for the ''Community development fund'' for necessary expenses related to any uncompensated housing damage directly related to the consequences of Hurricane Katrina in the State of Alabama, $50,000,000, to remain available until expended: *Provided*, That prior to the obligation of funds the State shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address uncompensated housing damage: *Provided further*, That such funds may not be used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency: *Provided further*, That the State may use up to 5 percent of its allocation for administrative costs: *Provided further*, That in administering the funds under this paragraph, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by the State that such waiver is required to facilitate the use of such funds or guarantees, and a finding by the Secretary that such waiver would not be inconsistent with the overall purpose of the statute: *Provided further,* That the Secretary may waive the requirement that activities benefit persons of low and moderate income, except that at least 50 percent of the funds made available under this heading must benefit primarily persons of low and moderate income unless the Secretary otherwise makes a finding of compelling need: *Provided further,* That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver.

(RESCISSION)

Of the unobligated balances remaining from funds appropriated under this heading by section 159 of Public Law 110–116 for the Louisiana Road Home program, $200,000,000 are rescinded.

**TITLE IV—VETERANS EDUCATIONAL ASSISTANCE**

**SEC. 4001. SHORT TITLE.**

This title may be cited as the ''Post-9/11 Veterans Educational Assistance Act of 2008''.

**SEC. 4002. FINDINGS.**

Congress makes the following findings:

(1) On September 11, 2001, terrorists attacked the United States, and the brave members of the Armed Forces of the United States were called to the defense of the Nation.

(2) Service on active duty in the Armed Forces has been especially arduous for the members of the Armed Forces since September 11, 2001.

(3) The United States has a proud history of offering educational assistance to millions of veterans, as demonstrated by the many ''G.I. Bills'' enacted since World War II. Educational assistance for veterans helps reduce the costs of war, assist veterans in readjusting to civilian life after wartime service, and boost the United States economy, and has a positive effect on recruitment for the Armed Forces.

(4) The current educational assistance program for veterans is outmoded and designed for peacetime service in the Armed Forces.

(5) The people of the United States greatly value military service and recognize the difficult challenges involved in readjusting to civilian life after wartime service in the Armed Forces.

(6) It is in the national interest for the United States to provide veterans who serve on active duty in the Armed Forces after September 11, 2001, with enhanced educational assistance benefits that are worthy of such service and are commensurate with the educational assistance benefits provided by a grateful Nation to veterans of World War II.

**SEC. 4003. EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WHO SERVE AFTER SEPTEMBER 11, 2001.**

(a) EDUCATIONAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:

**''CHAPTER 33—POST–9/11 EDUCATIONAL ASSISTANCE**

''SUBCHAPTER I—DEFINITIONS

''Sec.
''3301. Definitions.

''SUBCHAPTER II—EDUCATIONAL ASSISTANCE

''3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement.
''3312. Educational assistance: duration.
''3313. Educational assistance: amount; payment.
''3314. Tutorial assistance.
''3315. Licensure and certification tests.
''3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service.
''3317. Public-private contributions for additional educational assistance.
''3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education.

''SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

''3321. Time limitation for use of and eligibility for entitlement.
''3322. Bar to duplication of educational assistance benefits.
''3323. Administration.
''3324. Allocation of administration and costs.

''SUBCHAPTER I—DEFINITIONS

**''§ 3301. Definitions**

''In this chapter:

''(1) The term 'active duty' has the meanings as follows (subject to the limitations specified in sections 3002(6) and 3311(b) of this title):

''(A) In the case of members of the regular components of the Armed Forces, the meaning given such term in section 101(21)(A) of this title.

''(B) In the case of members of the reserve components of the Armed Forces, service on active duty under a call or order to active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10.

''(2) The term 'entry level and skill training' means the following:

''(A) In the case of members of the Army, Basic Combat Training and Advanced Individual Training.

''(B) In the case of members of the Navy, Recruit Training (or Boot Camp) and Skill Training (or so-called 'A' School).

''(C) In the case of members of the Air Force, Basic Military Training and Technical Training.

''(D) In the case of members of the Marine Corps, Recruit Training and Marine Corps Training (or School of Infantry Training).

''(E) In the case of members of the Coast Guard, Basic Training.

''(3) The term 'program of education' has the meaning the meaning given such term in section 3002 of this title, except to the extent otherwise provided in section 3313 of this title.

''(4) The term 'Secretary of Defense' has the meaning given such term in section 3002 of this title.

''SUBCHAPTER II—EDUCATIONAL ASSISTANCE

**''§ 3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement**

''(a) ENTITLEMENT.—Subject to subsections (d) and (e), each individual described in subsection (b) is entitled to educational assistance under this chapter.

''(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual as follows:

''(1) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 36 months on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty; or

''(ii) is discharged or released from active duty as described in subsection (c).

''(2) An individual who—

''(A) commencing on or after September 11, 2001, serves at least 30 continuous days on active duty in the Armed Forces; and

''(B) after completion of service described in subparagraph (A), is discharged or released from active duty in the Armed Forces for a service-connected disability.

''(3) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 30 months, but less than 36 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 36 months; or

''(ii) before completion of service on active duty of an aggregate of 36 months, is discharged or released from active duty as described in subsection (c).

''(4) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 24 months, but less than 30 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 30 months; or

''(ii) before completion of service on active duty of an aggregate of 30 months, is discharged or released from active duty as described in subsection (c).

''(5) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 18 months, but less than 24 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 24 months; or

''(ii) before completion of service on active duty of an aggregate of 24 months, is discharged or released from active duty as described in subsection (c).

''(6) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 12 months, but less than 18 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 18 months; or

''(ii) before completion of service on active duty of an aggregate of 18 months, is discharged or released from active duty as described in subsection (c).

''(7) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 6 months, but less than 12 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 12 months; or

''(ii) before completion of service on active duty of an aggregate of 12 months, is discharged or released from active duty as described in subsection (c).

''(8) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 90 days, but less than 6 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 6 months; or

''(ii) before completion of service on active duty of an aggregate of 6 months, is discharged or released from active duty as described in subsection (c).

''(c) COVERED DISCHARGES AND RELEASES.—A discharge or release from active duty of an individual described in this subsection is a discharge or release as follows:

''(1) A discharge from active duty in the Armed Forces with an honorable discharge.

''(2) A release after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list.

''(3) A release from active duty in the Armed Forces for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.

''(4) A discharge or release from active duty in the Armed Forces for—

''(A) a medical condition which preexisted the service of the individual as described in the applicable paragraph of subsection (b) and which the Secretary determines is not service-connected;

''(B) hardship; or

''(C) a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary concerned in accordance with regulations prescribed by the Secretary of Defense.

''(d) PROHIBITION ON TREATMENT OF CERTAIN SERVICE AS PERIOD OF ACTIVE DUTY.—The following periods of service shall not be considered a part of the period of active duty on which an individual's entitlement to educational assistance under this chapter is based:

''(1) A period of service on active duty of an officer pursuant to an agreement under section 2107(b) of title 10.

''(2) A period of service on active duty of an officer pursuant to an agreement under section 4348, 6959, or 9348 of title 10.

''(3) A period of service that is terminated because of a defective enlistment and induction based on—

''(A) the individual's being a minor for purposes of service in the Armed Forces;

''(B) an erroneous enlistment or induction; or

''(C) a defective enlistment agreement.

''(e) TREATMENT OF INDIVIDUALS ENTITLED UNDER MULTIPLE PROVISIONS.—In the event an individual entitled to educational assistance under this chapter is entitled by reason of both paragraphs (4) and (5) of subsection (b), the individual shall be treated as being entitled to educational assistance under this chapter by reason of paragraph (5) of such subsection.

**''§ 3312. Educational assistance: duration**

''(a) IN GENERAL.—Subject to section 3695 of this title and except as provided in subsections (b) and (c), an individual entitled to educational assistance under this chapter is entitled to a number of months of educational assistance under section 3313 of this title equal to 36 months.

''(b) CONTINUING RECEIPT.—The receipt of educational assistance under section 3313 of this title by an individual entitled to educational assistance under this chapter is subject to the provisions of section 3321(b)(2) of this title.

''(c) DISCONTINUATION OF EDUCATION FOR ACTIVE DUTY.—(1) Any payment of educational assistance described in paragraph (2) shall not—

''(A) be charged against any entitlement to educational assistance of the individual concerned under this chapter; or

''(B) be counted against the aggregate period for which section 3695 of this title limits the individual's receipt of educational assistance under this chapter.

''(2) Subject to paragraph (3), the payment of educational assistance described in this paragraph is the payment of such assistance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

''(A)(i) in the case of an individual not serving on active duty, had to discontinue such course pursuit as a result of being called or ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; or

''(ii) in the case of an individual serving on active duty, had to discontinue such course pursuit as a result of being ordered to a new duty location or assignment or to perform an increased amount of work; and

''(B) failed to receive credit or lost training time toward completion of the individual's approved education, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A), the individual's course pursuit.

''(3) The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses from which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (2)(B).

**''§ 3313. Educational assistance: amount; payment**

''(a) PAYMENT.—The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education (other than a program covered by subsections (e) and (f)) the amounts specified in subsection (c) to meet the expenses of such individual's subsistence, tuition, fees, and other educational costs for pursuit of such program of education.

''(b) APPROVED PROGRAMS OF EDUCATION.—A program of education is an approved program of education for purposes of this chapter if the program of education is offered by an institution of higher learning (as that term is defined in section 3452(f) of this title) and is approved for purposes of chapter 30 of this title (including approval by the State approving agency concerned).

''(c) AMOUNT OF EDUCATIONAL ASSISTANCE.—The amounts payable under this subsection for pursuit of an approved program of education are amounts as follows:

''(1) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(1) or 3311(b)(2) of this title, amounts as follows:

''(A) An amount equal to the established charges for the program of education, except that the amount payable under this subparagraph may not exceed the maximum amount of established charges regularly charged in-State students for full-time pursuit of approved programs of education for undergraduates by the public institution of higher education offering approved programs of education for undergraduates in the State in which the individual is enrolled that has the highest rate of regularly-charged established charges for such programs of education among all public institutions of higher education in such State offering such programs of education.

''(B) A monthly stipend in an amount as follows:

''(i) For each month the individual pursues the program of education, other than a program of education offered through distance learning, a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher education at which the individual is enrolled.

''(ii) For the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with respect to such quarter, semester, or term in the amount equal to—

''(I) $1,000, multiplied by

''(II) the fraction which is the portion of a complete academic year under the program of education that such quarter, semester, or term constitutes.

''(2) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(3) of this title, amounts equal to 90 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(3) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(4) of this title, amounts equal to 80 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(4) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(5) of this title, amounts equal to 70 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(5) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(6) of this title, amounts equal to 60 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(6) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(7) of this title, amounts equal to 50 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(7) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(8) of this title, amounts equal to 40 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(d) FREQUENCY OF PAYMENT.—(1) Payment of the amounts payable under subsection (c)(1)(A), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(2) Payment of the amount payable under subsection (c)(1)(B), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made on a monthly basis.

''(3) The Secretary shall prescribe in regulations methods for determining the number of months (including fractions thereof) of entitlement of an individual to educational assistance this chapter that are chargeable under this chapter for an advance payment of amounts under paragraphs (1) and (2) for pursuit of a program of education on a quarter, semester, term, or other basis.

''(e) PROGRAMS OF EDUCATION PURSUED ON ACTIVE DUTY.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education while on active duty.

''(2) The amount of educational assistance payable under this chapter to an individual pursuing a program of education while on active duty is the lesser of—

''(A) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

''(B) the amount of the charges of the educational institution as elected by the individual in the manner specified in section 3014(b)(1) of this title.

''(3) Payment of the amount payable under paragraph (2) for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

''(f) PROGRAMS OF EDUCATION PURSUED ON HALF-TIME BASIS OR LESS.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education on half-time basis or less.

''(2) The educational assistance payable under this chapter to an individual pursuing a program of education on half-time basis or less is the amounts as follows:

''(A) The amount equal to the lesser of—

''(i) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

''(ii) the maximum amount that would be payable to the individual for the program of education under paragraph (1)(A) of subsection (c), or under the provisions of paragraphs (2) through (7) of subsection (c) applicable to the individual, for the program of education if the individual were entitled to amounts for the program of education under subsection (c) rather than this subsection.

''(B) A stipend in an amount equal to the amount of the appropriately reduced amount of the lump sum amount for books, supplies, equipment, and other educational costs otherwise payable to the individual under subsection (c).

''(3) Payment of the amounts payable to an individual under paragraph (2) for pursuit of a program of education on half-time basis or less shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at a percentage of a month equal to—

''(A) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

''(B) the number of course hours for full-time pursuit of such program of education.

''(g) PAYMENT OF ESTABLISHED CHARGES TO EDUCATIONAL INSTITUTIONS.—Amounts payable under subsections (c)(1)(A) (and of similar amounts payable under paragraphs (2) through (7) of subsection (c)), (e)(2) and (f)(2)(A) shall be paid directly to the educational institution concerned.

''(h) ESTABLISHED CHARGES DEFINED.—(1) In this section, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.

''(2) Established charges shall be determined for purposes of this subsection on the following basis:

''(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

''(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

**''§ 3314. Tutorial assistance**

''(a) IN GENERAL.—Subject to subsection (b), an individual entitled to educational assistance under this chapter shall also be entitled to benefits provided an eligible veteran under section 3492 of this title.

''(b) CONDITIONS.—(1) The provision of benefits under subsection (a) shall be subject to the conditions applicable to an eligible veteran under section 3492 of this title.

''(2) In addition to the conditions specified in paragraph (1), benefits may not be provided to an individual under subsection (a) unless the professor or other individual teaching, leading, or giving the course for which such benefits are provided certifies that—

''(A) such benefits are essential to correct a deficiency of the individual in such course; and

''(B) such course is required as a part of, or is prerequisite or indispensable to the satisfactory pursuit of, an approved program of education.

''(c) AMOUNT.—(1) The amount of benefits described in subsection (a) that are payable under this section may not exceed $100 per month, for a maximum of 12 months, or until a maximum of $1,200 is utilized.

''(2) The amount provided an individual under this subsection is in addition to the amounts of educational assistance paid the individual under section 3313 of this title.

''(d) NO CHARGE AGAINST ENTITLEMENT.—Any benefits provided an individual under subsection (a) are in addition to any other educational assistance benefits provided the individual under this chapter.

**''§ 3315. Licensure and certification tests**

''(a) IN GENERAL.—An individual entitled to educational assistance under this chapter shall also be entitled to payment for one licensing or certification test described in section 3452(b) of this title.

''(b) LIMITATION ON AMOUNT.—The amount payable under subsection (a) for a licensing or certification test may not exceed the lesser of—

''(1) $2,000; or

''(2) the fee charged for the test.

''(c) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under subsection (a) is in addition to any other educational assistance benefits provided the individual under this chapter.

**''§ 3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service**

''(a) INCREASED ASSISTANCE FOR MEMBERS WITH CRITICAL SKILLS OR SPECIALTY.—(1) In the case of an individual who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

''(2) The amount of the increase in educational assistance authorized by paragraph (1) may not exceed the amount equal to the monthly amount of increased basic educational assistance providable under section 3015(d)(1) of this title at the time of the increase under paragraph (1).

''(b) SUPPLEMENTAL ASSISTANCE FOR ADDITIONAL SERVICE.—(1) The Secretary concerned may provide for the payment to an individual entitled to educational assistance under this chapter of supplemental educational assistance for additional service authorized by subchapter III of chapter 30 of this title. The amount so payable shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

''(2) Eligibility for supplement educational assistance under this subsection shall be determined in accordance with the provisions of subchapter III of chapter 30 of this title, except that any reference in such provisions to eligibility for basic educational assistance under a provision of subchapter II of chapter 30 of this title shall be treated as a reference to eligibility for educational assistance under the appropriate provision of this chapter.

''(3) The amount of supplemental educational assistance payable under this subsection shall be the amount equal to the monthly amount of supplemental educational payable under section 3022 of this title.

''(c) REGULATIONS.—The Secretaries concerned shall administer this section in accordance with such regulations as the Secretary of Defense shall prescribe.

**''§ 3317. Public-private contributions for additional educational assistance**

''(a) ESTABLISHMENT OF PROGRAM.—In instances where the educational assistance provided pursuant to section 3313(c)(1)(A) does not cover the full cost of established charges (as specified in section 3313 of this title), the Secretary shall carry out a program under which colleges and universities can, voluntarily, enter into an agreement with the Secretary to cover a portion of those established charges not otherwise covered under section 3313(c)(1)(A), which contributions shall be matched by equivalent contributions toward such costs by the Secretary. The program shall only apply to covered individuals described in paragraphs (1) and (2) of section 3311(b).

''(b) DESIGNATION OF PROGRAM.—The program under this section shall be known as the 'Yellow Ribbon G.I. Education Enhancement Program'.

''(c) AGREEMENTS.—The Secretary shall enter into an agreement with each college or university seeking to participate in the program under this section. Each agreement shall specify the following:

''(1) The manner (whether by direct grant, scholarship, or otherwise) of the contributions to be made by the college or university concerned.

''(2) The maximum amount of the contribution to be made by the college or university concerned with respect to any particular individual in any given academic year.

''(3) The maximum number of individuals for whom the college or university concerned will make contributions in any given academic year.

''(4) Such other matters as the Secretary and the college or university concerned jointly consider appropriate.

''(d) MATCHING CONTRIBUTIONS.—(1) In instances where the educational assistance provided an individual under section 3313(c)(1)(A) of this title does not cover the full cost of tuition and mandatory fees at a college or university, the Secretary shall provide up to 50 percent of the remaining costs for tuition and mandatory fees if the college or university voluntarily enters into an agreement with the Secretary to match an equal percentage of any of the remaining costs for such tuition and fees.

''(2) Amounts available to the Secretary under section 3324(b) of this title for payment of the costs of this chapter shall be available to the Secretary for purposes of paragraph (1).

''(e) OUTREACH.—The Secretary shall make available on the Internet website of the Department available to the public a current list of the colleges and universities participating in the program under this section. The list shall specify, for each college or university so listed, appropriate information on the agreement between the Secretary and such college or university under subsection (c).

**''§ 3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education**

''(a) ADDITIONAL ASSISTANCE.—Each individual described in subsection (b) shall be paid additional assistance under this section in the amount of $500.

''(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual entitled to educational assistance under this chapter—

''(1) who resides in a highly rural area (as determined by the Bureau of the Census); and

''(2) who—

''(A) physically relocates a distance of at least 500 miles in order to pursue a program of education for which the individual utilizes educational assistance under this chapter; or

''(B) travels by air to physically attend an institution of higher education for pursuit of such a program of education because the individual cannot travel to such institution by automobile or other established form of transportation due to an absence of road or other infrastructure.

''(c) PROOF OF RESIDENCE.—For purposes of subsection (b)(1), an individual may demonstrate the individual's place of residence utilizing any of the following:

''(1) DD Form 214, Certification of Release or Discharge from Active Duty.

''(2) The most recent Federal income tax return.

''(3) Such other evidence as the Secretary shall prescribe for purposes of this section.

''(d) SINGLE PAYMENT OF ASSISTANCE.—An individual is entitled to only one payment of additional assistance under this section.

''(e) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under this section is in addition to any other educational assistance benefits provided the individual under this chapter.''.

''SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

**''§ 3321. Time limitation for use of and eligibility for entitlement**

''(a) IN GENERAL.—Except as provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such individual's entitlement expires at the end of the 15-year period beginning on the date of such individual's last discharge or release from active duty.

''(b) EXCEPTIONS.—(1) Subsections (b), (c), and (d) of section 3031 of this title shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply under section 3031 of this title with respect to the running of the 10-year period described in section 3031(a) of this title.

''(2) Section 3031(f) of this title shall apply with respect to the termination of an individual's entitlement to educational assistance under this chapter in the same manner as such section applies to the termination of an individual's entitlement to educational assistance under chapter 30 of this title, except that, in the administration of such section for purposes of this chapter, the reference to section 3013 of this title shall be deemed to be a reference to 3312 of this title.

''(3) For purposes of subsection (a), an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service, unless the individual is discharged or released as described in section 3311(b)(2) of this title.

**''§ 3322. Bar to duplication of educational assistance benefits**

''(a) IN GENERAL.—An individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note) may not receive assistance under two or more such programs concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter or provisions to receive educational assistance.

''(b) INAPPLICABILITY OF SERVICE TREATED UNDER EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period of service counted for purposes of repayment of an education loan under chapter 109 of title 10 may not be counted as a period of service for entitlement to educational assistance under this chapter.

''(c) SERVICE IN SELECTED RESERVE.—An individual who serves in the Selected Reserve may receive credit for such service under only one of this chapter, chapter 30 of this title, and chapters 1606 and 1607 of title 10, and shall elect (in such form and manner as the Secretary may prescribe) under which chapter such service is to be credited.

''(d) ADDITIONAL COORDINATION MATTERS.—In the case of an individual entitled to educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980, or making contributions toward entitlement to educational assistance under chapter 30 of this title, as of August 1, 2009, coordination of entitlement to educational assistance under this chapter, on the one hand, and such chapters or provisions, on the other, shall be governed by the provisions of section ___03(c) of the Post-9/11 Veterans Educational Assistance Act of 2008.

**''§ 3323. Administration**

''(a) IN GENERAL.—(1) Except as otherwise provided in this chapter, the provisions specified in section 3034(a)(1) of this title shall apply to the provision of educational assistance under this chapter.

''(2) In applying the provisions referred to in paragraph (1) to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such provisions to the term 'eligible veteran' shall be deemed to refer to an individual entitled to educational assistance under this chapter.

''(3) In applying section 3474 of this title to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such section 3474 to the term 'educational assistance allowance' shall be deemed to refer to educational assistance payable under section 3313 of this title.

''(4) In applying section 3482(g) of this title to an individual entitled to educational assistance under this chapter for purposes of this section—

''(A) the first reference to the term 'educational assistance allowance' in such section 3482(g) shall be deemed to refer to educational assistance payable under section 3313 of this title; and

''(B) the first sentence of paragraph (1) of such section 3482(g) shall be applied as if such sentence ended with 'equipment'.

''(b) INFORMATION ON BENEFITS.—(1) The Secretary of Veterans Affairs shall provide the information described in paragraph (2) to each member of the Armed Forces at such times as the Secretary of Veterans Affairs and the Secretary of Defense shall jointly prescribe in regulations.

''(2) The information described in this paragraph is information on benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of educational assistance under this chapter, including application forms for such assistance under section 5102 of this title.

''(3) The Secretary of Veterans Affairs shall furnish the information and forms described in paragraph (2), and other educational materials on educational assistance under this chapter, to educational institutions, training establishments, military education personnel, and such other persons and entities as the Secretary considers appropriate.

''(c) REGULATIONS.—(1) The Secretary shall prescribe regulations for the administration of this chapter.

''(2) Any regulations prescribed by the Secretary of Defense for purposes of this chapter shall apply uniformly across the Armed Forces.

**''§ 3324. Allocation of administration and costs**

''(a) ADMINISTRATION.—Except as otherwise provided in this chapter, the Secretary shall administer the provision of educational assistance under this chapter.

''(b) COSTS.—Payments for entitlement to educational assistance earned under this chapter shall be made from funds appropriated to, or otherwise made available to, the Department of Veterans Affairs for the payment of readjustment benefits.''.

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 32 the following new item:

**''33. Post-9/11 Educational Assistance 3301''.**

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS RELATING TO DUPLICATION OF BENEFITS.—

(A) Section 3033 of title 38, United States Code, is amended—

(i) in subsection (a)(1), by inserting ''33,'' after ''32,''; and

(ii) in subsection (c), by striking ''both the program established by this chapter and the program established by chapter 106 of title 10'' and inserting ''two or more of the programs established by this chapter, chapter 33 of this title, and chapters 1606 and 1607 of title 10''.

(B) Paragraph (4) of section 3695(a) of such title is amended to read as follows:

''(4) Chapters 30, 32, 33, 34, 35, and 36 of this title.''.

(C) Section 16163(e) of title 10, United States Code, is amended by inserting ''33,'' after ''32,''.

(2) ADDITIONAL CONFORMING AMENDMENTS.—

(A) Title 38, United States Code, is further amended by inserting ''33,'' after ''32,'' each place it appears in the following provisions:

(i) In subsections (b) and (e)(1) of section 3485.

(ii) In section 3688(b).

(iii) In subsections (a)(1), (c)(1), (c)(1)(G), (d), and (e)(2) of section 3689.

(iv) In section 3690(b)(3)(A).

(v) In subsections (a) and (b) of section 3692.

(vi) In section 3697(a).

(B) Section 3697A(b)(1) of such title is amended by striking ''or 32'' and inserting ''32, or 33''.

(c) APPLICABILITY TO INDIVIDUALS UNDER MONTGOMERY GI BILL PROGRAM.—

(1) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPATION IN POST-9/11 EDUCATIONAL ASSISTANCE.—An individual may elect to receive educational assistance under chapter 33 of title 38, United States Code (as added by subsection (a)), if such individual—

(A) as of August 1, 2009—

(i) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, and has used, but retains unused, entitlement under that chapter;

(ii) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, and has used, but retains unused, entitlement under the applicable chapter;

(iii) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, but has not used any entitlement under that chapter;

(iv) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, but has not used any entitlement under such chapter;

(v) is a member of the Armed Forces who is eligible for receipt of basic educational assistance under chapter 30 of title 38, United States Code, and is making contributions toward such assistance under section 3011(b) or 3012(c) of such title; or

(vi) is a member of the Armed Forces who is not entitled to basic educational assistance under chapter 30 of title 38, United States Code, by reason of an election under section 3011(c)(1) or 3012(d)(1) of such title; and

(B) as of the date of the individual's election under this paragraph, meets the requirements for entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added).

(2) CESSATION OF CONTRIBUTIONS TOWARD GI BILL.—Effective as of the first month beginning on or after the date of an election under paragraph (1) of an individual described by subparagraph (A)(v) of that paragraph, the obligation of the individual to make contributions under section 3011(b) or 3012(c) of title 38, United States Code, as applicable, shall cease, and the requirements of such section shall be deemed to be no longer applicable to the individual.

(3) REVOCATION OF REMAINING TRANSFERRED ENTITLEMENT.—

(A) ELECTION TO REVOKE.—If, on the date an individual described in subparagraph (A)(i) or (A)(iii) of paragraph (1) makes an election under that paragraph, a transfer of the entitlement of the individual to basic educational assistance under section 3020 of title 38, United States Code, is in effect and a number of months of the entitlement so transferred remain unutilized, the individual may elect to revoke all or a portion of the entitlement so transferred that remains unutilized.

(B) AVAILABILITY OF REVOKED ENTITLEMENT.—Any entitlement revoked by an individual under this paragraph shall no longer be available to the dependent to whom transferred, but shall be available to the individual instead for educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of this subsection.

(C) AVAILABILITY OF UNREVOKED ENTITLEMENT.—Any entitlement described in subparagraph (A) that is not revoked by an individual in accordance with that subparagraph shall remain available to the dependent or dependents concerned in accordance with the current transfer of such entitlement under section 3020 of title 38, United States Code.

(4) POST-9/11 EDUCATIONAL ASSISTANCE.—

(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in paragraph (5), an individual making an election under paragraph (1) shall be entitled to educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of such chapter, instead of basic educational assistance under chapter 30 of title 38, United States Code, or educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, as applicable.

(B) LIMITATION ON ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual making an election under paragraph (1) who is described by subparagraph (A)(i) of that paragraph, the number of months of entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), shall be the number of months equal to—

(i) the number of months of unused entitlement of the individual under chapter 30 of title 38, United States Code, as of the date of the election, plus

(ii) the number of months, if any, of entitlement revoked by the individual under paragraph (3)(A).

(5) CONTINUING ENTITLEMENT TO EDUCATIONAL ASSISTANCE NOT AVAILABLE UNDER 9/11 ASSISTANCE PROGRAM.—

(A) IN GENERAL.—In the event educational assistance to which an individual making an election under paragraph (1) would be entitled under chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable, is not authorized to be available to the individual under the provisions of chapter 33 of title 38, United States Code (as so added), the individual shall remain entitled to such educational assistance in accordance with the provisions of the applicable chapter.

(B) CHARGE FOR USE OF ENTITLEMENT.—The utilization by an individual of entitlement under subparagraph (A) shall be chargeable against the entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), at the rate of one month of entitlement under such chapter 33 for each month of entitlement utilized by the individual under subparagraph (A) (as determined as if such entitlement were utilized under the provisions of chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable).

(6) ADDITIONAL POST-9/11 ASSISTANCE FOR MEMBERS HAVING MADE CONTRIBUTIONS TOWARD GI BILL.—

(A) ADDITIONAL ASSISTANCE.—In the case of an individual making an election under paragraph (1) who is described by clause (i), (iii), or (v) of subparagraph (A) of that paragraph, the amount of educational assistance payable to the individual under chapter 33 of title 38, United States Code (as so added), as a monthly stipend payable under paragraph (1)(B) of section 3313(c) of such title (as so added), or under paragraphs (2) through (7) of that section (as applicable), shall be the amount otherwise payable as a monthly stipend under the applicable paragraph increased by the amount equal to—

(i) the total amount of contributions toward basic educational assistance made by the individual under section 3011(b) or 3012(c) of title 38, United States Code, as of the date of the election, multiplied by

(ii) the fraction—

(I) the numerator of which is—

(aa) the number of months of entitlement to basic educational assistance under chapter 30 of title 38, United States Code, remaining to the individual at the time of the election; plus

(bb) the number of months, if any, of entitlement under such chapter 30 revoked by the individual under paragraph (3)(A); and

(II) the denominator of which is 36 months.

(B) MONTHS OF REMAINING ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual covered by subparagraph (A) who is described by paragraph (1)(A)(v), the number of months of entitlement to basic educational assistance remaining to the individual for purposes of subparagraph (A)(ii)(I)(aa) shall be 36 months.

(C) TIMING OF PAYMENT.—The amount payable with respect to an individual under subparagraph (A) shall be paid to the individual together with the last payment of the monthly stipend payable to the individual under paragraph (1)(B) of section 3313(c) of title 38, United States Code (as so added), or under paragraphs (2) through (7) of that section (as applicable), before the exhaustion of the individual's entitlement to educational assistance under chapter 33 of such title (as so added).

(7) CONTINUING ENTITLEMENT TO ADDITIONAL ASSISTANCE FOR CRITICAL SKILLS OR SPECIALITY AND ADDITIONAL SERVICE.—An individual making an election under paragraph (1)(A) who, at the time of the election, is entitled to increased educational assistance under section 3015(d) of title 38, United States Code, or section 16131(i) of title 10, United States Code, or supplemental educational assistance under subchapter III of chapter 30 of title 38, United States Code, shall remain entitled to such increased educational assistance or supplemental educational assistance in the utilization of entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added), in an amount equal to the quarter, semester, or term, as applicable, equivalent of the monthly amount of such increased educational assistance or supplemental educational assistance payable with respect to the individual at the time of the election.

(8) IRREVOCABILITY OF ELECTIONS.—An election under paragraph (1) or (3)(A) is irrevocable.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on August 1, 2009.

**SEC. 4004. INCREASE IN AMOUNTS OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.**

(a) EDUCATIONAL ASSISTANCE BASED ON THREE-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (a)(1) of section 3015 of title 38, United States Code, is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

''(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,321; and''; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(b) EDUCATIONAL ASSISTANCE BASED ON TWO-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (b)(1) of such section is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

''(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,073; and''; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(c) MODIFICATION OF MECHANISM FOR COST-OF-LIVING ADJUSTMENTS.—Subsection (h)(1) of such section is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

''(A) the average cost of undergraduate tuition in the United States, as determined by the National Center for Education Statistics, for the last academic year preceding the beginning of the fiscal year for which the increase is made, exceeds

''(B) the average cost of undergraduate tuition in the United States, as so determined, for the academic year preceding the academic year described in subparagraph (A).''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on August 1, 2008.

(2) NO COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2009.—The adjustment required by subsection (h) of section 3015 of title 38, United States Code (as amended by this section), in rates of basic educational assistance payable under subsections (a) and (b) of such section (as so amended) shall not be made for fiscal year 2009.

**SEC. 4005. MODIFICATION OF AMOUNT AVAILABLE FOR REIMBURSEMENT OF STATE AND LOCAL AGENCIES ADMINISTERING VETERANS EDUCATION BENEFITS.**

Section 3674(a)(4) of title 38, United States Code, is amended by striking ''may not exceed'' and all that follows through the end and inserting ''shall be $19,000,000.''.

## TITLE V—EMERGENCY UNEMPLOYMENT COMPENSATION

FEDERAL-STATE AGREEMENTS

SEC. 5001. (a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the ''Secretary''). Any State which is a party to an agreement under this title may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before May 1, 2007);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (except as provided under subsection (e)); and

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this title—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of

the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except where otherwise inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an emergency unemployment compensation account is established under section 5002 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of emergency unemployment compensation prior to extended compensation to individuals who otherwise meet the requirements of this section.

EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT

SEC. 5002. (a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) SPECIAL RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, if, at the time that the individual's account is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), then, such account shall be augmented by an amount equal to the amount originally established in such account (as determined under subsection (b)(1)).

(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970;

(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

(i) were applied by substituting ''4'' for ''5'' each place it appears; and

(ii) did not include the requirement under paragraph (1)(A); or

(C) such a period would then be in effect for such State under such Act if—

(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

(ii) such section 203(f)—

(I) were applied by substituting ''6.0'' for ''6.5'' in paragraph (1)(A)(i); and

(II) did not include the requirement under paragraph (1)(A)(ii).

PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION

SEC. 5003. (a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this title an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this title in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

FINANCING PROVISIONS

SEC. 5004. (a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for the making of payments to States having agreements entered into under this title.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the Government Accountability Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this title.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

FRAUD AND OVERPAYMENTS

SEC. 5005. (a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this title to which such individual was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of emergency unemployment compensation under this title to which they were not entitled, the State shall require such individuals to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the emergency unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

DEFINITIONS

SEC. 5006. In this title, the terms ''compensation'', ''regular compensation'', ''extended compensation'', ''benefit year'', ''base period'', ''State'', ''State agency'', ''State law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

APPLICABILITY

SEC. 5007. (a) IN GENERAL.—Except as provided in subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before March 31, 2009.

(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), in the case of an individual who has amounts remaining in an account established under section 5002 as of the last day of the last week (as determined in accordance with the applicable State law) ending on or before March 31, 2009, emergency unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such last day for which the individual meets the eligibility requirements of this title.

(2) LIMIT ON AUGMENTATION.—If the account of an individual is exhausted after the last day of such last week (as so determined), then section 5002(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).

(3) LIMIT ON COMPENSATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after June 30, 2009.

TITLE VI—OTHER HEALTH MATTERS

SEC. 6001. (a) MORATORIA ON CERTAIN MEDICAID REGULATIONS.—

(1) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–28.—Section 7002(a)(1) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) is amended—

(A) by striking ''prior to the date that is 1 year after the date of enactment of this Act'' and inserting ''prior to April 1, 2009'';

(B) in subparagraph (A), by inserting after ''Federal Regulations)'' the following: ''or in the final regulation, relating to such parts, published on May 29, 2007 (72 Federal Register 29748)''; and

(C) in subparagraph (C), by inserting before the period at the end the following: '', including the proposed regulation published on May 23, 2007 (72 Federal Register 28930)''.

(2) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–173.—Section 206 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) is amended—

(A) by striking ''June 30, 2008'' and inserting ''April 1, 2009'';

(B) by inserting '', including the proposed regulation published on August 13, 2007 (72 Federal Register 45201),'' after ''rehabilitation services''; and

(C) by inserting '', including the final regulation published on December 28, 2007 (72 Federal Register 73635),'' after ''school-based transportation''.

(3) MORATORIUM ON INTERIM FINAL MEDICAID REGULATION RELATING TO OPTIONAL CASE MANAGEMENT AND TARGETED CASE MANAGEMENT SERVICES.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, finalize, implement, enforce, or otherwise take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to the interim final regulation relating to optional State plan case management services and targeted case management services under the Medicaid program published on December 4, 2007 (72 Federal Register 68077) in its entirety.

(4) ADDITIONAL MORATORIA.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to a provision described in subparagraph (B) or (C) if such restrictions are more restrictive in any aspect than those applied to the respective provision as of the date specified in subparagraph (D) for such provision.

(B) PROPOSED REGULATION RELATING TO REDEFINITION OF MEDICAID OUTPATIENT HOSPITAL SERVICES.—The provision described in this subparagraph is the proposed regulation relating to clarification of outpatient clinic and hospital facility services definition and upper payment limit under the Medicaid program published on September 28, 2007 (72 Federal Register 55158) in its entirety.

(C) PORTION OF PROPOSED REGULATION RELATING TO MEDICAID ALLOWABLE PROVIDER TAXES.—

(i) IN GENERAL.—Subject to clause (ii), the provision described in this subparagraph is the final regulation relating to health-care-related taxes under the Medicaid program published on February 22, 2008 (73 Federal Register 9685) in its entirety.

(ii) EXCEPTION.—The provision described in this subparagraph does not include the portions of such regulation as relate to the following:

(I) REDUCTION IN THRESHOLD.—The reduction from 6 percent to 5.5 percent in the threshold applied under section 433.68(f)(3)(i) of title 42, Code of Federal Regulations, for determining whether or not there is an indirect guarantee to hold a taxpayer harmless, as required to carry out section 1903(w)(4)(C)(ii) of the Social Security Act, as added by section 403 of the Medicare Improvement and Extension Act of 2006 (division B of Public Law 109–432).

(II) CHANGE IN DEFINITION OF MANAGED CARE.—The change in the definition of managed care as proposed in the revision of section 433.56(a)(8) of title 42, Code of Federal Regulations, as required to carry out section 1903(w)(7)(A)(viii) of the Social Security Act, as amended by section 6051 of the Deficit Reduction Act of 2005 (Public Law 109–171).

(D) DATE SPECIFIED.—The date specified in this subparagraph for the provision described in—

(i) subparagraph (B) is September 27, 2007; or

(ii) subparagraph (C) is February 21, 2008.

(b) RESTORATION OF ACCESS TO NOMINAL DRUG PRICING FOR CERTAIN CLINICS AND HEALTH CENTERS.—

(1) IN GENERAL.—Section 1927(c)(1)(D) of the Social Security Act (42 U.S.C. §1396r–8(c)(1)(D)), as added by section 6001(d)(2) of the Deficit Reduction Act of 2005 (Public Law 109–171), is amended—

(A) in clause (i)—

(i) by redesignating subclause (IV) as subclause (VI); and

(ii) by inserting after subclause (III) the following:

''(IV) An entity that—

''(aa) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Act or is State-owned or operated; and

''(bb) would be a covered entity described in section 340(B)(a)(4) of the Public Health Service Act insofar as the entity provides the same type of services to the same type of populations as a covered entity described in such section provides, but does not receive funding under a provision of law referred to in such section.

''(V) A public or nonprofit entity, or an entity based at an institution of higher learning whose primary purpose is to provide health care services to students of that institution, that provides a service or services described under section 1001(a) of the Public Health Service Act.''; and

(B) by adding at the end the following new clause:

''(iv) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to alter any existing statutory or regulatory prohibition on services with respect to an entity described in subclause (IV) or (V) of clause (i), including the prohibition set forth in section 1008 of the Public Health Service Act.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendment made by section 6001(d)(2) of the Deficit Reduction Act of 2005.

(c) ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS.—

(1) ADDITION OF AUTHORITY.—Title XIX of the Social Security Act is amended by inserting after section 1939 the following new section:

''ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS

''SEC. 1940. (a) IMPLEMENTATION.—

''(1) IN GENERAL.—Subject to the provisions of this section, each State shall implement an asset verification program described in subsection (b), for purposes of determining or redetermining the eligibility of an individual for medical assistance under the State plan under this title.

''(2) PLAN SUBMITTAL.—In order to meet the requirement of paragraph (1), each State shall—

''(A) submit not later than a deadline specified by the Secretary consistent with paragraph (3), a State plan amendment under this title that describes how the State intends to implement the asset verification program; and

''(B) provide for implementation of such program for eligibility determinations and redeterminations made on or after 6 months after the deadline established for submittal of such plan amendment.

''(3) PHASE-IN.—

''(A) IN GENERAL.—

''(i) IMPLEMENTATION IN CURRENT ASSET VERIFICATION DEMO STATES.—The Secretary shall require those States specified in subparagraph (C) (to which an asset verification program has been applied before the date of the enactment of this section) to implement an asset verification program under this subsection by the end of fiscal year 2009.

''(ii) IMPLEMENTATION IN OTHER STATES.—The Secretary shall require other States to submit and implement an asset verification program under this subsection in such manner as is designed to result in the application of such programs, in the aggregate for all such other States, to enrollment of approximately, but not less than, the following percentage of enrollees, in the aggregate for all such other States, by the end of the fiscal year involved:

''(I) 12.5 percent by the end of fiscal year 2009.

''(II) 25 percent by the end of fiscal year 2010.

''(III) 50 percent by the end of fiscal year 2011.

''(IV) 75 percent by the end of fiscal year 2012.

''(V) 100 percent by the end of fiscal year 2013.

''(B) CONSIDERATION.—In selecting States under subparagraph (A)(ii), the Secretary shall consult with the States involved and take into account the feasibility of implementing asset verification programs in each such State.

''(C) STATES SPECIFIED.—The States specified in this subparagraph are California, New York, and New Jersey.

''(D) CONSTRUCTION.—Nothing in subparagraph (A)(ii) shall be construed as preventing a State from requesting, and the Secretary approving, the implementation of an asset verification program in advance of the deadline otherwise established under such subparagraph.

''(4) EXEMPTION OF TERRITORIES.—This section shall only apply to the 50 States and the District of Columbia.

''(b) ASSET VERIFICATION PROGRAM.—

''(1) IN GENERAL.—For purposes of this section, an asset verification program means a program described in paragraph (2) under which a State—

''(A) requires each applicant for, or recipient of, medical assistance under the State plan under this title on the basis of being aged, blind, or disabled to provide authorization by such applicant or recipient (and any other person whose resources are required by law to be disclosed to determine the eligibility of the applicant or recipient for such assistance) for the State to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act of 1978 but at no cost to the applicant or recipient) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (and such other person, as applicable), whenever the State determines the record is needed in connection with a determination with respect to such eligibility for (or the amount or extent of) such medical assistance; and

''(B) uses the authorization provided under subparagraph (A) to verify the financial resources of such applicant or recipient (and such other person, as applicable), in order to determine or redetermine the eligibility of such applicant or recipient for medical assistance under the State plan.

''(2) PROGRAM DESCRIBED.—A program described in this paragraph is a program for verifying individual assets in a manner consistent with the approach used by the Commissioner of Social Security under section 1631(e)(1)(B)(ii).

''(c) DURATION OF AUTHORIZATION.—Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act of 1978, an authorization provided to a State under subsection (b)(1)(A) shall remain effective until the earliest of—

''(1) the rendering of a final adverse decision on the applicant's application for medical assistance under the State's plan under this title;

''(2) the cessation of the recipient's eligibility for such medical assistance; or

''(3) the express revocation by the applicant or recipient (or such other person described in subsection (b)(1)(A), as applicable) of the authorization, in a written notification to the State.

''(d) TREATMENT OF RIGHT TO FINANCIAL PRIVACY ACT REQUIREMENTS.—

''(1) An authorization obtained by the State under subsection (b)(1) shall be considered to meet the requirements of the Right to Financial Privacy Act of 1978 for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act.

''(2) The certification requirements of section 1103(b) of the Right to Financial Privacy Act of 1978 shall not apply to requests by the State pursuant to an authorization provided under subsection (b)(1).

''(3) A request by the State pursuant to an authorization provided under subsection (b)(1) is deemed to meet the requirements of section 1104(a)(3) of the Right to Financial Privacy Act of 1978 and of section 1102 of such Act, relating to a reasonable description of financial records.

''(e) REQUIRED DISCLOSURE.—The State shall inform any person who provides authorization pursuant to subsection (b)(1)(A) of the duration and scope of the authorization.

''(f) REFUSAL OR REVOCATION OF AUTHORIZATION.—If an applicant for, or recipient of, medical assistance under the State plan under this title (or such other person described in subsection (b)(1)(A), as applicable) refuses to provide, or revokes, any authorization made by the applicant or recipient (or such other person, as applicable) under subsection (b)(1)(A) for the State to obtain from any financial institution any financial record, the State may, on that basis, determine that the applicant or recipient is ineligible for medical assistance.

''(g) USE OF CONTRACTOR.—For purposes of implementing an asset verification program under this section, a State may select and enter into a contract with a public or private entity meeting such criteria and qualifications as the State determines appropriate, consistent with requirements in regulations relating to general contracting provisions and with section 1903(i)(2). In carrying out activities under such contract, such an entity shall be subject to the same requirements and limitations on use and disclosure of information as would apply if the State were to carry out such activities directly.

''(h) TECHNICAL ASSISTANCE.—The Secretary shall provide States with technical assistance to aid in implementation of an asset verification program under this section.

''(i) REPORTS.—A State implementing an asset verification program under this section shall furnish to the Secretary such reports concerning the program, at such times, in such format, and containing such information as the Secretary determines appropriate.

''(j) TREATMENT OF PROGRAM EXPENSES.—Notwithstanding any other provision of law, reasonable expenses of States in carrying out the program under this section shall be treated, for purposes of section 1903(a), in the same manner as State expenditures specified in paragraph (7) of such section.''.

(2) STATE PLAN REQUIREMENTS.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (69) by striking ''and'' at the end;

(B) in paragraph (70) by striking the period at the end and inserting ''; and''; and

(C) by inserting after paragraph (70), as so amended, the following new paragraph:

''(71) provide that the State will implement an asset verification program as required under section 1940.''.

(3) WITHHOLDING OF FEDERAL MATCHING PAYMENTS FOR NONCOMPLIANT STATES.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) in paragraph (22) by striking ''or'' at the end;

(B) in paragraph (23) by striking the period at the end and inserting ''; or''; and

(C) by adding after paragraph (23) the following new paragraph:

''(24) if a State is required to implement an asset verification program under section 1940 and fails to implement such program in accordance with such section, with respect to amounts expended by such State for medical assistance for individuals subject to asset verification under such section, unless—

''(A) the State demonstrates to the Secretary's satisfaction that the State made a good faith effort to comply;

''(B) not later than 60 days after the date of a finding that the State is in noncompliance, the State submits to the Secretary (and the Secretary approves) a corrective action plan to remedy such noncompliance; and

''(C) not later than 12 months after the date of such submission (and approval), the State fulfills the terms of such corrective action plan.''.

(4) REPEAL.—Section 4 of Public Law 110–90 is repealed.

SEC. 6002. LIMITATION ON MEDICARE EXCEPTION TO THE PROHIBITION ON CERTAIN PHYSICIAN REFERRALS FOR HOSPITALS.—

(a) IN GENERAL.—Section 1877 of the Social Security Act (42 U.S.C. 1395nn) is amended—

(1) in subsection (d)(2)—

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

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(C) in the case where the entity is a hospital, the hospital meets the requirements of paragraph (3)(D).'';

(2) in subsection (d)(3)—

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

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(D) the hospital meets the requirements described in subsection (i)(1) not later than 18 months after the date of the enactment of this subparagraph.''; and

(3) by adding at the end the following new subsection:

''(i) REQUIREMENTS FOR HOSPITALS TO QUALIFY FOR HOSPITAL EXCEPTION TO OWNERSHIP OR INVESTMENT PROHIBITION.—

''(1) REQUIREMENTS DESCRIBED.—For purposes of subsection (d)(3)(D), the requirements described in this paragraph for a hospital are as follows:

''(A) PROVIDER AGREEMENT.—The hospital had—

''(i) physician ownership on September 1, 2008; and

''(ii) a provider agreement under section 1866 in effect on such date.

''(B) LIMITATION ON EXPANSION OF FACILITY CAPACITY.—Except as provided in paragraph (3), the number of operating rooms, procedure rooms, and beds of the hospital at any time on or after the date of the enactment of this subsection are no greater than the number of operating rooms, procedure rooms, and beds as of such date.

''(C) PREVENTING CONFLICTS OF INTEREST.—

''(i) The hospital submits to the Secretary an annual report containing a detailed description of—

''(I) the identity of each physician owner and any other owners of the hospital; and

''(II) the nature and extent of all ownership interests in the hospital.

''(ii) The hospital has procedures in place to require that any referring physician owner discloses to the patient being referred, by a time that permits the patient to make a meaningful decision regarding the receipt of care, as determined by the Secretary—

''(I) the ownership interest of such referring physician in the hospital; and

''(II) if applicable, any such ownership interest of the treating physician.

''(iii) The hospital does not condition any physician ownership interests either directly or indirectly on the physician owner making or influencing referrals to the hospital or

otherwise generating business for the hospital.

''(iv) The hospital discloses the fact that the hospital is partially owned by physicians—

''(I) on any public website for the hospital; and

''(II) in any public advertising for the hospital.

''(D) ENSURING BONA FIDE INVESTMENT.—

''(i) Physician owners in the aggregate do not own more than the greater of—

''(I) 40 percent of the total value of the investment interests held in the hospital or in an entity whose assets include the hospital; or

''(II) the percentage of such total value determined on the date of enactment of this subsection.

''(ii) Any ownership or investment interests that the hospital offers to a physician owner are not offered on more favorable terms than the terms offered to a person who is not a physician owner.

''(iii) The hospital (or any investors in the hospital) does not directly or indirectly provide loans or financing for any physician owner investments in the hospital.

''(iv) The hospital (or any investors in the hospital) does not directly or indirectly guarantee a loan, make a payment toward a loan, or otherwise subsidize a loan, for any individual physician owner or group of physician owners that is related to acquiring any ownership interest in the hospital.

''(v) Investment returns are distributed to each investor in the hospital in an amount that is directly proportional to the ownership interest of such investor in the hospital.

''(vi) Physician owners do not receive, directly or indirectly, any guaranteed receipt of or right to purchase other business interests related to the hospital, including the purchase or lease of any property under the control of other investors in the hospital or located near the premises of the hospital.

''(vii) The hospital does not offer a physician owner the opportunity to purchase or lease any property under the control of the hospital or any other investor in the hospital on more favorable terms than the terms offered to an individual who is not a physician owner.

''(E) PATIENT SAFETY.—

''(i) Insofar as the hospital admits a patient and does not have any physician available on the premises to provide services during all hours in which the hospital is providing services to such patient, before admitting the patient—

''(I) the hospital discloses such fact to a patient; and

''(II) following such disclosure, the hospital receives from the patient a signed acknowledgment that the patient understands such fact.

''(ii) The hospital has the capacity to—

''(I) provide assessment and initial treatment for patients; and

''(II) refer and transfer patients to hospitals with the capability to treat the needs of the patient involved.

''(F) LIMITATION ON APPLICATION TO CERTAIN CONVERTED FACILITIES.—The hospital was not converted from an ambulatory surgical center to a hospital on or after the date of enactment of this subsection.

''(2) PUBLICATION OF INFORMATION REPORTED.—The Secretary shall publish, and update on an annual basis, the information submitted by hospitals under paragraph (1)(C)(i) on the public Internet website of the Centers for Medicare & Medicaid Services.

''(3) EXCEPTION TO PROHIBITION ON EXPANSION OF FACILITY CAPACITY.—

''(A) PROCESS.—

''(i) ESTABLISHMENT.—The Secretary shall establish and implement a process under which an applicable hospital (as defined in subparagraph (E)) may apply for an exception from the requirement under paragraph (1)(B).

''(ii) OPPORTUNITY FOR COMMUNITY INPUT.—The process under clause (i) shall provide individuals and entities in the community that the applicable hospital applying for an exception is located with the opportunity to provide input with respect to the application.

''(iii) TIMING FOR IMPLEMENTATION.—The Secretary shall implement the process under clause (i) on November 1, 2009.

''(iv) REGULATIONS.—Not later than November 1, 2009, the Secretary shall promulgate regulations to carry out the process under clause (i).

''(B) FREQUENCY.—The process described in subparagraph (A) shall permit an applicable hospital to apply for an exception up to once every 2 years.

''(C) PERMITTED INCREASE.—

''(i) IN GENERAL.—Subject to clause (ii) and subparagraph (D), an applicable hospital granted an exception under the process described in subparagraph (A) may increase the number of operating rooms, procedure rooms, and beds of the applicable hospital above the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital (or, if the applicable hospital has been granted a previous exception under this paragraph, above the number of operating rooms, procedure rooms, and beds of the hospital after the application of the most recent increase under such an exception).

''(ii) LIFETIME 100 PERCENT INCREASE LIMITATION.—The Secretary shall not permit an increase in the number of operating rooms, procedure rooms, and beds of an applicable hospital under clause (i) to the extent such increase would result in the number of operating rooms, procedure rooms, and beds of the applicable hospital exceeding 200 percent of the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital.

''(iii) BASELINE NUMBER OF OPERATING ROOMS, PROCEDURE ROOMS, AND BEDS.—In this paragraph, the term 'baseline number of operating rooms, procedure rooms, and beds' means the number of operating rooms, procedure rooms, and beds of the applicable hospital as of the date of enactment of this subsection.

''(D) INCREASE LIMITED TO FACILITIES ON THE MAIN CAMPUS OF THE HOSPITAL.—Any increase in the number of operating rooms, procedure rooms, and beds of an applicable hospital pursuant to this paragraph may only occur in facilities on the main campus of the applicable hospital.

''(E) APPLICABLE HOSPITAL.—In this paragraph, the term ''applicable hospital'' means a hospital—

''(i) that is located in a county in which the percentage increase in the population during the most recent 5-year period (as of the date of the application under subparagraph (A)) is at least 150 percent of the percentage increase in the population growth of the State in which the hospital is located during that period, as estimated by Bureau of the Census;

''(ii) whose annual percent of total inpatient admissions that represent inpatient admissions under the program under title XIX is equal to or greater than the average percent with respect to such admissions for all hospitals located in the county in which the hospital is located;

''(iii) that does not discriminate against beneficiaries of Federal health care programs and does not permit physicians practicing at the hospital to discriminate against such beneficiaries;

''(iv) that is located in a State in which the average bed capacity in the State is less than the national average bed capacity; and

''(v) that has an average bed occupancy rate that is greater than the average bed occupancy rate in the State in which the hospital is located.

''(F) PROCEDURE ROOMS.—In this subsection, the term 'procedure rooms' includes rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed, except such term shall not include emergency rooms or departments (exclusive of rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed).

''(G) PUBLICATION OF FINAL DECISIONS.—Not later than 60 days after receiving a complete application under this paragraph, the Secretary shall publish in the Federal Register the final decision with respect to such application.

''(H) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the process under this paragraph (including the establishment of such process).

''(4) COLLECTION OF OWNERSHIP AND INVESTMENT INFORMATION.—For purposes of subparagraphs (A)(i) and (D)(i) of paragraph (1), the Secretary shall collect physician ownership and investment information for each hospital.

''(5) PHYSICIAN OWNER DEFINED.—For purposes of this subsection, the term 'physician owner' means a physician (or an immediate family member of such physician) with a direct or an indirect ownership interest in the hospital.''.

(b) ENFORCEMENT.—

(1) ENSURING COMPLIANCE.—The Secretary of Health and Human Services shall establish policies and procedures to ensure compliance with the requirements described in subsection (i)(1) of section 1877 of the Social Security Act, as added by subsection (a)(3), beginning on the date such requirements first apply. Such policies and procedures may include unannounced site reviews of hospitals.

(2) AUDITS.—Beginning not later than January 1, 2010, the Secretary of Health and Human Services shall conduct audits to determine if hospitals violate the requirements referred to in paragraph (1).

SEC. 6003. Medicare Improvement Fund.—

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

''MEDICARE IMPROVEMENT FUND

''SEC. 1898. (a) ESTABLISHMENT.—The Secretary shall establish under this title a Medicare Improvement Fund (in this section referred to as the 'Fund') which shall be available to the Secretary to make improvements under the original fee-for-service program under parts A and B for individuals entitled to, or enrolled for, benefits under part A or enrolled under part B.

''(b) FUNDING.—

''(1) IN GENERAL.—There shall be available to the Fund, for expenditures from the Fund for services furnished during fiscal year 2014, $3,340,000,000.

''(2) PAYMENT FROM TRUST FUNDS.—The amount specified under paragraph (1) shall be available to the Fund, as expenditures are made from the Fund, from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund in such proportion as the Secretary determines appropriate.

''(3) FUNDING LIMITATION.—Amounts in the Fund shall be available in advance of appropriations but only if the total amount obligated from the Fund does not exceed the amount available to the Fund under paragraph (1). The Secretary may obligate funds

from the Fund only if the Secretary determines (and the Chief Actuary of the Centers for Medicare & Medicaid Services and the appropriate budget officer certify) that there are available in the Fund sufficient amounts to cover all such obligations incurred consistent with the previous sentence.''.

SEC. 6004. MORATORIUM ON AUGUST 17, 2007 CMS DIRECTIVE. Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, finalize, implement, enforce, or otherwise take any action to give effect to any or all components of the State Health Official Letter 07–001, dated August 17, 2007, issued by the Director of the Center for Medicaid and State Operations in the Centers for Medicare & Medicaid Services regarding certain requirements under the State Children's Health Insurance Program (CHIP) relating to the prevention of the substitution of health benefits coverage for children (commonly referred to as ''crowd-out'') and the enforcement of medical support orders (or to any similar administrative actions that reflect the same or similar policies set forth in such letter). Any change made on or after August 17, 2007, to a Medicaid or CHIP State plan or waiver to implement, conform to, or otherwise adhere to the requirements or policies in such letter shall not apply prior to April 1, 2009.

SEC. 6005. ADJUSTMENT TO PAQI FUND. Section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)), as amended by section 101(a)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended—

(1) in subparagraph (A)(i)—

(A) in subclause (III), by striking ''$4,960,000,000'' and inserting ''$3,940,000,000''; and

(B) by adding at the end the following new subclause:

''(IV) For expenditures during 2014, an amount equal to $3,750,000,000.'';

(2) in subparagraph (A)(ii), by adding at the end the following new subclause:

''(IV) 2014.—The amount available for expenditures during 2014 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year.''; and

(3) in subparagraph (B)—

(A) in clause (ii), by striking ''and'' at the end;

(B) in clause (iii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(iv) 2014 for payment with respect to physicians' services furnished during 2014.''.

TITLE VII—ACCOUNTABILITY AND COMPETITION IN GOVERNMENT CONTRACTING

CHAPTER 1—CLOSE THE CONTRACTOR FRAUD LOOPHOLE

SHORT TITLE

SEC. 7101. This chapter may be cited as the ''Close the Contractor Fraud Loophole Act''.

REVISION OF THE FEDERAL ACQUISITION REGULATION

SEC. 7102. The Federal Acquisition Regulation shall be amended within 180 days after the date of the enactment of this Act pursuant to FAR Case 2007–006 (as published at 72 Fed Reg. 64019, November 14, 2007) or any follow-on FAR case to include provisions that require timely notification by Federal contractors of violations of Federal criminal law or overpayments in connection with the award or performance of covered contracts or subcontracts, including those performed outside the United States and those for commercial items.

DEFINITION

SEC. 7103. In this chapter, the term ''covered contract'' means any contract in an amount greater than $5,000,000 and more than 120 days in duration.

CHAPTER 2—GOVERNMENT FUNDING TRANSPARENCY

SHORT TITLE

SEC. 7201. This chapter may be cited as the ''Government Funding Transparency Act of 2008''.

FINANCIAL DISCLOSURE REQUIREMENTS FOR CERTAIN RECIPIENTS OF FEDERAL AWARDS

SEC. 7202. (a) DISCLOSURE REQUIREMENTS.—Section 2(b)(1) of the Federal Funding Accountability and Transparency Act (Public Law 109–282; 31 U.S.C. 6101 note) is amended—

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

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

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

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

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

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

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

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

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

TITLE VIII

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 8001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION

SEC. 8002. Each amount in each title of this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

AVOIDANCE OF U.S. PAYROLL TAX CONTRIBUTIONS

SEC. 8003. None of the funds in this Act may be used by any Federal agency for a contract with any United States corporation which hires United States employees through foreign offshore subsidiaries for purposes of avoiding United States payroll tax contributions for such employees.

EXPLANATORY STATEMENT

SEC. 8004. The explanatory statement printed in the Senate section of the Congressional Record on May 19, 2008, submitted by the Chairman of the Committee on Appropriations of the Senate regarding the amendments of the Senate to the House amendments to the Senate amendment to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, submitted by the Chairman of the Committee on Appropriations of the Senate, shall have the same effect with respect to the allocation of funds and implementation of titles I through XIII of this Act as if it were a report to the Senate on a bill reported by the Committee on Appropriations.

SHORT TITLE

SEC. 8005. This Act may be cited as the ''Supplemental Appropriations Act, 2008''.

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**SA 4804.** Mr. REID proposed an amendment to amendment SA 4803 proposed by Mr. REID to the House amendment numbered 2 to the amendment of the Senate to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

Strike all after the word ''TITLE'' on page 2, line 1, and insert the following:

TITLE I

OTHER SECURITY, MILITARY CONSTRUCTION, AND INTERNATIONAL MATTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for ''Public Law 480 Title II Grants'', $850,000,000, to remain available until expended.

For an additional amount for ''Public Law 480 Title II Grants'', $395,000,000, to become available on October 1, 2008, and to remain available until expended.

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of the Inspector General, $4,000,000, to remain available until September 30, 2009.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'', $1,648,000, to remain available until September 30, 2009.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for ''Salaries and Expenses, United States Attorneys'', $5,000,000, to remain available until September 30, 2009.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $18,621,000, to remain available until September 30, 2009.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $164,965,000, to remain available until September 30, 2009.

For an additional amount for ''Salaries and Expenses'', $82,600,000 to become available on October 1, 2008 and to remain available until September 30, 2009.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $22,666,000, to remain available until September 30, 2009.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $4,000,000, to remain available until September 30, 2009.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $9,100,000, to remain available until September 30, 2009.

CHAPTER 3

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $1,170,200,000: *Provided,* That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further,* That of the funds made available under this heading, $1,033,000,000 shall remain available until September 30, 2009, and $137,200,000 shall remain available until September 30, 2012: *Provided further,* That funds made available under this heading for military construction projects in Iraq shall not be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that none of the funds are to be used for the purpose of providing facilities for the permanent basing of U.S. military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $300,084,000: *Provided,* That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further,* That of the funds made available under this heading, $270,785,000 shall remain available until September 30, 2009, and $29,299,000 shall remain available until September 30, 2012.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $361,900,000: *Provided,* That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further,* That of the funds made available under this heading, $324,300,000 shall remain available until September 30, 2009, and $37,600,000 shall remain available until September 30, 2012: *Provided further,* That funds made available under this heading for military construction projects in Iraq shall not be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that none of the funds are to be used for the purpose of providing facilities for the permanent basing of U.S. military personnel in Iraq.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for ''Military Construction, Defense-Wide'', $27,600,000, to remain available until September 30, 2009: *Provided,* That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Family Housing Construction, Navy and Marine Corps'', $11,766,000, to remain available until September 30, 2012: *Provided,* That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $1,202,886,000, to remain available until expended.

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for ''General Operating Expenses'', $100,000,000, to remain available until expended.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for ''Information Technology Systems'', $20,000,000, to remain available until expended.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for ''Construction, Major Projects'', $437,100,000, to remain available until expended, which shall be for acceleration and completion of planned major construction of Level I polytrauma rehabilitation centers as identified in the Department of Veterans Affairs' Five Year Capital Plan: *Provided,* That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical facility construction not otherwise authorized by law: *Provided further,* That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Army'', there is hereby appropriated an additional $70,600,000, to remain available until September 30, 2012, for the acceleration and completion of child development center construction as proposed in the fiscal year 2009 budget request for the Department of the Army: *Provided,* That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1302. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Navy and Marine Corps'', there is hereby appropriated an additional $89,820,000, to remain available until September 30, 2012, for the acceleration and completion of child development and youth center construction as proposed in the fiscal year 2009 budget request for the Department of the Navy: *Provided,* That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1303. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Air Force'', there is hereby appropriated an additional $8,100,000, to remain available until September 30, 2012, for the acceleration and completion of child development center construction as proposed in the fiscal year 2009 budget request for the Department of the Air Force: *Provided,* That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1304. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Army'', there is hereby appropriated an additional $200,000,000, to remain available until September 30, 2012, to accelerate barracks improvements at Department of the Army installations: *Provided,* That such funds may be obligated and expended to carry out planning and design and barracks construction not otherwise authorized by law: *Provided further,* That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for barracks construction prior to obligation.

SEC. 1305. COLLECTION OF CERTAIN INDEBTEDNESS OF MEMBERS OF THE ARMED FORCES AND VETERANS WHO DIE OF INJURY INCURRED OR AGGRAVATED IN SERVICE IN THE LINE OF DUTY IN A COMBAT ZONE. (a) LIMITATION ON AUTHORITY.—

(1) IN GENERAL.—Chapter 53 of title 38, United States Code, is amended by inserting after section 5302 the following new section:

**''§ 5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone**

''(a) LIMITATION ON AUTHORITY.—The Secretary may not collect all or any part of an amount owed to the United States by a member of the Armed Forces or veteran described in subsection (b) under any program under the laws administered by the Secretary, other than a program referred to in subsection (c), if the Secretary determines that termination of collection is in the best interest of the United States.

''(b) COVERED INDIVIDUALS.—A member of the Armed Forces or veteran described in this subsection is any member or veteran who dies as a result of an injury incurred or aggravated in the line of duty while serving in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) in a war or in combat against a hostile force during a period of hostilities (as that term is defined in section 1712A(a)(2)(B) of this title) after September 11, 2001.

''(c) INAPPLICABILITY TO HOUSING AND SMALL BUSINESS BENEFIT PROGRAMS.—The limitation on authority in subsection (a) shall not apply to any amounts owed the United States under any program carried out under chapter 37 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by inserting after the item relating to section 5302 the following new item:

''5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone.''.

(b) EQUITABLE REFUND.—In any case where all or any part of an indebtedness of a covered individual, as described in section 5302A(a) of title 38, United States Code, as added by subsection (a)(1), was collected after September 11, 2001, and before the date of the enactment of this Act, and the Secretary of Veterans Affairs determines that such indebtedness would have been terminated had such section been in effect at such time, the Secretary may refund the amount so collected if the Secretary determines that the individual is equitably entitled to such refund.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to collections of indebtedness of members of the Armed Forces and veterans who die on or after September 11, 2001.

(d) SHORT TITLE.—This section may be cited as the ''Combat Veterans Debt Elimination Act of 2008''.

CHAPTER 4

SUBCHAPTER A—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'', $1,413,700,000, to remain available until September 30, 2009, of which $212,400,000 for worldwide security protection is available until expended: *Provided*, That not more than $1,095,000,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq: *Provided further*, That of the funds appropriated under this heading, not more than $30,000,000 shall be made available to establish and implement a coordinated civilian response capacity at the United States Department of State: *Provided further*, That of the funds appropriated under this heading, up to $5,000,000 shall be made available to establish a United States Consulate in Lhasa, Tibet: *Provided further*, That the Department of State shall not consent to the opening of a consular post in the United States by the People's Republic of China until such time as a United States Consulate in Lhasa, Tibet is established.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of Inspector General'', $12,500,000, to remain available until September 30, 2009: *Provided*, That $2,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and up to $5,000,000 may be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for ''Educational and Cultural Exchange Programs'', $10,000,000, to remain available until September 30, 2009, of which $5,000,000 shall be for programs and activities in Africa, and $5,000,000 shall be for programs and activities in the Western Hemisphere.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'', $76,700,000, to remain available until expended, for facilities in Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for ''Contributions to International Organizations'', $66,000,000, to remain available until September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'', $383,600,000, to remain available until September 30, 2009, of which $333,600,000 shall be made available for the United Nations-African Union Hybrid Mission in Darfur.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'', $3,000,000, to remain available until September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $240,000,000, to remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $149,500,000, to remain available until September 30, 2009: *Provided*, That of the funds appropriated under this heading, not more than $25,000,000 shall be made available to establish and implement a coordinated civilian response capacity at the United States Agency for International Development.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', $4,000,000, to remain available until September 30, 2009.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $1,962,500,000, to remain available until September 30, 2009, of which not more than $398,000,000 may be made available for assistance for Iraq, $150,000,000 shall be made available for assistance for Jordan to meet the needs of Iraqi refugees, and up to $53,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law: *Provided*, That not more than $200,000,000 of the funds appropriated under this heading in this subchapter shall be made available for assistance for the West Bank: *Provided further*, That funds made available pursuant to the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the funds made available under this heading for energy-related assistance for North Korea may be made available to support the goals of the Six Party Talks Agreements after the Secretary of State determines and reports to the Committees on Appropriations that North Korea is continuing to fulfill its commitments under such agreements.

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for ''Democracy Fund'', $76,000,000, to remain available until September 30, 2009, of which $75,000,000 shall be for democracy programs in Iraq and $1,000,000 shall be for democracy programs in Chad.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $520,000,000, to remain available until September 30, 2009, of which not more than $25,000,000 shall be made available for security assistance for the West Bank: *Provided*, That of the funds appropriated under this heading, $1,000,000 shall be made available for the Office of the United Nations High Commissioner for Human Rights in Mexico.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $330,500,000, to remain available until expended.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for ''United States Emergency Refugee and Migration Assistance Fund'', $36,608,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $10,000,000, to remain available until September 30, 2009.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $10,000,000, to remain available until September 30, 2009.

SUBCHAPTER B—BRIDGE FUND APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'', $652,400,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: *Provided*, That of the funds appropriated under this heading, $78,400,000 is for worldwide security protection and shall remain available until expended: *Provided further*, That not more than $500,000,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of Inspector General'', $57,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: *Provided*, That $36,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight and up to $5,000,000 shall be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'', $41,300,000, which shall become available on October 1, 2008 and remain available until expended, for facilities in Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for ''Contributions to International Organizations'', $75,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'', $150,500,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'', $6,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for ''Global Health and Child Survival'', $75,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, for programs to combat avian influenza.

DEVELOPMENT ASSISTANCE

For an additional amount for ''Development Assistance'', $200,000,000, for assistance for developing countries to address the international food crisis notwithstanding any

other provision of law, which shall become available on October 1, 2008 and remain available through September 30, 2010: *Provided,* That such assistance should be carried out consistent with the purposes of section 103(a)(1) of the Foreign Assistance Act of 1961: *Provided further,* That not more than $50,000,000 should be made available for local or regional purchase and distribution of food: *Provided further,* That the Secretary of State shall submit to the Committees on Appropriations not later than 45 days after enactment of this Act, and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of such funds to alleviate hunger and malnutrition, including a list of those countries facing significant food shortages.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $200,000,000, which shall become available on October 1, 2008 and remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $93,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', $1,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $1,132,300,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which not more than $110,000,000 may be made available for assistance for Iraq, $100,000,000 shall be made available for assistance for Jordan, not more than $455,000,000 may be made available for assistance for Afghanistan, not more than $150,000,000 may be made available for assistance for Pakistan, not more than $150,000,000 shall be made available for assistance for the West Bank, and $15,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $151,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which not more than $50,000,000 shall be made available for security assistance for the West Bank.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $350,000,000, which shall become available on October 1, 2008 and remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $4,500,000, for humanitarian demining assistance for Iraq, which shall become available on October 1, 2008 and remain available through September 30, 2009.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $145,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which $100,000,000 shall be made available for assistance for Jordan: *Provided,* That section 3802(c) of title III, chapter 8 of Public of Law 110–28 shall apply to funds made available under this heading for assistance for Lebanon.

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $85,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

SUBCHAPTER C—GENERAL PROVISIONS—THIS CHAPTER

EXTENSION OF AUTHORITIES

SEC. 1401. Funds appropriated by this chapter may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Year 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

IRAQ

SEC. 1402. (a) ASSET TRANSFER AGREEMENT.—

(1) None of the funds appropriated by this chapter for infrastructure maintenance activities in Iraq may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that the Governments of the United States and Iraq have entered into, and are implementing, an asset transfer agreement that includes commitments by the Government of Iraq to maintain United States-funded infrastructure in Iraq.

(2) None of the funds appropriated by this chapter may be made available for the construction of prison facilities in Iraq.

(b) ANTI-CORRUPTION.—None of the funds appropriated by this chapter for rule of law programs in Iraq may be made available for assistance for the Government of Iraq until the Secretary of State certifies and reports to the Committees on Appropriations that a comprehensive anti-corruption strategy has been developed, and is being implemented, by the Government of Iraq, and the Secretary of State submits a list, in classified form if necessary, to the Committees on Appropriations of senior Iraqi officials who the Secretary has credible evidence to believe have committed corrupt acts.

(c) PROVINCIAL RECONSTRUCTION TEAMS.—None of the funds appropriated by this chapter for the operational or program expenses of Provincial Reconstruction Teams (PRTs) in Iraq may be made available until the Secretary of State submits a report to the Committees on Appropriations detailing—

(1) the strategy for the eventual winding down and close out of PRTs;

(2) anticipated costs associated with PRT operations, programs, and eventual winding down and close out, including security for PRT personnel and anticipated Government of Iraq contributions; and

(3) anticipated placement and cost estimates of future United States Consulates in Iraq.

(d) COMMUNITY STABILIZATION PROGRAM.—None of the funds appropriated by this chapter for the Community Stabilization Program in Iraq may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that the United States Agency for International Development is implementing recommendations contained in Office of Inspector General Audit Report No. E–267–08–001–P to ensure accountability of funds.

(e) MATCHING REQUIREMENT.—

(1) Notwithstanding any other provision of law, funds appropriated by this chapter for assistance for Iraq shall be made available only to the extent that the Government of Iraq matches such assistance on a dollar-for-dollar basis.

(2) Subsection (e)(1) shall not apply to funds made available for—

(A) grants and cooperative agreements for programs to promote democracy and human rights;

(B) the Community Action Program and other assistance through civil society organizations;

(C) humanitarian demining; or

(D) assistance for refugees, internally displaced persons, and civilian victims of the military operations.

(3) The Secretary of State shall certify to the Committees on Appropriations prior to the initial obligation of funds pursuant to this section that the Government of Iraq has committed to obligate matching funds on a dollar-for-dollar basis. The Secretary shall submit a report to the Committees on Appropriations not later than September 30, 2008 and 180 days thereafter, detailing the amounts of funds obligated and expended by the Government of Iraq to meet the requirements of this section.

(4) Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the amounts provided by the Government of Iraq since June 30, 2004, to assist Iraqi refugees in Syria, Jordan, and elsewhere, and the amount of such assistance the Government of Iraq plans to provide in fiscal year 2008. The Secretary shall work expeditiously with the Government of Iraq to establish an account within its annual budget sufficient to, at a minimum, match United States contributions on a dollar-for-dollar basis to organizations and programs for the purpose of assisting Iraqi refugees.

(f) VETTING.—Prior to the initial obligation of funds appropriated for assistance for Iraq in this chapter, the Secretary of State shall, in consultation with the heads of other Federal departments and agencies, take appropriate steps to ensure that such funds are not provided to or through any individual, private entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, or engages in, terrorist activities.

(g) IRAQ RELIEF AND RECONSTRUCTION FUND.—

(1) Notwithstanding any other provision of law, the expired balances of funds appropriated or otherwise made available under the heading ''Iraq Relief and Reconstruction Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs shall be rescinded.

(2) None of the funds made available under the heading ''Iraq Relief and Reconstruction Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs may be reprogrammed for any purpose other than that previously notified to the Committees on Appropriations prior to April 30, 2008, and none of such funds may be made available to initiate any new projects or activities.

(3) Not later than 30 days after enactment of this Act, the Secretary of State shall report to the Committees on Appropriations on the balances of obligated funds referenced in subsection (g)(1), and estimates of the amount of funds required to close out ongoing projects or for outstanding claims.

AFGHANISTAN

SEC. 1403. (a) ASSISTANCE FOR WOMEN AND GIRLS.—Funds appropriated by this chapter under the heading ''Economic Support Fund'' that are available for assistance for Afghanistan shall be made available, to the maximum extent practicable, through local Afghan provincial and municipal governments and Afghan civil society organizations and in a manner that emphasizes the participation of Afghan women and directly improves the economic, social and political status of Afghan women and girls.

(b) HIGHER EDUCATION.—Of the funds appropriated by this chapter under the heading ''Economic Support Fund'' that are made available for education programs in Afghanistan, not less than 50 percent shall be made available to support higher education and vocational training programs in law, accounting, engineering, public administration, and other disciplines necessary to rebuild the country, in which the participation of women is emphasized.

(c) CIVILIAN ASSISTANCE.—Of the funds appropriated by this chapter under the heading ''Economic Support Fund'' that are available for assistance for Afghanistan, not less than $10,000,000 shall be made available for continued support of the United States Agency for International Development's Afghan Civilian Assistance Program, and not less than $2,000,000 shall be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund.

(d) ANTI-CORRUPTION.—Not later than 90 days after the enactment of this Act, the Secretary of State shall—

(1) submit a report to the Committees on Appropriations on actions being taken by the Government of Afghanistan to combat corruption within the national and provincial governments, including to remove and prosecute officials who have committed corrupt acts;

(2) submit a list to the Committees on Appropriations, in classified form if necessary, of senior Afghan officials who the Secretary has credible evidence to believe have committed corrupt acts; and

(3) certify and report to the Committees on Appropriations that effective mechanisms are in place to ensure that assistance to national government ministries and provincial governments will be properly accounted for.

WAIVER OF CERTAIN SANCTIONS AGAINST NORTH KOREA

SEC. 1404. (a) ANNUAL WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (b), the President may waive in whole or in part, with respect to North Korea, the application of any sanction under section 102(b) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)), for the purpose of—

(A) assisting in the implementation and verification of the compliance by North Korea with its commitment, undertaken in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula; and

(B) promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction and their delivery systems.

(2) DURATION OF WAIVER.—Any waiver issued under this subsection shall expire at the end of the calendar year in which it is issued.

(b) EXCEPTIONS.—

(1) LIMITED EXCEPTION RELATED TO CERTAIN SANCTIONS AND PROHIBITIONS.—The authority under subsection (a) shall not apply with respect to a sanction or prohibition under subparagraph (B), (C), or (G) of section 102(b)(2) of the Arms Export Control Act, unless the President determines and certifies to the appropriate congressional committees that—

(A) all reasonable steps will be taken to assure that the articles or services exported or otherwise provided will not be used to improve the military capabilities of the armed forces of North Korea; and

(B) such waiver is in the national security interests of the United States.

(2) LIMITED EXCEPTION RELATED TO CERTAIN ACTIVITIES.—Unless the President determines and certifies to the appropriate congressional committees that using the authority under subsection (a) is vital to the national security interests of the United States, such authority shall not apply with respect to—

(A) an activity described in subparagraph (A) of section 102(b)(1) of the Arms Export Control Act that occurs after September 19, 2005, and before the date of the enactment of this Act;

(B) an activity described in subparagraph (C) of such section that occurs after September 19, 2005; or

(C) an activity described in subparagraph (D) of such section that occurs after the date of enactment of this Act.

(3) EXCEPTION RELATED TO CERTAIN ACTIVITIES OCCURRING AFTER DATE OF ENACTMENT.—The authority under subsection (a) shall not apply with respect to an activity described in subparagraph (A) or (B) of section 102(b)(1) of the Arms Export Control Act that occurs after the date of the enactment of this Act.

(c) NOTIFICATIONS AND REPORTS.—

(1) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees in writing not later than 15 days before exercising the waiver authority under subsection (a).

(2) ANNUAL REPORT.—Not later than January 31, 2009, and annually thereafter, the President shall submit to the appropriate congressional committees a report that—

(A) lists all waivers issued under subsection (a) during the preceding year;

(B) describes in detail the progress that is being made in the implementation of the commitment undertaken by North Korea, in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula;

(C) discusses specifically any shortcomings in the implementation by North Korea of that commitment; and

(D) lists and describes the progress and shortcomings, in the preceding year, of all other programs promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction or their delivery systems.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives.

MEXICO

SEC. 1405. (a) ASSISTANCE FOR MEXICO.—Of the funds appropriated in subchapter A under the heading ''International Narcotics Control and Law Enforcement'', not more than $350,000,000 may be made available for assistance for Mexico, only to combat drug trafficking and related violence and organized crime, and for judicial reform, anti-corruption, and rule of law activities: *Provided*, That none of the funds made available under this section shall be made available for budget support or as cash payments: *Provided further*, That none of the funds made available under this section shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that members and units of the Mexican military and police forces that receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.

(b) ALLOCATION OF FUNDS.—Twenty-five percent of the funds made available by subchapter A for assistance for Mexico under the heading ''International Narcotics Control and Law Enforcement'' may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that:

(1) The Government of Mexico is—

(A) strengthening the legal authority and independence of the National Human Rights Commission;

(B) establishing police complaints commissions with authority and independence to receive complaints and carry out effective investigations;

(C) establishing an independent mechanism, with representation from civil society, to monitor programs to combat drug trafficking and related violence and organized crime, judicial reform, anti-corruption, and rule of law activities to ensure due process and the protection of freedoms of expression, association, and assembly, and rights of privacy, in accordance with Mexican and international law;

(D) is enforcing the prohibition on the use of testimony obtained through torture or other ill-treatment in violation of Mexican and international law;

(E) is ensuring that the Mexican military justice system is transferring all cases involving allegations of human rights violations by military personnel to civilian prosecutors and judicial authorities, and that the armed forces are fully cooperating with civilian prosecutors and judicial authorities in prosecuting and punishing in civilian courts members of the armed forces who have been credibly alleged to have committed such violations; and

(F) is ensuring that federal and state police forces are fully cooperating with prosecutors and judicial authorities in prosecuting and punishing members of the police forces who have been credibly alleged to have committed violations of human rights.

(2) Civilian prosecutors and judicial authorities are investigating, prosecuting and punishing members of the Mexican military and police forces who have been credibly alleged to have committed human rights violations.

(c) EXCEPTION.—Notwithstanding subsection (b), of the funds made available for assistance for Mexico pursuant to this section, $3,000,000 shall be made available for technical and other assistance to enable the Government of Mexico to implement a unified national registry of federal, state, and municipal police officers, and $5,000,000 should be made available to the Bureau of Alcohol, Tobacco, Firearms and Explosives to deploy special agents in Mexico to support Mexican law enforcement agencies in tracing seized firearms and investigating firearms trafficking cases.

(d) REPORT.—The report required in subsection (b) shall include a description of actions taken with respect to each requirement specified in subsection (b) and the cases or issues brought to the attention of the Secretary of State for which the response or action taken has been inadequate.

(e) NOTIFICATION.—Funds made available for Mexico in subchapter A shall be subject to the regular notification procedures of the

Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(f) SPENDING PLAN.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for Mexico in subchapter A, which shall include a strategy for combating drug trafficking and related violence and organized crime, judicial reform, preventing corruption, and strengthening the rule of law, with concrete goals, actions to be taken, budget proposals, and anticipated results.

(g) CONSULTATION.—Not later than 90 days after the date of the enactment of this Act, and every 120 days thereafter until September 30, 2010, the Secretary of State shall consult with Mexican and internationally recognized human rights organizations on progress in meeting the requirements described in subsection (b).

CENTRAL AMERICA

SEC. 1406. (a) ASSISTANCE FOR THE COUNTRIES OF CENTRAL AMERICA.—Of the funds appropriated in subchapter A under the headings ''International Narcotics Control and Law Enforcement'' and ''Economic Support Fund'', not more than $100,000,000 may be made available for assistance for the countries of Central America, Haiti, and the Dominican Republic only to combat drug trafficking and related violence and organized crime, and for judicial reform, anti-corruption, and rule of law activities: *Provided,* That of the funds appropriated under the heading ''Economic Support Fund'', $40,000,000 shall be made available through the United States Agency for International Development for an Economic and Social Development Fund for Central America: *Provided further,* That of the funds made available pursuant to this section, $5,000,000 shall be made available for assistance for Haiti and $5,000,000 shall be made available for assistance for the Dominican Republic: *Provided further,* That of the funds made available pursuant to this section that are available for assistance for Guatemala, not less than $1,000,000 shall be made available for a United States contribution to the International Commission Against Impunity in Guatemala: *Provided further,* That none of the funds shall be made available for budget support or as cash payments: *Provided further,* That, with the exception of the first and third provisos in this section, none of the funds shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that members and units of the military and police forces of the countries of Central America, Haiti and the Dominican Republic that receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.

(b) ALLOCATION OF FUNDS.—Twenty-five percent of the funds made available by subchapter A for assistance for the countries of Central America, Haiti and the Dominican Republic under the heading ''International Narcotics Control and Law Enforcement'' may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that the government of such country is—

(1) establishing a police complaints commission with authority and independence to receive complaints and carry out effective investigations;

(2) implementing reforms to improve the capacity and ensure the independence of the judiciary; and

(3) suspending, prosecuting and punishing members of the military and police forces who have been credibly alleged to have committed violations of human rights and corrupt acts.

(c) REPORT.—The report required in subsection (b) shall include actions taken with respect to each requirement and the cases or issues brought to the attention of the Secretary for which the response or action taken has been inadequate.

(d) NOTIFICATION.—Funds made available for assistance for the countries of Central America, Haiti and the Dominican Republic in subchapter A shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(e) SPENDING PLAN.—Not later than 45 days after enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for the countries of Central America, Haiti and the Dominican Republic in subchapter A, which shall include a strategy for combating drug trafficking and related violence and organized crime, judicial reform, preventing corruption, and strengthening the rule of law, with concrete goals, actions to be taken, budget proposals and anticipated results.

(f) CONSULTATION.—Not later than 90 days after the date of enactment of this Act and every 120 days thereafter until September 30, 2010, the Secretary of State shall consult with internationally recognized human rights organizations, and human rights organizations in the countries of Central America, Haiti and the Dominican Republic receiving assistance pursuant to this section, on progress in meeting the requirements described in subsection (b).

(g) DEFINITION.—For the purposes of this section, the term ''countries of Central America'' means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

TECHNICAL PROVISIONS

SEC. 1407. (a) ADMINISTRATIVE EXPENSES.—Of the funds appropriated or otherwise made available under the heading ''Economic Support Fund'' by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), up to $7,800,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development for alternative development programs in the Andean region of South America. These funds may be used to reimburse funds appropriated under the heading ''Operating Expenses of the United States Agency for International Development'' for obligations incurred for the purposes provided under this section prior to enactment of this Act.

(b) AUTHORITY.—Funds appropriated or otherwise made available by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) under the heading ''Economic Support Fund'' that are available for a competitively awarded grant for nuclear security initiatives relating to North Korea shall be made available notwithstanding any other provision of law.

(c) EXTENSION OF AUTHORITY.—Not more than $1,350,000 of the funds appropriated or otherwise made available under the heading ''Foreign Military Financing Program'' by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) that were previously transferred to and merged with ''Diplomatic and Consular Programs'' may be made available for any purposes authorized for that account, of which up to $500,000 shall be made available to increase the capacity of the United States Embassy in Mexico City to vet members and units of Mexican military and police forces that receive assistance made available by this Act and to monitor the uses of such assistance.

(d) REIMBURSEMENTS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall include the provision of sufficient funds to fully reimburse the United States Agency for International Development for the administrative costs, including the cost of direct hire personnel, incurred in implementing and managing the programs and activities under such transfer or allocation. Such funds transferred or allocated to the United States Agency for International Development for administrative costs shall be transferred to and merged with ''Operating Expenses of the United States Agency for International Development''.

(e) EXCEPTION.—Section 8002 of title VIII of this Act shall not apply to this section.

(f) SPENDING AUTHORITY.—Funds made available by this chapter may be expended notwithstanding section 699K of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161).

BUYING POWER MAINTENANCE ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

SEC. 1408. (a) Of the funds appropriated under the heading ''Diplomatic and Consular Programs'' and allocated by section 3810 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28), $26,000,000 shall be transferred to and merged with funds in the ''Buying Power Maintenance Account'': *Provided,* That of the funds made available by this chapter up to an additional $74,000,000 may be transferred to and merged with the ''Buying Power Maintenance Account'', subject to the regular notification procedures of the Committees on Appropriations and in accordance with the procedures in section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706). Any funds transferred pursuant to this section shall be available, without fiscal year limitation, pursuant to section 24 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696).

(b) Section 24(b)(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)(7)) is amended by amending subparagraph (D) to read as follows:

''(D) The authorities contained in this paragraph may be exercised only with respect to funds appropriated or otherwise made available after fiscal year 2008.''.

SERBIA

SEC. 1409. (a) Of the funds made available for assistance for Serbia under the heading ''Assistance for Eastern Europe and the Baltic States'' by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), an amount equivalent to the costs of damage to the United States Embassy in Belgrade, Serbia, as estimated by the Secretary of State, resulting from the February 21, 2008 attack on such Embassy, shall be transferred to, and merged with, funds provided under the heading ''Embassy Security, Construction, and Maintenance'' to be used for necessary repairs or future construction.

(b) The requirements of subsection (a) shall not apply if the Secretary of State certifies to the Committees on Appropriations that the Government of Serbia has provided full compensation to the Department of State for damages to the United States Embassy in Belgrade, Serbia resulting from the February 21, 2008 attack on such Embassy.

(c) Section 8002 of title VIII of this Act shall not apply to this section.

RESCISSIONS

(INCLUDING RESCISSIONS)

SEC. 1410. (a) WORLD FOOD PROGRAM.—

(1) For an additional amount for a contribution to the World Food Program to assist farmers in countries affected by food shortages to increase crop yields, notwithstanding any other provision of law, $20,000,000, to remain available until expended.

(2) Of the funds appropriated under the heading ''Andean Counterdrug Initiative'' in prior acts making appropriations for foreign operations, export financing, and related programs, $20,000,000 are rescinded.

(b) SUDAN.—

(1) For an additional amount for ''International Narcotics Control and Law Enforcement'', $10,000,000, for assistance for Sudan to support formed police units, to remain available until September 30, 2009, and subject to prior consultation with the Committees on Appropriations.

(2) Of the funds appropriated under the heading ''International Narcotics Control and Law Enforcement'' in prior acts making appropriations for foreign operations, export financing, and related programs, $10,000,000 are rescinded.

(c) MEXICO.—Of the unobligated balances of funds appropriated for ''Iraq Relief and Reconstruction Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs, $50,000,000 are rescinded, notwithstanding section 1402(g) of this Act.

(d) HORN OF AFRICA.—

(1) For an additional amount for ''Economic Support Fund'', $40,000,000 for programs to promote development and counter extremism in the Horn of Africa, to be administered by the United States Agency for International Development, and to remain available until September 30, 2009.

(2) Of the unobligated balances of funds appropriated for ''Iraq Relief and Reconstruction Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs, $40,000,000 are rescinded, notwithstanding section 1402(g) of this Act.

(e) EXCEPTION.—Section 8002 of title VIII of this Act shall not apply to subsections (a) and (b) of this section.

DARFUR PEACEKEEPING

SEC. 1411. Funds appropriated under the headings ''Foreign Military Financing Program'' and ''Peacekeeping Operations'' by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) and by prior Acts making appropriations for foreign operations, export financing, and related programs may be used to transfer or lease helicopters necessary to the operations of the African Union/United Nations peacekeeping operation in Darfur, Sudan, that was established pursuant to United Nations Security Council Resolution 1769. The President may utilize the authority of sections 506 or 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318, 2321j) or section 61 of the Arms Export Control Act (22 U.S.C. 2796) in order to effect such transfer or lease, notwithstanding any other provision of law except for sections 502B(a)(2), 620A and 620J of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(2), 2371, 2378d) and section 40A of the Arms Export Control Act (22 U.S.C. 2780). Any exercise of the authority of section 506 of the Foreign Assistance Act pursuant to this section may include the authority to acquire helicopters by contract.

FOOD SECURITY AND CYCLONE NARGIS RELIEF

(INCLUDING RESCISSION OF FUNDS)

SEC. 1412. (a) For an additional amount for ''International Disaster Assistance'', $225,000,000, to address the international food crisis globally and for assistance for Burma to address the effects of Cyclone Nargis: *Provided*, That not less than $125,000,000 should be made available for the local or regional purchase and distribution of food to address the international food crisis: *Provided further*, That notwithstanding any other provision of law, none of the funds appropriated under this heading may be made available for assistance for the State Peace and Development Council.

(b) Of the unexpended balances of funds appropriated under the heading ''Millennium Challenge Corporation'' in prior Acts making appropriations for foreign operations, export financing and related programs, $225,000,000 are rescinded.

(c) Section 8002 of title VIII of this Act shall not apply to this section.

JORDAN

(INCLUDING RESCISSION OF FUNDS)

SEC. 1413. (a) For an additional amount for ''Economic Support Fund'' for assistance for Jordan, $100,000,000, to remain available until September 30, 2009.

(b) For an additional amount for ''Foreign Military Financing Program'' for assistance for Jordan, $200,000,000, to remain available until September 30, 2009.

(c) Of the unexpended balances of funds appropriated under the heading ''Millennium Challenge Corporation'' in prior Acts making appropriations for foreign operations, export financing, and related programs, $300,000,000 are rescinded.

(d) Section 8002 of title VIII of this Act shall not apply to this section.

ALLOCATIONS

SEC. 1414. (a) Funds provided by this chapter for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the explanatory statement accompanying this Act:

''Diplomatic and Consular Programs''.

''Economic Support Fund''.

(b) Any proposed increases or decreases to the amounts contained in such tables in the statement accompanying this Act shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

REPROGRAMMING AUTHORITY

SEC. 1415. Notwithstanding any other provision of law, to include minimum funding requirements or funding directives, funds made available under the headings ''Development Assistance'' and ''Economic Support Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs may be made available to address critical food shortages, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPENDING PLANS AND NOTIFICATION PROCEDURES

SEC. 1416. (a) SUBCHAPTER A SPENDING PLAN.—Not later than 45 days after the enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in subchapter A, except for funds appropriated under the headings ''International Disaster Assistance'', ''Migration and Refugee Assistance'', and ''United States Emergency Refugee and Migration Assistance Fund''.

(b) SUBCHAPTER B SPENDING PLAN.—The Secretary of State shall submit to the Committees on Appropriations not later than November 1, 2008, and prior to the initial obligation of funds, a detailed spending plan for funds appropriated or otherwise made available in subchapter B, except for funds appropriated under the headings ''International Disaster Assistance'', ''Migration and Refugee Assistance'', and ''United States Emergency Refugee and Migration Assistance Fund''.

(c) NOTIFICATION.—Funds made available in this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

TERMS AND CONDITIONS

SEC. 1417. Unless otherwise provided for in this Act, funds appropriated, or otherwise made available, by this chapter shall be available under the authorities and conditions provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161).

TITLE II

DOMESTIC MATTERS

CHAPTER 1

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the Food and Drug Administration, $265,000,000, to remain available until September 30, 2009: *Provided*, That of the amount provided: (1) $119,000,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $48,500,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $23,500,000 shall be for the Center for Biologics Evaluation and Research and related field activities in the Office of Regulatory Affairs; (4) $10,700,000 shall be for the Center for Veterinary Medicine and related field activities in the Office of Regulatory Affairs; (5) $35,500,000 shall be for the Center for Devices and Radiological Health and related field activities in the Office of Regulatory Affairs; (6) $6,000,000 shall be for the National Center for Toxicological Research; and (7) $21,800,000 shall be for other activities, including the Office of the Commissioner, the Office of Scientific and Medical Programs; the Office of Policy, Planning and Preparedness; the Office of International and Special Programs; the Office of Operations; and central services for these offices.

BUILDINGS AND FACILITIES

For an additional amount for plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $10,000,000, to remain available until expended.

CHAPTER 2

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

For an additional amount for ''Periodic Censuses and Programs'', $210,000,000, to remain available until expended, for necessary

expenses related to the 2010 Decennial Census: *Provided*, That not less than $3,000,000 shall be transferred to the ''Office of Inspector General'' at the Department of Commerce for necessary expenses associated with oversight activities of the 2010 Decennial Census: *Provided further*, That $1,000,000 shall be used only for a reimbursable agreement with the Defense Contract Management Agency to provide continuing contract management oversight of the 2010 Decennial Census.

DEPARTMENT OF JUSTICE

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $50,000,000 for the United States Marshals Service to implement and enforce the Adam Walsh Child Protection and Safety Act (Public Law 109–248) to track down and arrest non-compliant sex offenders.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $178,000,000, to remain available until September 30, 2008.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of Omnibus Crime Control and Safe Street Act of 1968 (''1968 Act''), (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of the 1968 Act, shall not apply for purposes of this Act), $490,000,000, to remain available until September 30, 2008.

For an additional amount for ''State and Local Law Enforcement Assistance'', $100,000,000 for competitive grants to provide assistance and equipment to local law enforcement along the Southern border and in High-Intensity Drug Trafficking Areas to combat criminal narcotic activity stemming from the Southern border, of which $10,000,000 shall be for the ATF Project Gunrunner.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RETURN TO FLIGHT

For necessary expenses, not otherwise provided for, in carrying out return to flight activities associated with the space shuttle and activities from which funds were transferred to accommodate return to flight activities, $200,000,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For additional expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $150,000,000.

EDUCATION AND HUMAN RESOURCES

For additional expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $50,000,000.

CHAPTER 3

DEPARTMENT OF ENERGY

NON-DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for ''Non-Defense Environmental Cleanup'', $5,000,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For an additional amount for ''Uranium Enrichment Decontamination and Decommissioning Fund'', $52,000,000, to remain available until expended.

SCIENCE

For an additional amount for ''Science'', $100,000,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for ''Defense Environmental Cleanup'', $243,000,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

SEC. 2301. INCENTIVES FOR ADDITIONAL DOWNBLENDING OF HIGHLY ENRICHED URANIUM BY THE RUSSIAN FEDERATION. The USEC Privatization Act (42 U.S.C. 2297h et seq.) is amended—

(1) in section 3102, by striking ''For purposes'' and inserting ''Except as provided in section 3112A, for purposes'';

(2) in section 3112(a), by striking ''The Secretary'' and inserting ''Except as provided in section 3112A(d), the Secretary''; and

(3) by inserting after section 3112 the following:

**''SEC. 3112A. INCENTIVES FOR ADDITIONAL DOWNBLENDING OF HIGHLY ENRICHED URANIUM BY THE RUSSIAN FEDERATION.**

''(a) DEFINITIONS.—In this section:

''(1) COMPLETION OF THE RUSSIAN HEU AGREEMENT.—The term 'completion of the Russian HEU Agreement' means the importation into the United States from the Russian Federation pursuant to the Russian HEU Agreement of uranium derived from the downblending of not less than 500 metric tons of highly enriched uranium of weapons origin.

''(2) DOWNBLENDING.—The term 'downblending' means processing highly enriched uranium into a uranium product in any form in which the uranium contains less than 20 percent uranium-235.

''(3) HIGHLY ENRICHED URANIUM.—The term 'highly enriched uranium' has the meaning given that term in section 3102(4).

''(4) HIGHLY ENRICHED URANIUM OF WEAPONS ORIGIN.—The term 'highly enriched uranium of weapons origin' means highly enriched uranium that—

''(A) contains 90 percent or more uranium-235; and

''(B) is verified by the Secretary of Energy to be of weapons origin.

''(5) LOW-ENRICHED URANIUM.—The term 'low-enriched uranium' means a uranium product in any form, including uranium hexafluoride ($UF_6$) and uranium oxide ($UO_2$), in which the uranium contains less than 20 percent uranium-235, without regard to whether the uranium is incorporated into fuel rods or complete fuel assemblies.

''(6) RUSSIAN HEU AGREEMENT.—The term 'Russian HEU Agreement' has the meaning given that term in section 3102(11).

''(7) URANIUM-235.—The term 'uranium-235' means the isotope $^{235}U$.

''(b) STATEMENT OF POLICY.—It is the policy of the United States to support the continued downblending of highly enriched uranium of weapons origin in the Russian Federation in order to protect the essential security interests of the United States with respect to the nonproliferation of nuclear weapons.

''(c) PROMOTION OF DOWNBLENDING OF RUSSIAN HIGHLY ENRICHED URANIUM.—

''(1) INCENTIVES FOR THE COMPLETION OF THE RUSSIAN HEU AGREEMENT.—Prior to the completion of the Russian HEU Agreement, the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation and is not imported pursuant to the Russian HEU Agreement may not exceed the following amounts:

''(A) In each of the calendar years 2008 and 2009, not more than 22,500 kilograms.

''(B) In each of the calendar years 2010 and 2011, not more than 45,000 kilograms.

''(C) In calendar year 2012 and each calendar year thereafter through the calendar year of the completion of the Russian HEU Agreement, not more than 67,500 kilograms.

''(2) INCENTIVES TO CONTINUE DOWNBLENDING RUSSIAN HIGHLY ENRICHED URANIUM AFTER THE COMPLETION OF THE RUSSIAN HEU AGREEMENT.—

''(A) IN GENERAL.—In each calendar year beginning after the calendar year of the completion of the Russian HEU Agreement and before the termination date described in paragraph (8), the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation, whether or not such low-enriched uranium is derived from highly enriched uranium of weapons origin, may not exceed 400,000 kilograms.

''(B) ADDITIONAL IMPORTS.—

''(i) IN GENERAL.—In addition to the amount authorized to be imported under subparagraph (A) and except as provided in clause (ii), 20 kilograms of low-enriched uranium, whether or not such low-enriched uranium is derived from highly enriched uranium of weapons origin, may be imported for every 3 kilograms of Russian highly enriched uranium of weapons origin that was downblended in the preceding calendar year, subject to the verification of the Secretary of Energy under paragraph (10).

''(ii) MAXIMUM ANNUAL IMPORTS.—Not more than 200,000 kilograms of low-enriched uranium may be imported in a calendar year under clause (i).

''(3) EXCEPTION WITH RESPECT TO INITIAL CORES.—The import limitations described in paragraphs (1) and (2) shall not apply to low-enriched uranium produced in the Russian Federation that is imported into the United States for use in the initial core of a new nuclear reactor.

''(4) ANNUAL ADJUSTMENT.—

''(A) IN GENERAL.—Beginning in the second calendar year after the calendar year of the completion of the Russian HEU Agreement, the Secretary of Energy shall increase or decrease the amount of low-enriched uranium that may be imported in a calendar year under paragraph (2) (including the amount of low-enriched uranium that may be imported for each kilogram of highly enriched uranium downblended under paragraph (2)(B)(i)) by a percentage equal to the percentage increase or decrease, as the case may be, in the average amount of uranium loaded into nuclear power reactors in the United States in the most recent 3-calendar-year period for which data are available, as reported by the Energy Information Administration of the Department of Energy, compared to the average amount of uranium loaded into such reactors during the 3-calendar-year period beginning on January 1, 2011, as reported by the Energy Information Administration.

''(B) PUBLICATION OF ADJUSTMENTS.—As soon as practicable, but not later than July 31 of each calendar year, the Secretary of Energy shall publish in the Federal Register the amount of low-enriched uranium that may be imported in the current calendar year after the adjustment under subparagraph (A).

''(5) AUTHORITY FOR ADDITIONAL ADJUSTMENT.—In addition to the annual adjustment under paragraph (4), the Secretary of Commerce may adjust the import limitations

under paragraph (2)(A) for a calendar year if the Secretary—

''(A) in consultation with the Secretary of Energy, determines that the available supply of low-enriched uranium from the Russian Federation and the available stockpiles of uranium of the Department of Energy are insufficient to meet demand in the United States in the following calendar year; and

''(B) notifies Congress of the adjustment not less than 45 days before making the adjustment.

''(6) EQUIVALENT QUANTITIES OF LOW-ENRICHED URANIUM IMPORTS.—

''(A) IN GENERAL.—The import limitations described in paragraphs (1) and (2) are expressed in terms of uranium containing 4.4 percent uranium-235 and a tails assay of 0.3 percent.

''(B) ADJUSTMENT FOR OTHER URANIUM.—Imports of low-enriched uranium under paragraphs (1) and (2) shall count against the import limitations described in such paragraphs in amounts calculated as the quantity of low-enriched uranium containing 4.4 percent uranium-235 necessary to equal the total amount of uranium-235 contained in such imports.

''(7) DOWNBLENDING OF OTHER HIGHLY ENRICHED URANIUM.—

''(A) IN GENERAL.—The downblending of highly enriched uranium not of weapons origin may be counted for purposes of paragraph (2)(B) or (8)(B), subject to verification under paragraph (10), if the Secretary of Energy determines that the highly enriched uranium to be downblended poses a risk to the national security of the United States.

''(B) EQUIVALENT QUANTITIES OF HIGHLY ENRICHED URANIUM.—For purposes of determining the additional low-enriched uranium imports allowed under paragraph (2)(B) and for purposes of paragraph (8)(B), highly enriched uranium not of weapons origin downblended pursuant to subparagraph (A) shall count as downblended highly enriched uranium of weapons origin in amounts calculated as the quantity of highly enriched uranium containing 90 percent uranium-235 necessary to equal the total amount of uranium-235 contained in the highly enriched uranium not of weapons origin downblended pursuant to subparagraph (A).

''(8) TERMINATION OF IMPORT RESTRICTIONS AFTER DOWNBLENDING OF AN ADDITIONAL 300 METRIC TONS OF HIGHLY ENRICHED URANIUM.—The provisions of this subsection shall terminate on the later of—

''(A) December 31, 2020; or

''(B) the date on which the Secretary of Energy certifies to Congress that, after the completion of the Russian HEU Agreement, not less than an additional 300 metric tons of Russian highly enriched uranium of weapons origin have been downblended.

''(9) SPECIAL RULE IF IMPORTATION UNDER RUSSIAN HEU AGREEMENT TERMINATES EARLY.—Notwithstanding any other provision of law, no low-enriched uranium produced in the Russian Federation that is not derived from highly enriched uranium of weapons origin, including low-enriched uranium obtained under contracts for separative work units, may be imported into the United States if, before the completion of the Russian HEU Agreement, the Secretary of Energy determines that the Russian Federation has taken deliberate action to disrupt or halt the importation into the United States of low-enriched uranium under the Russian HEU Agreement.

''(10) TECHNICAL VERIFICATIONS BY SECRETARY OF ENERGY.—

''(A) IN GENERAL.—The Secretary of Energy shall verify the origin, quantity, and uranium-235 content of the highly enriched uranium downblended for purposes of paragraphs (2)(B), (7), and (8)(B).

''(B) METHODS OF VERIFICATION.—In conducting the verification required under subparagraph (A), the Secretary of Energy shall employ the transparency measures provided for in the Russian HEU Agreement for monitoring the downblending of Russian highly enriched uranium of weapons origin and such other methods as the Secretary determines appropriate.

''(11) ENFORCEMENT OF IMPORT LIMITATIONS.—The Secretary of Commerce shall be responsible for enforcing the import limitations imposed under this subsection and shall enforce such import limitations in a manner that imposes a minimal burden on the commercial nuclear industry.

''(12) EFFECT ON OTHER AGREEMENTS.—

''(A) RUSSIAN HEU AGREEMENT.—Nothing in this section shall be construed to modify the terms of the Russian HEU Agreement, including the provisions of the Agreement relating to the amount of low-enriched uranium that may be imported into the United States.

''(B) OTHER AGREEMENTS.—If a provision of any agreement between the United States and the Russian Federation, other than the Russian HEU Agreement, relating to the importation of low-enriched uranium into the United States conflicts with a provision of this section, the provision of this section shall supersede the provision of the agreement to the extent of the conflict.

''(d) DOWNBLENDING OF HIGHLY ENRICHED URANIUM IN THE UNITED STATES.—The Secretary of Energy may sell uranium in the jurisdiction of the Secretary, including downblended highly enriched uranium, at fair market value to a licensed operator of a nuclear reactor in the United States—

''(1) in the event of a disruption in the nuclear fuel supply in the United States; or

''(2) after a determination of the Secretary under subsection (c)(9) that the Russian Federation has taken deliberate action to disrupt or halt the importation into the United States of low-enriched uranium under the Russian HEU Agreement.''.

CHAPTER 4

GENERAL PROVISION—THIS CHAPTER

SEC. 2401. VETERANS BUSINESS RESOURCE CENTERS. There are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, $600,000 for the ''Salaries and Expenses'' account of the Small Business Administration, for grants in the amount of $200,000 to veterans business resource centers that received grants from the National Veterans Business Development Corporation in fiscal years 2006 and 2007.

CHAPTER 5

GENERAL PROVISION—THIS CHAPTER

SEC. 2501. For fiscal year 2008, there is appropriated $400,000,000, to remain available until December 31, 2008, for payments described in sections 101, 102(b)(3), and 103(b)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393).

CHAPTER 6

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for ''State Unemployment Insurance and Employment Service Operations'' for grants to the States for the administration of State unemployment insurance, $110,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, to be used for unemployment insurance workloads experienced by the States through September 30, 2008, which shall be available for Federal obligation through December 31, 2008.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for ''Disease Control, Research, and Training'', $26,000,000, for the prevention of and response to medical errors including research, education and outreach activities; of which no less than $5,000,000 shall be for responding to outbreaks of communicable diseases related to the re-use of syringes in outpatient clinics, including reimbursement of local health departments for testing and genetic sequencing of persons potentially exposed.

NATIONAL INSTITUTES OF HEALTH

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of the Director, National Institutes of Health'', $400,000,000.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2601. In addition to amounts otherwise made available for fiscal year 2008, there are appropriated, out of any money in the Treasury not otherwise appropriated, $1,000,000,000 for fiscal year 2008, for making payments under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623).

SEC. 2602. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES. (a) IN GENERAL.—Section 8104 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 189) is amended to read as follows:

**''SEC. 8104. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES.**

''(a) STUDY.—Beginning on the date that is 60 days after the date of enactment of this Act, and every year thereafter until the minimum wage in the respective territory is $7.25 per hour, the Government Accountability Office shall conduct a study to—

''(1) assess the impact of the minimum wage increases that occurred in American Samoa and the Commonwealth of the Northern Mariana Islands in 2007 and 2008, as required under Public Law 110–28, on the rates of employment and the living standards of workers, with full consideration of the other factors that impact rates of employment and the living standards of workers such as inflation in the cost of food, energy, and other commodities; and

''(2) estimate the impact of any further wage increases on rates of employment and the living standards of workers in American Samoa and the Commonwealth of the Northern Mariana Islands, with full consideration of the other factors that may impact the rates of employment and the living standards of workers, including assessing how the profitability of major private sector firms may be impacted by wage increases in comparison to other factors such as energy costs and the value of tax benefits.

''(b) REPORT.—No earlier than March 15, 2009, and not later than April 15, 2009, the Government Accountability Office shall transmit its first report to Congress concerning the findings of the study required under subsection (a). The Government Accountability Office shall transmit any subsequent reports to Congress concerning the findings of a study required by subsection (a) between March 15 and April 15 of each year.

''(c) ECONOMIC INFORMATION.—To provide sufficient economic data for the conduct of the study under subsection (a)—

''(1) the Department of Labor shall include and separately report on American Samoa

and the Commonwealth of the Northern Mariana Islands in its household surveys and establishment surveys;

''(2) the Bureau of Economic Analysis of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its gross domestic product data; and

''(3) the Bureau of the Census of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its population estimates and demographic profiles from the American Community Survey,

with the same regularity and to the same extent as the Department or each Bureau collects and reports such data for the 50 States. In the event that the inclusion of American Samoa and the Commonwealth of the Northern Mariana Islands in such surveys and data compilations requires time to structure and implement, the Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census (as the case may be) shall in the interim annually report the best available data that can feasibly be secured with respect to such territories. Such interim reports shall describe the steps the Department or the respective Bureau will take to improve future data collection in the territories to achieve comparability with the data collected in the United States. The Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census, together with the Department of the Interior, shall coordinate their efforts to achieve such improvements.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

CHAPTER 7

RELATED AGENCY

AMERICAN BATTLE MONUMENTS COMMISSION

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For an additional amount for ''Foreign Currency Fluctuations Account'', $10,000,000, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

TITLE III

HURRICANES KATRINA AND RITA, AND OTHER NATURAL DISASTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For the purposes of carrying out the Emergency Conservation Program, there is hereby appropriated $49,413,000, to remain available until expended.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for ''Watershed and Flood Prevention Operations'', for emergency recovery operations, $130,464,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

(INCLUDING RESCISSION)

SEC. 3101. Of the funds made available in the second paragraph under the heading ''Rural Utilities Service, Rural Electrification and Telecommunications Loans Program Account'' in chapter 1 of division B of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2746), the Secretary may use an amount not to exceed $1,000,000 of remaining unobligated funds for the cost of loan modifications to rural electric loans made or guaranteed under the Rural Electrification Act of 1936, to respond to damage caused by any weather related events since Hurricane Katrina, to remain available until expended: *Provided*, That $1,000,000 of the remaining unobligated funds under such paragraph are rescinded.

CHAPTER 2

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for economic development assistance as provided by section 3082(a) of the Water Resources Development Act of 2007 (Public Law 110–114), $75,000,000.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'' for necessary expenses related to economic impacts associated with commercial fishery failures, fishery resource disasters, and regulations on commercial fishing industries, $75,000,000.

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for ''State and Local Law Enforcement Assistance'', for discretionary grants authorized by subpart 2 of part E, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as in effect on September 30, 2006, $75,000,000: *Provided*, That the amount made available under this heading shall be for local law enforcement initiatives in the Gulf Coast region related to the aftermath of Hurricane Katrina.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, and for recovery from other natural disasters $5,033,345,000, to remain available until expended: *Provided*, That the Secretary of the Army is directed to use $4,362,000,000 of the funds appropriated under this heading to modify authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas to provide the levels of protection necessary to achieve the certification required for participation in the National Flood Insurance Program under the base flood elevations current at the time of this construction; $1,657,000,000 shall be used for the Lake Pontchartrain and Vicinity; $1,415,000,000 shall be used for the West Bank and Vicinity project; and $1,290,000,000 shall be for elements of the Southeast Louisiana Urban Drainage project, that are within the geographic perimeter of the West Bank and Vicinity and Lake Pontchartrain and Vicinity projects to provide for interior drainage of runoff from rainfall with a 10 percent annual exceedance probability: *Provided further*, That none of this $4,362,000,000 shall become available for obligation until October 1, 2008: *Provided further*, That non-Federal cost allocations for these projects shall be consistent with the cost-sharing provisions under which the projects were originally constructed: *Provided further*, That the $1,315,000,000 non-Federal cost share for these projects shall be repaid in accordance with provisions of section 103(k) of Public Law 99–662 over a period of 30 years: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: *Provided further*, That the Secretary of the Army is directed to use $604,745,000 of the funds appropriated under this heading to provide hurricane and storm damage reduction, flood damage reduction and ecosystem restoration along the Gulf Coast of Mississippi and surrounding areas generally as described in the Mobile District Engineer's Mississippi Coastal Improvements Program Comprehensive Plan Report; $173,615,000 shall be used for ecosystem restoration projects; $4,550,000 shall be used for the Moss Point Municipal Relocation project; $5,000,000 shall be used for the Waveland Floodproofing project; $150,000 shall be used for the Mississippi Sound Sub Aquatic Vegetation project; $15,430,000 shall be used for the Coast-wide Dune Restoration project; $397,000,000 shall be used for the Homeowners Assistance and Relocation project; and $9,000,000 shall be used for the Forrest Heights Hurricane and Storm Damage Reduction project: *Provided further*, That none of this $604,745,000 shall become available for obligation until October 1, 2008: *Provided further*, That these projects shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the $211,661,000 non-Federal cost share for these projects shall be repaid in accordance with the provisions of section 103(k) of Public Law 99–662 over a period of 30 years: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: *Provided further*, That the Secretary of the Army is directed to use $66,600,000 of the funds appropriated under this heading to address emergency situations at Corps of Engineers projects and rehabilitate and repair damages to Corps projects caused by recent natural disasters: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for ''Mississippi River and Tributaries'' for recovery from natural disasters, $17,700,000, to remain available until expended to repair damages to Federal projects caused by recent natural disasters.

OPERATIONS AND MAINTENANCE

For an additional amount for ''Operations and Maintenance'' to dredge navigation channels and repair other Corps projects related to natural disasters, $338,800,000, to remain available until expended: *Provided*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report

to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricane Katrina and other hurricanes, and for recovery from other natural disasters, $3,368,400,000, to remain available until expended: *Provided*, That the Secretary of the Army is directed to use $2,926,000,000 of the funds appropriated under this heading to modify, at full Federal expense, authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas; $704,000,000 shall be used to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; $90,000,000 shall be used for stormproofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; $459,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $53,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; $456,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; $412,000,000 shall be used for reinforcing or replacing flood walls, as necessary, in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve the performance of the systems; $393,000,000 shall be used for repair and restoration of authorized protections and floodwalls; $359,000,000 shall be to complete the authorized protection for the Lake Ponchartrain and Vicinity Project and for the West Bank and Vicinity Project: *Provided further*, That none of this $2,926,000,000 shall become available for obligation until October 1, 2008: *Provided further*, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the Secretary of the Army, within available funds, is directed to continue the NEPA alternative evaluation of all options with particular attention to Options 1, 2 and 2a of the report to Congress, dated August 30, 2007, provided in response to the requirements of chapter 3, section 4303 of Public Law 110–28, and within 90 days of enactment of this Act provide the House and Senate Committees on Appropriations cost estimates to implement Options 1, 2 and 2a of the above cited report: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: *Provided further*, That $348,000,000 of the amount provided under this heading shall be used for barrier island restoration and ecosystem restoration to restore historic levels of storm damage reduction to the Mississippi Gulf Coast: *Provided further*, That none of this $348,000,000 shall become available for obligation until October 1, 2008: *Provided further*, That this work shall be carried out at full Federal expense: *Provided further*, That the Secretary of the Army is directed to use $94,400,000 of the funds appropriated under this heading to support emergency operations, to repair eligible projects nationwide, and for other activities in response to recent natural disasters: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

GENERAL EXPENSES

For an additional amount for ''General Expenses'' for increased efforts by the Mississippi Valley Division to oversee emergency response and recovery activities related to the consequences of hurricanes in the Gulf of Mexico in 2005, $1,500,000, to remain available until expended.

CHAPTER 4

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3401. Notwithstanding any other provision of law, and not later than 30 days after the date of submission of a request for a single payment, the Federal Emergency Management Agency shall provide a single payment for any eligible costs under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for any police station, fire station, or criminal justice facility that was damaged by Hurricane Katrina of 2005 or Hurricane Rita of 2005: *Provided*, That nothing in this section may be construed to alter the appeal or review process relating to assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Federal Emergency Management Agency shall not reduce the amount of assistance provided under section 406(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for such facilities.

SEC. 3402. Until such time as the updating of flood insurance rate maps under section 19 of the Flood Modernization Act of 2007 is completed (as determined by the district engineer) for all areas located in the St. Louis District of the Mississippi Valley Division of the Corps of Engineers, the Administrator of the Federal Emergency Management Agency shall not adjust the chargeable premium rate for flood insurance under this section for any type or class of property located in an area in that District nor require the purchase of flood insurance for any type or class of property located in an area in that District not subject to such purchase requirement prior to the updating of such national flood insurance program rate map: *Provided*, That for purposes of this section, the term ''area'' does not include any area (or subdivision thereof) that has chosen not to participate in the flood insurance program under this section as of the date of enactment of this Act.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Wildland Fire Management'', $125,000,000, to remain available until expended, of which $100,000,000 is for emergency wildland fire suppression activities, and of which $25,000,000 is for rehabilitation and restoration of Federal lands: *Provided*, That emergency wildland fire suppression funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the ''Historic Preservation Fund'', for expenses related to the consequences of Hurricane Katrina, $15,000,000, to remain available until expended: *Provided*, That the funds provided under this heading shall be provided to the Louisiana State Historic Preservation Officer, after consultation with the National Park Service, for grants for restoration and rehabilitation at Jackson Barracks: *Provided further*, That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses.

ENVIRONMENTAL PROTECTION AGENCY

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for ''State and Tribal Assistance Grants'', for expenses related to the consequences of Hurricane Katrina, $5,000,000, to remain available until expended, for a grant to Cameron Parish, Louisiana, for construction of drinking water, wastewater and storm water infrastructure and for water quality protection: *Provided*, That for purposes of this grant, the grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Wildland Fire Management'', $325,000,000, to remain available until expended, of which $250,000,000 shall be available for emergency wildfire suppression, and of which $75,000,000 shall be available for rehabilitation and restoration of Federal lands and may be transferred to other Forest Service accounts as necessary: *Provided*, That emergency wildfire suppression funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR MEDICARE AND MEDICAID SERVICES

For grants to States, consistent with section 6201(a)(4) of the Deficit Reduction Act of 2005, to make payments as defined by the Secretary in the methodology used for the Provider Stabilization grants to those Medicare participating general acute care hospitals, as defined in section 1886(d) of the Social Security Act, and currently operating in Jackson, Forrest, Hancock, and Harrison Counties of Mississippi and Orleans and Jefferson Parishes of Louisiana which continue to experience severe financial exigencies and other economic losses attributable to Hurricane Katrina or its subsequent flooding, and are in need of supplemental funding to relieve the financial pressures these hospitals face resulting from increased wage rates in hiring and retaining staff in order to stabilize access to patient care, $350,000,000, to be made available until September 30, 2010.

CHAPTER 7

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for ''Military Construction, Army National Guard'',

$11,503,000, to remain available until September 30, 2012: *Provided*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds appropriated for ''Military Construction, Army National Guard'' under Public Law 109–234, $7,000,000 are hereby rescinded.

GENERAL PROVISION—THIS CHAPTER

SEC. 3701. Within the funds available in the Department of Defense Family Housing Improvement Fund as credited in accordance with 10 U.S.C. 2883(c), $10,500,000 shall be available for use at the Naval Construction Battalion Center, Gulfport, Mississippi, under the terms and conditions specified by 10 U.S.C. 2883, to remain available until expended.

CHAPTER 8

DEPARTMENT OF TRANSPORTATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, for eligible disasters occurring in fiscal years 2005 to the present, $451,126,383, to remain available until expended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PERMANENT SUPPORTIVE HOUSING

For the provision of permanent supportive housing units as identified in the plan of the Louisiana Recovery Authority and approved by the Secretary of Housing and Urban Development, $73,000,000 to remain available until expended, of which not less than $20,000,000 shall be for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)), not less than $50,000,000 shall be for grants under the Shelter Plus Care Program as authorized under subtitle F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11403 et seq.), and not more than $3,000,000 shall be for related administrative expenses of the State of Louisiana or its designee or designees: *Provided*, That the Secretary of Housing and Urban Development shall, upon request, make funds available under this paragraph to the State of Louisiana or its designee or designees: *Provided further*, That notwithstanding any other provision of law, for the purpose of administering the amounts provided under this paragraph, the State of Louisiana or its designee or designees may act in all respects as a public housing agency as defined in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)): *Provided further*, That subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to vouchers made available under this paragraph.

PROJECT-BASED RENTAL ASSISTANCE

For an additional amount to areas impacted by Hurricane Katrina in the State of Mississippi for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)13)), $20,000,000, to remain available until expended.

HOUSING TRANSITION ASSISTANCE

For an additional amount to the State of Louisiana for case management and housing transition services for families in areas impacted by Hurricanes Katrina and Rita of 2005, $3,000,000, to remain available until expended.

COMMUNITY DEVELOPMENT FUND

For an additional amount for the ''Community development fund'' for necessary expenses related to any uncompensated housing damage directly related to the consequences of Hurricane Katrina in the State of Alabama, $50,000,000, to remain available until expended: *Provided*, That prior to the obligation of funds the State shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address uncompensated housing damage: *Provided further*, That such funds may not be used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency: *Provided further*, That the State may use up to 5 percent of its allocation for administrative costs: *Provided further*, That in administering the funds under this paragraph, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by the State that such waiver is required to facilitate the use of such funds or guarantees, and a finding by the Secretary that such waiver would not be inconsistent with the overall purpose of the statute: *Provided further*, That the Secretary may waive the requirement that activities benefit persons of low and moderate income, except that at least 50 percent of the funds made available under this heading must benefit primarily persons of low and moderate income unless the Secretary otherwise makes a finding of compelling need: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver.

(RESCISSION)

Of the unobligated balances remaining from funds appropriated under this heading by section 159 of Public Law 110–116 for the Louisiana Road Home program, $200,000,000 are rescinded.

## TITLE IV—VETERANS EDUCATIONAL ASSISTANCE

**SEC. 4001. SHORT TITLE.**

This title may be cited as the ''Post-9/11 Veterans Educational Assistance Act of 2008''.

**SEC. 4002. FINDINGS.**

Congress makes the following findings:

(1) On September 11, 2001, terrorists attacked the United States, and the brave members of the Armed Forces of the United States were called to the defense of the Nation.

(2) Service on active duty in the Armed Forces has been especially arduous for the members of the Armed Forces since September 11, 2001.

(3) The United States has a proud history of offering educational assistance to millions of veterans, as demonstrated by the many ''G.I. Bills'' enacted since World War II. Educational assistance for veterans helps reduce the costs of war, assist veterans in readjusting to civilian life after wartime service, and boost the United States economy, and has a positive effect on recruitment for the Armed Forces.

(4) The current educational assistance program for veterans is outmoded and designed for peacetime service in the Armed Forces.

(5) The people of the United States greatly value military service and recognize the difficult challenges involved in readjusting to civilian life after wartime service in the Armed Forces.

(6) It is in the national interest for the United States to provide veterans who serve on active duty in the Armed Forces after September 11, 2001, with enhanced educational assistance benefits that are worthy of such service and are commensurate with the educational assistance benefits provided by a grateful Nation to veterans of World War II.

**SEC. 4003. EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WHO SERVE AFTER SEPTEMBER 11, 2001.**

(a) EDUCATIONAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:

### "CHAPTER 33—POST–9/11 EDUCATIONAL ASSISTANCE

''SUBCHAPTER I—DEFINITIONS

''Sec.
''3301. Definitions.

''SUBCHAPTER II—EDUCATIONAL ASSISTANCE

''3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement.
''3312. Educational assistance: duration.
''3313. Educational assistance: amount; payment.
''3314. Tutorial assistance.
''3315. Licensure and certification tests.
''3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service.
''3317. Public-private contributions for additional educational assistance.
''3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education.

''SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

''3321. Time limitation for use of and eligibility for entitlement.
''3322. Bar to duplication of educational assistance benefits.
''3323. Administration.
''3324. Allocation of administration and costs.

''SUBCHAPTER I—DEFINITIONS

**"§ 3301. Definitions**

''In this chapter:

''(1) The term 'active duty' has the meanings as follows (subject to the limitations specified in sections 3002(6) and 3311(b) of this title):

''(A) In the case of members of the regular components of the Armed Forces, the meaning given such term in section 101(21)(A) of this title.

''(B) In the case of members of the reserve components of the Armed Forces, service on active duty under a call or order to active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10.

''(2) The term 'entry level and skill training' means the following:

''(A) In the case of members of the Army, Basic Combat Training and Advanced Individual Training.

''(B) In the case of members of the Navy, Recruit Training (or Boot Camp) and Skill Training (or so-called 'A' School).

''(C) In the case of members of the Air Force, Basic Military Training and Technical Training.

''(D) In the case of members of the Marine Corps, Recruit Training and Marine Corps Training (or School of Infantry Training).

''(E) In the case of members of the Coast Guard, Basic Training.

''(3) The term 'program of education' has the meaning the meaning given such term in

section 3002 of this title, except to the extent otherwise provided in section 3313 of this title.

''(4) The term 'Secretary of Defense' has the meaning given such term in section 3002 of this title.

''SUBCHAPTER II—EDUCATIONAL ASSISTANCE

**''§ 3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement**

''(a) ENTITLEMENT.—Subject to subsections (d) and (e), each individual described in subsection (b) is entitled to educational assistance under this chapter.

''(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual as follows:

''(1) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 36 months on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty; or

''(ii) is discharged or released from active duty as described in subsection (c).

''(2) An individual who—

''(A) commencing on or after September 11, 2001, serves at least 30 continuous days on active duty in the Armed Forces; and

''(B) after completion of service described in subparagraph (A), is discharged or released from active duty in the Armed Forces for a service-connected disability.

''(3) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 30 months, but less than 36 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 36 months; or

''(ii) before completion of service on active duty of an aggregate of 36 months, is discharged or released from active duty as described in subsection (c).

''(4) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 24 months, but less than 30 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 30 months; or

''(ii) before completion of service on active duty of an aggregate of 30 months, is discharged or released from active duty as described in subsection (c).

''(5) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 18 months, but less than 24 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 24 months; or

''(ii) before completion of service on active duty of an aggregate of 24 months, is discharged or released from active duty as described in subsection (c).

''(6) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 12 months, but less than 18 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 18 months; or

''(ii) before completion of service on active duty of an aggregate of 18 months, is discharged or released from active duty as described in subsection (c).

''(7) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 6 months, but less than 12 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 12 months; or

''(ii) before completion of service on active duty of an aggregate of 12 months, is discharged or released from active duty as described in subsection (c).

''(8) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 90 days, but less than 6 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 6 months; or

''(ii) before completion of service on active duty of an aggregate of 6 months, is discharged or released from active duty as described in subsection (c).

''(c) COVERED DISCHARGES AND RELEASES.—A discharge or release from active duty of an individual described in this subsection is a discharge or release as follows:

''(1) A discharge from active duty in the Armed Forces with an honorable discharge.

''(2) A release after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list.

''(3) A release from active duty in the Armed Forces for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.

''(4) A discharge or release from active duty in the Armed Forces for—

''(A) a medical condition which preexisted the service of the individual as described in the applicable paragraph of subsection (b) and which the Secretary determines is not service-connected;

''(B) hardship; or

''(C) a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary concerned in accordance with regulations prescribed by the Secretary of Defense.

''(d) PROHIBITION ON TREATMENT OF CERTAIN SERVICE AS PERIOD OF ACTIVE DUTY.—The following periods of service shall not be considered a part of the period of active duty on which an individual's entitlement to educational assistance under this chapter is based:

''(1) A period of service on active duty of an officer pursuant to an agreement under section 2107(b) of title 10.

''(2) A period of service on active duty of an officer pursuant to an agreement under section 4348, 6959, or 9348 of title 10.

''(3) A period of service that is terminated because of a defective enlistment and induction based on—

''(A) the individual's being a minor for purposes of service in the Armed Forces;

''(B) an erroneous enlistment or induction; or

''(C) a defective enlistment agreement.

''(e) TREATMENT OF INDIVIDUALS ENTITLED UNDER MULTIPLE PROVISIONS.—In the event an individual entitled to educational assistance under this chapter is entitled by reason of both paragraphs (4) and (5) of subsection (b), the individual shall be treated as being entitled to educational assistance under this chapter by reason of paragraph (5) of such subsection.

**''§ 3312. Educational assistance: duration**

''(a) IN GENERAL.—Subject to section 3695 of this title and except as provided in subsections (b) and (c), an individual entitled to educational assistance under this chapter is entitled to a number of months of educational assistance under section 3313 of this title equal to 36 months.

''(b) CONTINUING RECEIPT.—The receipt of educational assistance under section 3313 of this title by an individual entitled to educational assistance under this chapter is subject to the provisions of section 3321(b)(2) of this title.

''(c) DISCONTINUATION OF EDUCATION FOR ACTIVE DUTY.—(1) Any payment of educational assistance described in paragraph (2) shall not—

''(A) be charged against any entitlement to educational assistance of the individual concerned under this chapter; or

''(B) be counted against the aggregate period for which section 3695 of this title limits the individual's receipt of educational assistance under this chapter.

''(2) Subject to paragraph (3), the payment of educational assistance described in this paragraph is the payment of such assistance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

''(A)(i) in the case of an individual not serving on active duty, had to discontinue such course pursuit as a result of being called or ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; or

''(ii) in the case of an individual serving on active duty, had to discontinue such course pursuit as a result of being ordered to a new duty location or assignment or to perform an increased amount of work; and

''(B) failed to receive credit or lost training time toward completion of the individual's approved education, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A), the individual's course pursuit.

''(3) The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses from which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (2)(B).

**''§ 3313. Educational assistance: amount; payment**

''(a) PAYMENT.—The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education (other than a program covered by subsections (e) and (f)) the amounts specified in subsection (c) to meet the expenses of such individual's subsistence, tuition, fees, and other educational costs for pursuit of such program of education.

''(b) APPROVED PROGRAMS OF EDUCATION.—A program of education is an approved program of education for purposes of this chapter if the program of education is offered by an institution of higher learning (as that term is defined in section 3452(f) of this title) and is approved for purposes of chapter 30 of this title (including approval by the State approving agency concerned).

''(c) AMOUNT OF EDUCATIONAL ASSISTANCE.—The amounts payable under this subsection for pursuit of an approved program of education are amounts as follows:

''(1) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(1) or 3311(b)(2) of this title, amounts as follows:

''(A) An amount equal to the established charges for the program of education, except that the amount payable under this subparagraph may not exceed the maximum amount of established charges regularly charged in-State students for full-time pursuit of approved programs of education for undergraduates by the public institution of higher education offering approved programs of education for undergraduates in the State in which the individual is enrolled that has the highest rate of regularly-charged established charges for such programs of education among all public institutions of higher education in such State offering such programs of education.

''(B) A monthly stipend in an amount as follows:

''(i) For each month the individual pursues the program of education, other than a program of education offered through distance learning, a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher education at which the individual is enrolled.

''(ii) For the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with respect to such quarter, semester, or term in the amount equal to—

''(I) $1,000, multiplied by

''(II) the fraction which is the portion of a complete academic year under the program of education that such quarter, semester, or term constitutes.

''(2) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(3) of this title, amounts equal to 90 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(3) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(4) of this title, amounts equal to 80 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(4) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(5) of this title, amounts equal to 70 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(5) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(6) of this title, amounts equal to 60 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(6) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(7) of this title, amounts equal to 50 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(7) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(8) of this title, amounts equal to 40 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(d) FREQUENCY OF PAYMENT.—(1) Payment of the amounts payable under subsection (c)(1)(A), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(2) Payment of the amount payable under subsection (c)(1)(B), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made on a monthly basis.

''(3) The Secretary shall prescribe in regulations methods for determining the number of months (including fractions thereof) of entitlement of an individual to educational assistance this chapter that are chargeable under this chapter for an advance payment of amounts under paragraphs (1) and (2) for pursuit of a program of education on a quarter, semester, term, or other basis.

''(e) PROGRAMS OF EDUCATION PURSUED ON ACTIVE DUTY.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education while on active duty.

''(2) The amount of educational assistance payable under this chapter to an individual pursuing a program of education while on active duty is the lesser of—

''(A) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

''(B) the amount of the charges of the educational institution as elected by the individual in the manner specified in section 3014(b)(1) of this title.

''(3) Payment of the amount payable under paragraph (2) for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

''(f) PROGRAMS OF EDUCATION PURSUED ON HALF-TIME BASIS OR LESS.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education on half-time basis or less.

''(2) The educational assistance payable under this chapter to an individual pursuing a program of education on half-time basis or less is the amounts as follows:

''(A) The amount equal to the lesser of—

''(i) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

''(ii) the maximum amount that would be payable to the individual for the program of education under paragraph (1)(A) of subsection (c), or under the provisions of paragraphs (2) through (7) of subsection (c) applicable to the individual, for the program of education if the individual were entitled to amounts for the program of education under subsection (c) rather than this subsection.

''(B) A stipend in an amount equal to the amount of the appropriately reduced amount of the lump sum amount for books, supplies, equipment, and other educational costs otherwise payable to the individual under subsection (c).

''(3) Payment of the amounts payable to an individual under paragraph (2) for pursuit of a program of education on half-time basis or less shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at a percentage of a month equal to—

''(A) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

''(B) the number of course hours for full-time pursuit of such program of education.

''(g) PAYMENT OF ESTABLISHED CHARGES TO EDUCATIONAL INSTITUTIONS.—Amounts payable under subsections (c)(1)(A) (and of similar amounts payable under paragraphs (2) through (7) of subsection (c)), (e)(2) and (f)(2)(A) shall be paid directly to the educational institution concerned.

''(h) ESTABLISHED CHARGES DEFINED.—(1) In this section, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.

''(2) Established charges shall be determined for purposes of this subsection on the following basis:

''(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

''(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

**''§ 3314. Tutorial assistance**

''(a) IN GENERAL.—Subject to subsection (b), an individual entitled to educational assistance under this chapter shall also be entitled to benefits provided an eligible veteran under section 3492 of this title.

''(b) CONDITIONS.—(1) The provision of benefits under subsection (a) shall be subject to the conditions applicable to an eligible veteran under section 3492 of this title.

''(2) In addition to the conditions specified in paragraph (1), benefits may not be provided to an individual under subsection (a) unless the professor or other individual teaching, leading, or giving the course for which such benefits are provided certifies that—

''(A) such benefits are essential to correct a deficiency of the individual in such course; and

''(B) such course is required as a part of, or is prerequisite or indispensable to the satisfactory pursuit of, an approved program of education.

''(c) AMOUNT.—(1) The amount of benefits described in subsection (a) that are payable under this section may not exceed $100 per month, for a maximum of 12 months, or until a maximum of $1,200 is utilized.

''(2) The amount provided an individual under this subsection is in addition to the amounts of educational assistance paid the individual under section 3313 of this title.

''(d) NO CHARGE AGAINST ENTITLEMENT.—Any benefits provided an individual under subsection (a) are in addition to any other educational assistance benefits provided the individual under this chapter.

**''§ 3315. Licensure and certification tests**

''(a) IN GENERAL.—An individual entitled to educational assistance under this chapter shall also be entitled to payment for one licensing or certification test described in section 3452(b) of this title.

''(b) LIMITATION ON AMOUNT.—The amount payable under subsection (a) for a licensing or certification test may not exceed the lesser of—

''(1) $2,000; or

''(2) the fee charged for the test.

''(c) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under subsection (a) is in addition to any other educational assistance benefits provided the individual under this chapter.

**''§ 3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service**

''(a) INCREASED ASSISTANCE FOR MEMBERS WITH CRITICAL SKILLS OR SPECIALTY.—(1) In the case of an individual who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

''(2) The amount of the increase in educational assistance authorized by paragraph (1) may not exceed the amount equal to the monthly amount of increased basic educational assistance providable under section 3015(d)(1) of this title at the time of the increase under paragraph (1).

''(b) SUPPLEMENTAL ASSISTANCE FOR ADDITIONAL SERVICE.—(1) The Secretary concerned may provide for the payment to an individual entitled to educational assistance under this chapter of supplemental educational assistance for additional service authorized by subchapter III of chapter 30 of this title. The amount so payable shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

''(2) Eligibility for supplement educational assistance under this subsection shall be determined in accordance with the provisions of subchapter III of chapter 30 of this title, except that any reference in such provisions to eligibility for basic educational assistance under a provision of subchapter II of chapter 30 of this title shall be treated as a reference to eligibility for educational assistance under the appropriate provision of this chapter.

''(3) The amount of supplemental educational assistance payable under this subsection shall be the amount equal to the monthly amount of supplemental educational payable under section 3022 of this title.

''(c) REGULATIONS.—The Secretaries concerned shall administer this section in accordance with such regulations as the Secretary of Defense shall prescribe.

**''§ 3317. Public-private contributions for additional educational assistance**

''(a) ESTABLISHMENT OF PROGRAM.—In instances where the educational assistance provided pursuant to section 3313(c)(1)(A) does not cover the full cost of established charges (as specified in section 3313 of this title), the Secretary shall carry out a program under which colleges and universities can, voluntarily, enter into an agreement with the Secretary to cover a portion of those established charges not otherwise covered under section 3313(c)(1)(A), which contributions shall be matched by equivalent contributions toward such costs by the Secretary. The program shall only apply to covered individuals described in paragraphs (1) and (2) of section 3311(b).

''(b) DESIGNATION OF PROGRAM.—The program under this section shall be known as the 'Yellow Ribbon G.I. Education Enhancement Program'.

''(c) AGREEMENTS.—The Secretary shall enter into an agreement with each college or university seeking to participate in the program under this section. Each agreement shall specify the following:

''(1) The manner (whether by direct grant, scholarship, or otherwise) of the contributions to be made by the college or university concerned.

''(2) The maximum amount of the contribution to be made by the college or university concerned with respect to any particular individual in any given academic year.

''(3) The maximum number of individuals for whom the college or university concerned will make contributions in any given academic year.

''(4) Such other matters as the Secretary and the college or university concerned jointly consider appropriate.

''(d) MATCHING CONTRIBUTIONS.—(1) In instances where the educational assistance provided an individual under section 3313(c)(1)(A) of this title does not cover the full cost of tuition and mandatory fees at a college or university, the Secretary shall provide up to 50 percent of the remaining costs for tuition and mandatory fees if the college or university voluntarily enters into an agreement with the Secretary to match an equal percentage of any of the remaining costs for such tuition and fees.

''(2) Amounts available to the Secretary under section 3324(b) of this title for payment of the costs of this chapter shall be available to the Secretary for purposes of paragraph (1).

''(e) OUTREACH.—The Secretary shall make available on the Internet website of the Department available to the public a current list of the colleges and universities participating in the program under this section. The list shall specify, for each college or university so listed, appropriate information on the agreement between the Secretary and such college or university under subsection (c).

**''§ 3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education**

''(a) ADDITIONAL ASSISTANCE.—Each individual described in subsection (b) shall be paid additional assistance under this section in the amount of $500.

''(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual entitled to educational assistance under this chapter—

''(1) who resides in a highly rural area (as determined by the Bureau of the Census); and

''(2) who—

''(A) physically relocates a distance of at least 500 miles in order to pursue a program of education for which the individual utilizes educational assistance under this chapter; or

''(B) travels by air to physically attend an institution of higher education for pursuit of such a program of education because the individual cannot travel to such institution by automobile or other established form of transportation due to an absence of road or other infrastructure.

''(c) PROOF OF RESIDENCE.—For purposes of subsection (b)(1), an individual may demonstrate the individual's place of residence utilizing any of the following:

''(1) DD Form 214, Certification of Release or Discharge from Active Duty.

''(2) The most recent Federal income tax return.

''(3) Such other evidence as the Secretary shall prescribe for purposes of this section.

''(d) SINGLE PAYMENT OF ASSISTANCE.—An individual is entitled to only one payment of additional assistance under this section.

''(e) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under this section is in addition to any other educational assistance benefits provided the individual under this chapter.''.

''SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

**''§ 3321. Time limitation for use of and eligibility for entitlement**

''(a) IN GENERAL.—Except as provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such individual's entitlement expires at the end of the 15-year period beginning on the date of such individual's last discharge or release from active duty.

''(b) EXCEPTIONS.—(1) Subsections (b), (c), and (d) of section 3031 of this title shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply under section 3031 of this title with respect to the running of the 10-year period described in section 3031(a) of this title.

''(2) Section 3031(f) of this title shall apply with respect to the termination of an individual's entitlement to educational assistance under this chapter in the same manner as such section applies to the termination of an individual's entitlement to educational assistance under chapter 30 of this title, except that, in the administration of such section for purposes of this chapter, the reference to section 3013 of this title shall be deemed to be a reference to 3312 of this title.

''(3) For purposes of subsection (a), an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service, unless the individual is discharged or released as described in section 3311(b)(2) of this title.

**''§ 3322. Bar to duplication of educational assistance benefits**

''(a) IN GENERAL.—An individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note) may not receive assistance under two or more such programs concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter or provisions to receive educational assistance.

''(b) INAPPLICABILITY OF SERVICE TREATED UNDER EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period of service counted for purposes of repayment of an education loan

under chapter 109 of title 10 may not be counted as a period of service for entitlement to educational assistance under this chapter.

''(c) SERVICE IN SELECTED RESERVE.—An individual who serves in the Selected Reserve may receive credit for such service under only one of this chapter, chapter 30 of this title, and chapters 1606 and 1607 of title 10, and shall elect (in such form and manner as the Secretary may prescribe) under which chapter such service is to be credited.

''(d) ADDITIONAL COORDINATION MATTERS.—In the case of an individual entitled to educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980, or making contributions toward entitlement to educational assistance under chapter 30 of this title, as of August 1, 2009, coordination of entitlement to educational assistance under this chapter, on the one hand, and such chapters or provisions, on the other, shall be governed by the provisions of section ____03(c) of the Post-9/11 Veterans Educational Assistance Act of 2008.

**''§ 3323. Administration**

''(a) IN GENERAL.—(1) Except as otherwise provided in this chapter, the provisions specified in section 3034(a)(1) of this title shall apply to the provision of educational assistance under this chapter.

''(2) In applying the provisions referred to in paragraph (1) to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such provisions to the term 'eligible veteran' shall be deemed to refer to an individual entitled to educational assistance under this chapter.

''(3) In applying section 3474 of this title to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such section 3474 to the term 'educational assistance allowance' shall be deemed to refer to educational assistance payable under section 3313 of this title.

''(4) In applying section 3482(g) of this title to an individual entitled to educational assistance under this chapter for purposes of this section—

''(A) the first reference to the term 'educational assistance allowance' in such section 3482(g) shall be deemed to refer to educational assistance payable under section 3313 of this title; and

''(B) the first sentence of paragraph (1) of such section 3482(g) shall be applied as if such sentence ended with 'equipment'.

''(b) INFORMATION ON BENEFITS.—(1) The Secretary of Veterans Affairs shall provide the information described in paragraph (2) to each member of the Armed Forces at such times as the Secretary of Veterans Affairs and the Secretary of Defense shall jointly prescribe in regulations.

''(2) The information described in this paragraph is information on benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of educational assistance under this chapter, including application forms for such assistance under section 5102 of this title.

''(3) The Secretary of Veterans Affairs shall furnish the information and forms described in paragraph (2), and other educational materials on educational assistance under this chapter, to educational institutions, training establishments, military education personnel, and such other persons and entities as the Secretary considers appropriate.

''(c) REGULATIONS.—(1) The Secretary shall prescribe regulations for the administration of this chapter.

''(2) Any regulations prescribed by the Secretary of Defense for purposes of this chapter shall apply uniformly across the Armed Forces.

**''§ 3324. Allocation of administration and costs**

''(a) ADMINISTRATION.—Except as otherwise provided in this chapter, the Secretary shall administer the provision of educational assistance under this chapter.

''(b) COSTS.—Payments for entitlement to educational assistance earned under this chapter shall be made from funds appropriated to, or otherwise made available to, the Department of Veterans Affairs for the payment of readjustment benefits.''.

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 32 the following new item:

**''33. Post-9/11 Educational Assistance 3301''.**

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS RELATING TO DUPLICATION OF BENEFITS.—

(A) Section 3033 of title 38, United States Code, is amended—

(i) in subsection (a)(1), by inserting ''33,'' after ''32,''; and

(ii) in subsection (c), by striking ''both the program established by this chapter and the program established by chapter 106 of title 10'' and inserting ''two or more of the programs established by this chapter, chapter 33 of this title, and chapters 1606 and 1607 of title 10''.

(B) Paragraph (4) of section 3695(a) of such title is amended to read as follows:

''(4) Chapters 30, 32, 33, 34, 35, and 36 of this title.''.

(C) Section 16163(e) of title 10, United States Code, is amended by inserting ''33,'' after ''32,''.

(2) ADDITIONAL CONFORMING AMENDMENTS.—

(A) Title 38, United States Code, is further amended by inserting ''33,'' after ''32,'' each place it appears in the following provisions:

(i) In subsections (b) and (e)(1) of section 3485.

(ii) In section 3688(b).

(iii) In subsections (a)(1), (c)(1), (c)(1)(G), (d), and (e)(2) of section 3689.

(iv) In section 3690(b)(3)(A).

(v) In subsections (a) and (b) of section 3692.

(vi) In section 3697(a).

(B) Section 3697A(b)(1) of such title is amended by striking ''or 32'' and inserting ''32, or 33''.

(c) APPLICABILITY TO INDIVIDUALS UNDER MONTGOMERY GI BILL PROGRAM.—

(1) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPATION IN POST-9/11 EDUCATIONAL ASSISTANCE.—An individual may elect to receive educational assistance under chapter 33 of title 38, United States Code (as added by subsection (a)), if such individual—

(A) as of August 1, 2009—

(i) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, and has used, but retains unused, entitlement under that chapter;

(ii) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, and has used, but retains unused, entitlement under the applicable chapter;

(iii) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, but has not used any entitlement under that chapter;

(iv) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, but has not used any entitlement under such chapter;

(v) is a member of the Armed Forces who is eligible for receipt of basic educational assistance under chapter 30 of title 38, United States Code, and is making contributions toward such assistance under section 3011(b) or 3012(c) of such title; or

(vi) is a member of the Armed Forces who is not entitled to basic educational assistance under chapter 30 of title 38, United States Code, by reason of an election under section 3011(c)(1) or 3012(d)(1) of such title; and

(B) as of the date of the individual's election under this paragraph, meets the requirements for entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added).

(2) CESSATION OF CONTRIBUTIONS TOWARD GI BILL.—Effective as of the first month beginning on or after the date of an election under paragraph (1) of an individual described by subparagraph (A)(v) of that paragraph, the obligation of the individual to make contributions under section 3011(b) or 3012(c) of title 38, United States Code, as applicable, shall cease, and the requirements of such section shall be deemed to be no longer applicable to the individual.

(3) REVOCATION OF REMAINING TRANSFERRED ENTITLEMENT.—

(A) ELECTION TO REVOKE.—If, on the date an individual described in subparagraph (A)(i) or (A)(iii) of paragraph (1) makes an election under that paragraph, a transfer of the entitlement of the individual to basic educational assistance under section 3020 of title 38, United States Code, is in effect and a number of months of the entitlement so transferred remain unutilized, the individual may elect to revoke all or a portion of the entitlement so transferred that remains unutilized.

(B) AVAILABILITY OF REVOKED ENTITLEMENT.—Any entitlement revoked by an individual under this paragraph shall no longer be available to the dependent to whom transferred, but shall be available to the individual instead for educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of this subsection.

(C) AVAILABILITY OF UNREVOKED ENTITLEMENT.—Any entitlement described in subparagraph (A) that is not revoked by an individual in accordance with that subparagraph shall remain available to the dependent or dependents concerned in accordance with the current transfer of such entitlement under section 3020 of title 38, United States Code.

(4) POST-9/11 EDUCATIONAL ASSISTANCE.—

(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in paragraph (5), an individual making an election under paragraph (1) shall be entitled to educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of such chapter, instead of basic educational assistance under chapter 30 of title 38, United States Code, or educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, as applicable.

(B) LIMITATION ON ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual making an election under paragraph (1) who is described by subparagraph (A)(i) of that paragraph, the number of months of entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), shall be the number of months equal to—

(i) the number of months of unused entitlement of the individual under chapter 30 of title 38, United States Code, as of the date of the election, plus

(ii) the number of months, if any, of entitlement revoked by the individual under paragraph (3)(A).

(5) CONTINUING ENTITLEMENT TO EDUCATIONAL ASSISTANCE NOT AVAILABLE UNDER 9/11 ASSISTANCE PROGRAM.—

(A) IN GENERAL.—In the event educational assistance to which an individual making an election under paragraph (1) would be entitled under chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable, is not authorized to be available to the individual under the provisions of chapter 33 of title 38, United States Code (as so added), the individual shall remain entitled to such educational assistance in accordance with the provisions of the applicable chapter.

(B) CHARGE FOR USE OF ENTITLEMENT.—The utilization by an individual of entitlement under subparagraph (A) shall be chargeable against the entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), at the rate of one month of entitlement under such chapter 33 for each month of entitlement utilized by the individual under subparagraph (A) (as determined as if such entitlement were utilized under the provisions of chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable).

(6) ADDITIONAL POST-9/11 ASSISTANCE FOR MEMBERS HAVING MADE CONTRIBUTIONS TOWARD GI BILL.—

(A) ADDITIONAL ASSISTANCE.—In the case of an individual making an election under paragraph (1) who is described by clause (i), (iii), or (v) of subparagraph (A) of that paragraph, the amount of educational assistance payable to the individual under chapter 33 of title 38, United States Code (as so added), as a monthly stipend payable under paragraph (1)(B) of section 3313(c) of such title (as so added), or under paragraphs (2) through (7) of that section (as applicable), shall be the amount otherwise payable as a monthly stipend under the applicable paragraph increased by the amount equal to—

(i) the total amount of contributions toward basic educational assistance made by the individual under section 3011(b) or 3012(c) of title 38, United States Code, as of the date of the election, multiplied by

(ii) the fraction—

(I) the numerator of which is—

(aa) the number of months of entitlement to basic educational assistance under chapter 30 of title 38, United States Code, remaining to the individual at the time of the election; plus

(bb) the number of months, if any, of entitlement under such chapter 30 revoked by the individual under paragraph (3)(A); and

(II) the denominator of which is 36 months.

(B) MONTHS OF REMAINING ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual covered by subparagraph (A) who is described by paragraph (1)(A)(v), the number of months of entitlement to basic educational assistance remaining to the individual for purposes of subparagraph (A)(ii)(I)(aa) shall be 36 months.

(C) TIMING OF PAYMENT.—The amount payable with respect to an individual under subparagraph (A) shall be paid to the individual together with the last payment of the monthly stipend payable to the individual under paragraph (1)(B) of section 3313(c) of title 38, United States Code (as so added), or under paragraphs (2) through (7) of that section (as applicable), before the exhaustion of the individual's entitlement to educational assistance under chapter 33 of such title (as so added).

(7) CONTINUING ENTITLEMENT TO ADDITIONAL ASSISTANCE FOR CRITICAL SKILLS OR SPECIALITY AND ADDITIONAL SERVICE.—An individual making an election under paragraph (1)(A) who, at the time of the election, is entitled to increased educational assistance under section 3015(d) of title 38, United States Code, or section 16131(i) of title 10, United States Code, or supplemental educational assistance under subchapter III of chapter 30 of title 38, United States Code, shall remain entitled to such increased educational assistance or supplemental educational assistance in the utilization of entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added), in an amount equal to the quarter, semester, or term, as applicable, equivalent of the monthly amount of such increased educational assistance or supplemental educational assistance payable with respect to the individual at the time of the election.

(8) IRREVOCABILITY OF ELECTIONS.—An election under paragraph (1) or (3)(A) is irrevocable.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on August 1, 2009.

**SEC. 4004. INCREASE IN AMOUNTS OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.**

(a) EDUCATIONAL ASSISTANCE BASED ON THREE-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (a)(1) of section 3015 of title 38, United States Code, is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

''(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,321; and''; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(b) EDUCATIONAL ASSISTANCE BASED ON TWO-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (b)(1) of such section is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

''(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,073; and''; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(c) MODIFICATION OF MECHANISM FOR COST-OF-LIVING ADJUSTMENTS.—Subsection (h)(1) of such section is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

''(A) the average cost of undergraduate tuition in the United States, as determined by the National Center for Education Statistics, for the last academic year preceding the beginning of the fiscal year for which the increase is made, exceeds

''(B) the average cost of undergraduate tuition in the United States, as so determined, for the academic year preceding the academic year described in subparagraph (A).''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on August 1, 2008.

(2) NO COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2009.—The adjustment required by subsection (h) of section 3015 of title 38, United States Code (as amended by this section), in rates of basic educational assistance payable under subsections (a) and (b) of such section (as so amended) shall not be made for fiscal year 2009.

**SEC. 4005. MODIFICATION OF AMOUNT AVAILABLE FOR REIMBURSEMENT OF STATE AND LOCAL AGENCIES ADMINISTERING VETERANS EDUCATION BENEFITS.**

Section 3674(a)(4) of title 38, United States Code, is amended by striking ''may not exceed'' and all that follows through the end and inserting ''shall be $19,000,000.''.

**TITLE V—EMERGENCY UNEMPLOYMENT COMPENSATION**

FEDERAL-STATE AGREEMENTS

SEC. 5001. (a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the ''Secretary''). Any State which is a party to an agreement under this title may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before May 1, 2007);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (except as provided under subsection (e)); and

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this title—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except where otherwise inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an emergency unemployment compensation account is established under section 5002 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of emergency unemployment compensation prior to extended compensation to individuals who otherwise meet the requirements of this section.

EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT

SEC. 5002. (a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual

who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) SPECIAL RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, if, at the time that the individual's account is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), then, such account shall be augmented by an amount equal to the amount originally established in such account (as determined under subsection (b)(1)).

(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970;

(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

(i) were applied by substituting ''4'' for ''5'' each place it appears; and

(ii) did not include the requirement under paragraph (1)(A); or

(C) such a period would then be in effect for such State under such Act if—

(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

(ii) such section 203(f)—

(I) were applied by substituting ''6.0'' for ''6.5'' in paragraph (1)(A)(i); and

(II) did not include the requirement under paragraph (1)(A)(ii).

PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION

SEC. 5003. (a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this title an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this title in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

FINANCING PROVISIONS

SEC. 5004. (a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for the making of payments to States having agreements entered into under this title.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the Government Accountability Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this title.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

FRAUD AND OVERPAYMENTS

SEC. 5005. (a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this title to which such individual was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of emergency unemployment compensation under this title to which they were not entitled, the State shall require such individuals to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the emergency unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

DEFINITIONS

SEC. 5006. In this title, the terms ''compensation'', ''regular compensation'', ''extended compensation'', ''benefit year'', ''base period'', ''State'', ''State agency'', ''State law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

APPLICABILITY

SEC. 5007. (a) IN GENERAL.—Except as provided in subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before March 31, 2009.

(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), in the case of an individual who has amounts remaining in an account established under section 5002 as of the last day of the last week (as determined in accordance with the applicable State law) ending on or before March 31, 2009, emergency unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such last day for which the individual meets the eligibility requirements of this title.

(2) LIMIT ON AUGMENTATION.—If the account of an individual is exhausted after the last day of such last week (as so determined), then section 5002(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).

(3) LIMIT ON COMPENSATION.—No compensation shall be payable by reason of paragraph

(1) for any week beginning after June 30, 2009.

TITLE VI—OTHER HEALTH MATTERS

SEC. 6001. (a) MORATORIA ON CERTAIN MEDICAID REGULATIONS.—

(1) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–28.—Section 7002(a)(1) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) is amended—

(A) by striking ''prior to the date that is 1 year after the date of enactment of this Act'' and inserting ''prior to April 1, 2009'';

(B) in subparagraph (A), by inserting after ''Federal Regulations)'' the following: ''or in the final regulation, relating to such parts, published on May 29, 2007 (72 Federal Register 29748)''; and

(C) in subparagraph (C), by inserting before the period at the end the following: '', including the proposed regulation published on May 23, 2007 (72 Federal Register 28930)''.

(2) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–173.—Section 206 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) is amended—

(A) by striking ''June 30, 2008'' and inserting ''April 1, 2009'';

(B) by inserting '', including the proposed regulation published on August 13, 2007 (72 Federal Register 45201),'' after ''rehabilitation services''; and

(C) by inserting '', including the final regulation published on December 28, 2007 (72 Federal Register 73635),'' after ''school-based transportation''.

(3) MORATORIUM ON INTERIM FINAL MEDICAID REGULATION RELATING TO OPTIONAL CASE MANAGEMENT AND TARGETED CASE MANAGEMENT SERVICES.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, finalize, implement, enforce, or otherwise take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to the interim final regulation relating to optional State plan case management services and targeted case management services under the Medicaid program published on December 4, 2007 (72 Federal Register 68077) in its entirety.

(4) ADDITIONAL MORATORIA.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to a provision described in subparagraph (B) or (C) if such restrictions are more restrictive in any aspect than those applied to the respective provision as of the date specified in subparagraph (D) for such provision.

(B) PROPOSED REGULATION RELATING TO REDEFINITION OF MEDICAID OUTPATIENT HOSPITAL SERVICES.—The provision described in this subparagraph is the proposed regulation relating to clarification of outpatient clinic and hospital facility services definition and upper payment limit under the Medicaid program published on September 28, 2007 (72 Federal Register 55158) in its entirety.

(C) PORTION OF PROPOSED REGULATION RELATING TO MEDICAID ALLOWABLE PROVIDER TAXES.—

(i) IN GENERAL.—Subject to clause (ii), the provision described in this subparagraph is the final regulation relating to health-care-related taxes under the Medicaid program published on February 22, 2008 (73 Federal Register 9685) in its entirety.

(ii) EXCEPTION.—The provision described in this subparagraph does not include the portions of such regulation as relate to the following:

(I) REDUCTION IN THRESHOLD.—The reduction from 6 percent to 5.5 percent in the threshold applied under section 433.68(f)(3)(i) of title 42, Code of Federal Regulations, for determining whether or not there is an indirect guarantee to hold a taxpayer harmless, as required to carry out section 1903(w)(4)(C)(ii) of the Social Security Act, as added by section 403 of the Medicare Improvement and Extension Act of 2006 (division B of Public Law 109–432).

(II) CHANGE IN DEFINITION OF MANAGED CARE.—The change in the definition of managed care as proposed in the revision of section 433.56(a)(8) of title 42, Code of Federal Regulations, as required to carry out section 1903(w)(7)(A)(viii) of the Social Security Act, as amended by section 6051 of the Deficit Reduction Act of 2005 (Public Law 109–171).

(D) DATE SPECIFIED.—The date specified in this subparagraph for the provision described in—

(i) subparagraph (B) is September 27, 2007; or

(ii) subparagraph (C) is February 21, 2008.

(b) RESTORATION OF ACCESS TO NOMINAL DRUG PRICING FOR CERTAIN CLINICS AND HEALTH CENTERS.—

(1) IN GENERAL.—Section 1927(c)(1)(D) of the Social Security Act (42 U.S.C. §1396r–8(c)(1)(D)), as added by section 6001(d)(2) of the Deficit Reduction Act of 2005 (Public Law 109–171), is amended—

(A) in clause (i)—

(i) by redesignating subclause (IV) as subclause (VI); and

(ii) by inserting after subclause (III) the following:

''(IV) An entity that—

''(aa) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Act or is State-owned or operated; and

''(bb) would be a covered entity described in section 340(B)(a)(4) of the Public Health Service Act insofar as the entity provides the same type of services to the same type of populations as a covered entity described in such section provides, but does not receive funding under a provision of law referred to in such section.

''(V) A public or nonprofit entity, or an entity based at an institution of higher learning whose primary purpose is to provide health care services to students of that institution, that provides a service or services described under section 1001(a) of the Public Health Service Act.''; and

(B) by adding at the end the following new clause:

''(iv) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to alter any existing statutory or regulatory prohibition on services with respect to an entity described in subclause (IV) or (V) of clause (i), including the prohibition set forth in section 1008 of the Public Health Service Act.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendment made by section 6001(d)(2) of the Deficit Reduction Act of 2005.

(c) ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS.—

(1) ADDITION OF AUTHORITY.—Title XIX of the Social Security Act is amended by inserting after section 1939 the following new section:

''ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS

''SEC. 1940. (a) IMPLEMENTATION.—

''(1) IN GENERAL.—Subject to the provisions of this section, each State shall implement an asset verification program described in subsection (b), for purposes of determining or redetermining the eligibility of an individual for medical assistance under the State plan under this title.

''(2) PLAN SUBMITTAL.—In order to meet the requirement of paragraph (1), each State shall—

''(A) submit not later than a deadline specified by the Secretary consistent with paragraph (3), a State plan amendment under this title that describes how the State intends to implement the asset verification program; and

''(B) provide for implementation of such program for eligibility determinations and redeterminations made on or after 6 months after the deadline established for submittal of such plan amendment.

''(3) PHASE-IN.—

''(A) IN GENERAL.—

''(i) IMPLEMENTATION IN CURRENT ASSET VERIFICATION DEMO STATES.—The Secretary shall require those States specified in subparagraph (C) (to which an asset verification program has been applied before the date of the enactment of this section) to implement an asset verification program under this subsection by the end of fiscal year 2009.

''(ii) IMPLEMENTATION IN OTHER STATES.—The Secretary shall require other States to submit and implement an asset verification program under this subsection in such manner as is designed to result in the application of such programs, in the aggregate for all such other States, to enrollment of approximately, but not less than, the following percentage of enrollees, in the aggregate for all such other States, by the end of the fiscal year involved:

''(I) 12.5 percent by the end of fiscal year 2009.

''(II) 25 percent by the end of fiscal year 2010.

''(III) 50 percent by the end of fiscal year 2011.

''(IV) 75 percent by the end of fiscal year 2012.

''(V) 100 percent by the end of fiscal year 2013.

''(B) CONSIDERATION.—In selecting States under subparagraph (A)(ii), the Secretary shall consult with the States involved and take into account the feasibility of implementing asset verification programs in each such State.

''(C) STATES SPECIFIED.—The States specified in this subparagraph are California, New York, and New Jersey.

''(D) CONSTRUCTION.—Nothing in subparagraph (A)(ii) shall be construed as preventing a State from requesting, and the Secretary approving, the implementation of an asset verification program in advance of the deadline otherwise established under such subparagraph.

''(4) EXEMPTION OF TERRITORIES.—This section shall only apply to the 50 States and the District of Columbia.

''(b) ASSET VERIFICATION PROGRAM.—

''(1) IN GENERAL.—For purposes of this section, an asset verification program means a program described in paragraph (2) under which a State—

''(A) requires each applicant for, or recipient of, medical assistance under the State plan under this title on the basis of being aged, blind, or disabled to provide authorization by such applicant or recipient (and any other person whose resources are required by law to be disclosed to determine the eligibility of the applicant or recipient for such

assistance) for the State to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act of 1978 but at no cost to the applicant or recipient) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (and such other person, as applicable), whenever the State determines the record is needed in connection with a determination with respect to such eligibility for (or the amount or extent of) such medical assistance; and

''(B) uses the authorization provided under subparagraph (A) to verify the financial resources of such applicant or recipient (and such other person, as applicable), in order to determine or redetermine the eligibility of such applicant or recipient for medical assistance under the State plan.

''(2) PROGRAM DESCRIBED.—A program described in this paragraph is a program for verifying individual assets in a manner consistent with the approach used by the Commissioner of Social Security under section 1631(e)(1)(B)(ii).

''(c) DURATION OF AUTHORIZATION.—Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act of 1978, an authorization provided to a State under subsection (b)(1)(A) shall remain effective until the earliest of—

''(1) the rendering of a final adverse decision on the applicant's application for medical assistance under the State's plan under this title;

''(2) the cessation of the recipient's eligibility for such medical assistance; or

''(3) the express revocation by the applicant or recipient (or such other person described in subsection (b)(1)(A), as applicable) of the authorization, in a written notification to the State.

''(d) TREATMENT OF RIGHT TO FINANCIAL PRIVACY ACT REQUIREMENTS.—

''(1) An authorization obtained by the State under subsection (b)(1) shall be considered to meet the requirements of the Right to Financial Privacy Act of 1978 for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act.

''(2) The certification requirements of section 1103(b) of the Right to Financial Privacy Act of 1978 shall not apply to requests by the State pursuant to an authorization provided under subsection (b)(1).

''(3) A request by the State pursuant to an authorization provided under subsection (b)(1) is deemed to meet the requirements of section 1104(a)(3) of the Right to Financial Privacy Act of 1978 and of section 1102 of such Act, relating to a reasonable description of financial records.

''(e) REQUIRED DISCLOSURE.—The State shall inform any person who provides authorization pursuant to subsection (b)(1)(A) of the duration and scope of the authorization.

''(f) REFUSAL OR REVOCATION OF AUTHORIZATION.—If an applicant for, or recipient of, medical assistance under the State plan under this title (or such other person described in subsection (b)(1)(A), as applicable) refuses to provide, or revokes, any authorization made by the applicant or recipient (or such other person, as applicable) under subsection (b)(1)(A) for the State to obtain from any financial institution any financial record, the State may, on that basis, determine that the applicant or recipient is ineligible for medical assistance.

''(g) USE OF CONTRACTOR.—For purposes of implementing an asset verification program under this section, a State may select and enter into a contract with a public or private entity meeting such criteria and qualifications as the State determines appropriate, consistent with requirements in regulations relating to general contracting provisions and with section 1903(i)(2). In carrying out activities under such contract, such an entity shall be subject to the same requirements and limitations on use and disclosure of information as would apply if the State were to carry out such activities directly.

''(h) TECHNICAL ASSISTANCE.—The Secretary shall provide States with technical assistance to aid in implementation of an asset verification program under this section.

''(i) REPORTS.—A State implementing an asset verification program under this section shall furnish to the Secretary such reports concerning the program, at such times, in such format, and containing such information as the Secretary determines appropriate.

''(j) TREATMENT OF PROGRAM EXPENSES.—Notwithstanding any other provision of law, reasonable expenses of States in carrying out the program under this section shall be treated, for purposes of section 1903(a), in the same manner as State expenditures specified in paragraph (7) of such section.''.

(2) STATE PLAN REQUIREMENTS.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (69) by striking ''and'' at the end;

(B) in paragraph (70) by striking the period at the end and inserting ''; and''; and

(C) by inserting after paragraph (70), as so amended, the following new paragraph:

''(71) provide that the State will implement an asset verification program as required under section 1940.''.

(3) WITHHOLDING OF FEDERAL MATCHING PAYMENTS FOR NONCOMPLIANT STATES.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) in paragraph (22) by striking ''or'' at the end;

(B) in paragraph (23) by striking the period at the end and inserting ''; or''; and

(C) by adding after paragraph (23) the following new paragraph:

''(24) if a State is required to implement an asset verification program under section 1940 and fails to implement such program in accordance with such section, with respect to amounts expended by such State for medical assistance for individuals subject to asset verification under such section, unless—

''(A) the State demonstrates to the Secretary's satisfaction that the State made a good faith effort to comply;

''(B) not later than 60 days after the date of a finding that the State is in noncompliance, the State submits to the Secretary (and the Secretary approves) a corrective action plan to remedy such noncompliance; and

''(C) not later than 12 months after the date of such submission (and approval), the State fulfills the terms of such corrective action plan.''.

(4) REPEAL.—Section 4 of Public Law 110–90 is repealed.

SEC. 6002. LIMITATION ON MEDICARE EXCEPTION TO THE PROHIBITION ON CERTAIN PHYSICIAN REFERRALS FOR HOSPITALS.—

(a) IN GENERAL.—Section 1877 of the Social Security Act (42 U.S.C. 1395nn) is amended—

(1) in subsection (d)(2)—

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

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(C) in the case where the entity is a hospital, the hospital meets the requirements of paragraph (3)(D).'';

(2) in subsection (d)(3)—

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

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(D) the hospital meets the requirements described in subsection (i)(1) not later than 18 months after the date of the enactment of this subparagraph.''; and

(3) by adding at the end the following new subsection:

''(i) REQUIREMENTS FOR HOSPITALS TO QUALIFY FOR HOSPITAL EXCEPTION TO OWNERSHIP OR INVESTMENT PROHIBITION.—

''(1) REQUIREMENTS DESCRIBED.—For purposes of subsection (d)(3)(D), the requirements described in this paragraph for a hospital are as follows:

''(A) PROVIDER AGREEMENT.—The hospital had—

''(i) physician ownership on September 1, 2008; and

''(ii) a provider agreement under section 1866 in effect on such date.

''(B) LIMITATION ON EXPANSION OF FACILITY CAPACITY.—Except as provided in paragraph (3), the number of operating rooms, procedure rooms, and beds of the hospital at any time on or after the date of the enactment of this subsection are no greater than the number of operating rooms, procedure rooms, and beds as of such date.

''(C) PREVENTING CONFLICTS OF INTEREST.—

''(i) The hospital submits to the Secretary an annual report containing a detailed description of—

''(I) the identity of each physician owner and any other owners of the hospital; and

''(II) the nature and extent of all ownership interests in the hospital.

''(ii) The hospital has procedures in place to require that any referring physician owner discloses to the patient being referred, by a time that permits the patient to make a meaningful decision regarding the receipt of care, as determined by the Secretary—

''(I) the ownership interest of such referring physician in the hospital; and

''(II) if applicable, any such ownership interest of the treating physician.

''(iii) The hospital does not condition any physician ownership interests either directly or indirectly on the physician owner making or influencing referrals to the hospital or otherwise generating business for the hospital.

''(iv) The hospital discloses the fact that the hospital is partially owned by physicians—

''(I) on any public website for the hospital; and

''(II) in any public advertising for the hospital.

''(D) ENSURING BONA FIDE INVESTMENT.—

''(i) Physician owners in the aggregate do not own more than the greater of—

''(I) 40 percent of the total value of the investment interests held in the hospital or in an entity whose assets include the hospital; or

''(II) the percentage of such total value determined on the date of enactment of this subsection.

''(ii) Any ownership or investment interests that the hospital offers to a physician owner are not offered on more favorable terms than the terms offered to a person who is not a physician owner.

''(iii) The hospital (or any investors in the hospital) does not directly or indirectly provide loans or financing for any physician owner investments in the hospital.

''(iv) The hospital (or any investors in the hospital) does not directly or indirectly guarantee a loan, make a payment toward a loan, or otherwise subsidize a loan, for any

individual physician owner or group of physician owners that is related to acquiring any ownership interest in the hospital.

''(v) Investment returns are distributed to each investor in the hospital in an amount that is directly proportional to the ownership interest of such investor in the hospital.

''(vi) Physician owners do not receive, directly or indirectly, any guaranteed receipt of or right to purchase other business interests related to the hospital, including the purchase or lease of any property under the control of other investors in the hospital or located near the premises of the hospital.

''(vii) The hospital does not offer a physician owner the opportunity to purchase or lease any property under the control of the hospital or any other investor in the hospital on more favorable terms than the terms offered to an individual who is not a physician owner.

''(E) PATIENT SAFETY.—

''(i) Insofar as the hospital admits a patient and does not have any physician available on the premises to provide services during all hours in which the hospital is providing services to such patient, before admitting the patient—

''(I) the hospital discloses such fact to a patient; and

''(II) following such disclosure, the hospital receives from the patient a signed acknowledgment that the patient understands such fact.

''(ii) The hospital has the capacity to—

''(I) provide assessment and initial treatment for patients; and

''(II) refer and transfer patients to hospitals with the capability to treat the needs of the patient involved.

''(F) LIMITATION ON APPLICATION TO CERTAIN CONVERTED FACILITIES.—The hospital was not converted from an ambulatory surgical center to a hospital on or after the date of enactment of this subsection.

''(2) PUBLICATION OF INFORMATION REPORTED.—The Secretary shall publish, and update on an annual basis, the information submitted by hospitals under paragraph (1)(C)(i) on the public Internet website of the Centers for Medicare & Medicaid Services.

''(3) EXCEPTION TO PROHIBITION ON EXPANSION OF FACILITY CAPACITY.—

''(A) PROCESS.—

''(i) ESTABLISHMENT.—The Secretary shall establish and implement a process under which an applicable hospital (as defined in subparagraph (E)) may apply for an exception from the requirement under paragraph (1)(B).

''(ii) OPPORTUNITY FOR COMMUNITY INPUT.—The process under clause (i) shall provide individuals and entities in the community that the applicable hospital applying for an exception is located with the opportunity to provide input with respect to the application.

''(iii) TIMING FOR IMPLEMENTATION.—The Secretary shall implement the process under clause (i) on November 1, 2009.

''(iv) REGULATIONS.—Not later than November 1, 2009, the Secretary shall promulgate regulations to carry out the process under clause (i).

''(B) FREQUENCY.—The process described in subparagraph (A) shall permit an applicable hospital to apply for an exception up to once every 2 years.

''(C) PERMITTED INCREASE.—

''(i) IN GENERAL.—Subject to clause (ii) and subparagraph (D), an applicable hospital granted an exception under the process described in subparagraph (A) may increase the number of operating rooms, procedure rooms, and beds of the applicable hospital above the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital (or, if the applicable hospital has been granted a previous exception under this paragraph, above the number of operating rooms, procedure rooms, and beds of the hospital after the application of the most recent increase under such an exception).

''(ii) LIFETIME 100 PERCENT INCREASE LIMITATION.—The Secretary shall not permit an increase in the number of operating rooms, procedure rooms, and beds of an applicable hospital under clause (i) to the extent such increase would result in the number of operating rooms, procedure rooms, and beds of the applicable hospital exceeding 200 percent of the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital.

''(iii) BASELINE NUMBER OF OPERATING ROOMS, PROCEDURE ROOMS, AND BEDS.—In this paragraph, the term 'baseline number of operating rooms, procedure rooms, and beds' means the number of operating rooms, procedure rooms, and beds of the applicable hospital as of the date of enactment of this subsection.

''(D) INCREASE LIMITED TO FACILITIES ON THE MAIN CAMPUS OF THE HOSPITAL.—Any increase in the number of operating rooms, procedure rooms, and beds of an applicable hospital pursuant to this paragraph may only occur in facilities on the main campus of the applicable hospital.

''(E) APPLICABLE HOSPITAL.—In this paragraph, the term ''applicable hospital'' means a hospital—

''(i) that is located in a county in which the percentage increase in the population during the most recent 5-year period (as of the date of the application under subparagraph (A)) is at least 150 percent of the percentage increase in the population growth of the State in which the hospital is located during that period, as estimated by Bureau of the Census;

''(ii) whose annual percent of total inpatient admissions that represent inpatient admissions under the program under title XIX is equal to or greater than the average percent with respect to such admissions for all hospitals located in the county in which the hospital is located;

''(iii) that does not discriminate against beneficiaries of Federal health care programs and does not permit physicians practicing at the hospital to discriminate against such beneficiaries;

''(iv) that is located in a State in which the average bed capacity in the State is less than the national average bed capacity; and

''(v) that has an average bed occupancy rate that is greater than the average bed occupancy rate in the State in which the hospital is located.

''(F) PROCEDURE ROOMS.—In this subsection, the term 'procedure rooms' includes rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed, except such term shall not include emergency rooms or departments (exclusive of rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed).

''(G) PUBLICATION OF FINAL DECISIONS.—Not later than 60 days after receiving a complete application under this paragraph, the Secretary shall publish in the Federal Register the final decision with respect to such application.

''(H) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the process under this paragraph (including the establishment of such process).

''(4) COLLECTION OF OWNERSHIP AND INVESTMENT INFORMATION.—For purposes of subparagraphs (A)(i) and (D)(i) of paragraph (1), the Secretary shall collect physician ownership and investment information for each hospital.

''(5) PHYSICIAN OWNER DEFINED.—For purposes of this subsection, the term 'physician owner' means a physician (or an immediate family member of such physician) with a direct or an indirect ownership interest in the hospital.''.

(b) ENFORCEMENT.—

(1) ENSURING COMPLIANCE.—The Secretary of Health and Human Services shall establish policies and procedures to ensure compliance with the requirements described in subsection (i)(1) of section 1877 of the Social Security Act, as added by subsection (a)(3), beginning on the date such requirements first apply. Such policies and procedures may include unannounced site reviews of hospitals.

(2) AUDITS.—Beginning not later than January 1, 2010, the Secretary of Health and Human Services shall conduct audits to determine if hospitals violate the requirements referred to in paragraph (1).

SEC. 6003. Medicare Improvement Fund.—

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

''MEDICARE IMPROVEMENT FUND

''SEC. 1898. (a) ESTABLISHMENT.—The Secretary shall establish under this title a Medicare Improvement Fund (in this section referred to as the 'Fund') which shall be available to the Secretary to make improvements under the original fee-for-service program under parts A and B for individuals entitled to, or enrolled for, benefits under part A or enrolled under part B.

''(b) FUNDING.—

''(1) IN GENERAL.—There shall be available to the Fund, for expenditures from the Fund for services furnished during fiscal year 2014, $3,340,000,000.

''(2) PAYMENT FROM TRUST FUNDS.—The amount specified under paragraph (1) shall be available to the Fund, as expenditures are made from the Fund, from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund in such proportion as the Secretary determines appropriate.

''(3) FUNDING LIMITATION.—Amounts in the Fund shall be available in advance of appropriations but only if the total amount obligated from the Fund does not exceed the amount available to the Fund under paragraph (1). The Secretary may obligate funds from the Fund only if the Secretary determines (and the Chief Actuary of the Centers for Medicare & Medicaid Services and the appropriate budget officer certify) that there are available in the Fund sufficient amounts to cover all such obligations incurred consistent with the previous sentence.''.

SEC. 6004. MORATORIUM ON AUGUST 17, 2007 CMS DIRECTIVE. Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, finalize, implement, enforce, or otherwise take any action to give effect to any or all components of the State Health Official Letter 07–001, dated August 17, 2007, issued by the Director of the Center for Medicaid and State Operations in the Centers for Medicare & Medicaid Services regarding certain requirements under the State Children's Health Insurance Program (CHIP) relating to the prevention of the substitution of health benefits coverage for children (commonly referred to as ''crowd-out'') and the enforcement of medical support orders (or to any similar administrative actions that reflect the same or similar policies set forth in such letter). Any change made on or after August 17, 2007, to a Medicaid or CHIP State plan or waiver to implement, conform to, or otherwise adhere to the requirements or policies in such letter shall not apply prior to April 1, 2009.

SEC. 6005. ADJUSTMENT TO PAQI FUND. Section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)), as amended by section 101(a)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended—

(1) in subparagraph (A)(i)—

(A) in subclause (III), by striking ''$4,960,000,000'' and inserting ''$3,940,000,000''; and

(B) by adding at the end the following new subclause:

''(IV) For expenditures during 2014, an amount equal to $3,750,000,000.'';

(2) in subparagraph (A)(ii), by adding at the end the following new subclause:

''(IV) 2014.—The amount available for expenditures during 2014 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year.''; and

(3) in subparagraph (B)—

(A) in clause (ii), by striking ''and'' at the end;

(B) in clause (iii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(iv) 2014 for payment with respect to physicians' services furnished during 2014.''.

TITLE VII—ACCOUNTABILITY AND COMPETITION IN GOVERNMENT CONTRACTING

CHAPTER 1—CLOSE THE CONTRACTOR FRAUD LOOPHOLE

SHORT TITLE

SEC. 7101. This chapter may be cited as the ''Close the Contractor Fraud Loophole Act''.

REVISION OF THE FEDERAL ACQUISITION REGULATION

SEC. 7102. The Federal Acquisition Regulation shall be amended within 180 days after the date of the enactment of this Act pursuant to FAR Case 2007–006 (as published at 72 Fed Reg. 64019, November 14, 2007) or any follow-on FAR case to include provisions that require timely notification by Federal contractors of violations of Federal criminal law or overpayments in connection with the award or performance of covered contracts or subcontracts, including those performed outside the United States and those for commercial items.

DEFINITION

SEC. 7103. In this chapter, the term ''covered contract'' means any contract in an amount greater than $5,000,000 and more than 120 days in duration.

CHAPTER 2—GOVERNMENT FUNDING TRANSPARENCY

SHORT TITLE

SEC. 7201. This chapter may be cited as the ''Government Funding Transparency Act of 2008''.

FINANCIAL DISCLOSURE REQUIREMENTS FOR CERTAIN RECIPIENTS OF FEDERAL AWARDS

SEC. 7202. (a) DISCLOSURE REQUIREMENTS.—Section 2(b)(1) of the Federal Funding Accountability and Transparency Act (Public Law 109–282; 31 U.S.C. 6101 note) is amended—

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

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

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

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

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

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

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

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

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

TITLE VIII

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 8001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION

SEC. 8002. Each amount in each title of this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

AVOIDANCE OF U.S. PAYROLL TAX CONTRIBUTIONS

SEC. 8003. None of the funds in this Act may be used by any Federal agency for a contract with any United States corporation which hires United States employees through foreign offshore subsidiaries for purposes of avoiding United States payroll tax contributions for such employees.

EXPLANATORY STATEMENT

SEC. 8004. The explanatory statement printed in the Senate section of the Congressional Record on May 19, 2008, submitted by the Chairman of the Committee on Appropriations of the Senate regarding the amendments of the Senate to the House amendments to the Senate amendment to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, submitted by the Chairman of the Committee on Appropriations of the Senate, shall have the same effect with respect to the allocation of funds and implementation of titles I through XIII of this Act as if it were a report to the Senate on a bill reported by the Committee on Appropriations.

This Act shall become effective 2 days after enactment.

SHORT TITLE

SEC. 8005. This Act may be cited as the ''Supplemental Appropriations Act, 2008''.

## NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, May 22, at 9:30 a.m. in room 562 of the Dirksen Senate Office Building to conduct a hearing entitled ''Follow Up on the status of Backlogs at the Department of the Interior''.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 20, 2008, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, May 20, 2008, at 10 a.m., in room SD366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. 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 20, 2008, at 10:30 a.m., to hold a hearing on law enforcement treaties.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. 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 20, 2008, at 2:15 p.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. 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 20, 2008, at 2:45 p.m. to hold a hearing on Pakistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Plant Closings, Workers' Rights and the WARN Act's 20th Anniversary'' on Tuesday, May 20, 2008: The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, May 20, 2008, at 10:30 a.m. to conduct a hearing entitled ''Financial Speculation in Commodity Markets: Are Institutional Investors and

Hedge Funds Contributing to Food and Energy Price Inflation?''.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Protecting the Constitutional Rights to Vote for All Americans'' on Tuesday, May 20, 2008, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 20, 2008, at 2:30 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Human Rights and the Law, be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Global Internet Freedom: Corporate Responsibility and the Rule of Law'' on Tuesday, May 20, 2008, at 10 a.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. ENZI. Mr. President, I ask unanimous consent that Clint Lohse of my staff, who has done a tremendous amount of work to assure that we recognize the American cowboy, be granted the privileges of the floor during debate on the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I ask unanimous consent that Eric Jaffe of the Appropriations Committee staff be granted the privileges of the floor during consideration of the fiscal year 2008 emergency supplemental.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AMENDING THE MISSING CHILDREN'S ASSISTANCE ACT

Mr. REID. I ask unanimous consent that the Judiciary Committee be discharged from the consideration of H.R. 2517 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2517) to amend the Missing Children's Assistance Act to authorize appropriations, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, tomorrow, the country will commemorate Missing Children's Day. Ceremonies at the Department of Justice and elsewhere will remember our commitment to work together in locating and recovering missing children. I am proud that today, Congress has also realized its obligation to our Nation's children by passing the Protecting Our Children Comes First Act of 2007, which takes important steps toward this goal.

For more than 5 months, one Senator has prevented this important legislation from becoming law. This is regrettable. The authorization for National Center for Missing and Exploited Children, NCMEC, and all that it does to help children and families expires at the end of this fiscal year. This is a bill that passed the House by a vote of 408 to 3. There were 95 cosponsors in the House, both Democrats and Republicans. I introduced a Senate companion bill with Senator HATCH, Senator LANDRIEU, and Senator SHELBY last summer. The Senator Judiciary Committee considered and reported our Senate bill, S. 1829, last December. We have been trying to pass it in the Senate ever since. I am glad the objecting Senator has reconsidered his hold on this legislation. The National Center will now have the security of being able to plan and to maintain their services and staff for the future.

It pains us all to see photo after photo of missing children from all around our country. As a father and grandfather, I can imagine that an abducted child is any parent's worst nightmare. Unfortunately, it is a nightmare that happens all too often. Indeed, the Justice Department estimates that 2,200 children are reported missing each day. There are approximately 114,600 attempted stranger abductions every year, with 3,000 to 5,000 of those attempts succeeding. These families need the assistance of the American people and a helping hand from Congress.

The National Center for Missing and Exploited Children spearheads national efforts to locate and recover missing children and raises public awareness about ways to prevent child abduction, molestation, and sexual exploitation. Further, NCMEC works to make our children safer by acting as a national voice and advocate for those too young to vote or speak up for their own rights.

The national center's professionals have busy, stressful and important jobs. They have worked on more than 127,700 cases of missing and exploited children since the national center's 1984 founding, helping to recover more than 110,200 children. The national center reports that it raised its recovery rate from 64 percent in the 1990s to 96 percent today. It has set up three nationwide tip lines: a toll free, 24-hour telephone hotline to take reports about missing children and clues that might lead to their recovery; a national child pornography tipline to handle calls from individuals reporting the sexual exploitation of children through the production and distribution of pornography; and a cybertipline to process online leads from individuals reporting the sexual exploitation of children. The national center has taken the lead in circulating millions of photographs of missing children, and it serves as a vital resource for the 17,000 law enforcement agencies throughout the Nation who are one the frontlines in the search for missing children and in the pursuit of adequate child protection.

The National Center for Missing and Exploited Children manages to do all of this good work with an annual DOJ grant, which is set to expire after fiscal year 2008. It is important to act now to extend its authorization so that it can continue to help keep children safe and families intact around our Nation. We should continue to do everything we can to protect our children and I thank my friends on both sides of the aisle for joining me in this effort.

Mr. REID. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2517) was ordered to a third reading, was read the third time, and passed.

## KIDS ACT OF 2007

Mr. REID. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 706, S. 431.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 431) to require convicted sex offenders to register online identifiers, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics)

*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 ''Keeping the Internet Devoid of Sexual Predators Act of 2007'' or the ''KIDS Act of 2007''.

**SEC. 2. REGISTRATION OF ONLINE IDENTIFIERS OF SEX OFFENDERS.**

(a) IN GENERAL.—Section 114(a) of the Sex Offender Registration and Notification Act (42 U.S.C. 16914(a)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8); and

(2) by inserting after paragraph (3) the following:

**[**''(4) Any electronic mail address, instant message address, or other similar Internet identifier the sex offender used or will use to communicate over the Internet.**]**

*''(4) Any electronic mail address, instant message address, or other designation the sex offender uses or will use for self-identification or routing in an Internet communication or posting.''.*

(b) UPDATING OF INFORMATION.—Section 113(c) of the Sex Offender Registration and Notification Act (42 U.S.C. 16913(c)) is amended by inserting ''and before any use of an electronic mail address, instant message address, [or other similar Internet identifier not provided under subsection (b) by the sex offender to communicate over the Internet,] *or other designation used for self-identification or routing in an Internet communication or posting that is not included in the sex offender's registration information,*'' after ''or student status,''.

(c) FAILURE TO REGISTER ONLINE IDENTIFIERS.—Section 2250 of title 18, United States Code, is amended—

(1) in subsection (b), by inserting ''or (d)'' after ''subsection (a)''; and

(2) by adding at the end the following:

''(d) *Knowing*. Failure To Register Online Identifiers.—

''(1) IN GENERAL.—It shall be unlawful for any person who is required to register under the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.) to *knowingly* fail to provide an electronic mail [address, instant message address, or other similar Internet identifier used by that person to communicate over the Internet] *address, instant message address, or other designation used for self-identification or routing in an Internet communication or posting* to the appropriate official for inclusion in the sex offender registry, as required under that Act.

''(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned not more than 10 years, or both.''.

*(d) CONFORMING AMENDMENT; DIRECTIVE TO UNITED STATES SENTENCING COMMISSION.—Section 141(b) of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248; 120 Stat. 602) is amended by striking ''offense specified in subsection (a)'' and inserting ''offenses specified in subsections (a) and (d) of section 2250 of title 18, United States Code''.*

**SEC. 3. RELEASE OF ELECTRONIC MAIL ADDRESSES, INSTANT MESSAGE ADDRESSES, OR OTHER SIMILAR INTERNET IDENTIFIERS.**

(a) PUBLIC ACCESS.—Section 118(b) of the Sex Offender Registration and Notification Act (42 U.S.C. 16918(b)) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

''(4) any electronic mail address, instant message address, or other similar Internet identifier used by the sex offender; and''.

(b) NATIONAL REGISTRY.—Section 119 of the Sex Offender Registration and Notification Act (42 U.S.C. 16919) is amended by adding at the end the following:

''(c) RELEASE OF ELECTRONIC MAIL ADDRESSES, INSTANT MESSAGE ADDRESSES, OR OTHER SIMILAR INTERNET IDENTIFIERS TO COMMERCIAL SOCIAL NETWORKING WEBSITE.—

''(1) IN GENERAL.—The Attorney General shall maintain a system allowing a commercial social networking website to compare the database of registered users of that commercial social networking website to the list of electronic mail addresses, instant message addresses, and other similar Internet identifiers of persons in the National Sex Offender Registry.

''(2) PROCESS FOR RELEASE OF ELECTRONIC MAIL ADDRESSES, INSTANT MESSAGE ADDRESSES, OR OTHER SIMILAR INTERNET IDENTIFIERS.—A commercial social networking website desiring to compare its database of registered users to the list of electronic mail addresses, instant messages, and other similar Internet identifiers of persons in the National Sex Offender Registry shall provide to the Attorney General—

''(A) the name, address, and telephone number of the commercial social networking website;

''(B) the specific legal nature and corporate status of the commercial social networking website;

''(C) an affirmation signed by the chief legal officer of the commercial social networking website that the information obtained from that database shall not be disclosed for any purpose other than for comparing the database of registered users of that commercial social networking website against the list of electronic mail addresses, instant message addresses, and other similar Internet identifiers of persons in the National Sex Offender Registry to protect [children] *individuals* from online sexual predators and that disclosure of this information for purposes other than those under this section may be unlawful; and

''(D) the name, address, and telephone number of a natural person who consents to service of process for the commercial social networking website.

''(3) USE OF DATABASE.—After a commercial social networking website has complied with paragraph (2) and paid any fee established by the Attorney General, the commercial social networking website may screen new users or compare its database of registered users to the list of electronic mail addresses, instant message addresses, and other similar Internet identifiers of persons in the National Sex Offender Registry as frequently as the Attorney General may allow for the purpose of identifying a registered user associated with an electronic mail address, instant message address, or other similar Internet identifier contained in the National Sex Offender Registry.

[''(4) LIABILITY RELIEF FOR SOCIAL NETWORKING SITES USING THE REGISTRY INFORMATION TO PROTECT USERS.—

[''(A) IN GENERAL.—If a commercial social networking website complies with this section, a covered civil action against that commercial social networking website or any director, officer, employee, or agent of that commercial social networking website may not be brought in any Federal or State court.

[''(B) DEFINITION.—In this paragraph, the term 'covered civil action' means a civil action relating to the use of the information in the National Sex Offender Registry by a commercial social networking website to screen users or compare its database of registered users for the purpose of identifying a registered user associated with an electronic mail address, instant message address, or other similar Internet identifier information contained in the National Sex Offender Registry.

[''(5) INTERIM PERIOD.—In any interim period before the National Sex Offender Registry is implemented, any commercial social networking website shall have access to the electronic mail addresses, instant message addresses, and other similar Internet identifiers of persons required to register in a jurisdiction's sex offender registry through the methods set forth in paragraphs (2) and (3). Until such time as the National Sex Offender Registry is implemented, the term 'Attorney General' shall be replaced with 'the jurisdiction' and the term 'the National Sex Offender Registry' shall be replaced with 'a jurisdiction's sex offender registry' in paragraphs (2) and (3).''.]

*''(4) LIMITATION ON RELEASE OF INTERNET IDENTIFIERS.—Except as explicitly provided for in this section or for a necessary law enforcement purpose, the Attorney General may not authorize the release or dissemination of any Internet identifier contained in the National Sex Offender Registry.*

*''(5) LIMITATION ON LIABILITY.—*

*''(A) IN GENERAL.—A civil claim against a commercial social networking website, including any director, officer, employee, or agent of that commercial social networking website, arising from the use by such website of the National Sex Offender Registry, may not be brought in any Federal or State court.*

*''(B) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Subsection (a) shall not apply to a claim if the commercial social networking website, or a director, officer, employee, or agent of that commercial social networking website—*

*''(i) engaged in intentional misconduct; or*

*''(ii) acted, or failed to act—*

*''(I) with actual malice;*

*''(II) with reckless disregard to a substantial risk of causing injury without legal justification; or*

*''(III) for a purpose unrelated to the performance of any responsibility or function described in paragraph (3).*

*''(C) ORDINARY BUSINESS ACTIVITIES.—Subsection (a) shall not apply to an act or omission to act relating to an ordinary business activity of any commercial social networking website, including to any acts related to the general administration or operations of such website, the use of motor vehicles by employees or agents of such website, or any personnel management decisions of such websites.*

*''(D) MINIMIZING ACCESS.—A commercial social networking website shall minimize the number of employees that are provided access to the list of electronic mail addresses, instant message addresses, and other similar Internet identifiers of persons in the National Sex Offender Registry.*

*''(6) RULE OF CONSTRUCTION.—Nothing is this section shall be construed to require any Internet website, including a commercial social networking website, to compare its database of registered users with the list of electronic mail addresses, instant message addresses, and other similar Internet identifiers of persons in the National Sex Offender Registry, and no Federal or State liability, or any other actionable adverse consequence, shall be imposed on such website based on its decision not to compare its database with such list.''.*

**SEC. 4. DEFINITIONS.**

Section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911) [is amended—

[(1) in paragraph (7)(H), by striking the period and inserting the following: '', except that it shall not be necessary to show that the sexual conduct actually occurred or to offer proof that the defendant engaged in an act, other than use of the Internet to facilitate criminal sexual conduct involving a minor.''; and

[(2) by adding at the end the following:] *is amended by adding at the end the following:*

''(15) The term 'commercial social networking website' means a commercially operated Internet website that—

[''(A) allows users to create web pages or profiles that provide information about themselves and are available publicly or to other users; and]

*''(A) allows users, through the creation of web pages or profiles or by other means, to provide information about themselves that is available publicly or to other users; and*

''(B) offers a mechanism for communication with other users, such as a forum, chat room, electronic mail, or instant messenger.

[''(16) The term 'chat room' means any Internet website through which a number of users can communicate in real time via text and that allows messages to be almost immediately visible to all other users or to a designated segment of all other users.]

*''(16) The term 'chat room' means any Internet service through which a number of users can communicate in real time so that communications are almost immediately available to all other users or to a designated segment of all other users.*

''(17) The term 'Internet' has the meaning given that term in section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note).

''(18) The term 'electronic mail address' has the meaning given that term in section 3 of the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (15 U.S.C. 7702).

''(19) The term 'instant message address' means an identifier that allows a person to [communication] *communicate* in real-time with another person using the Internet.''.

**SEC. 5.÷ CRIMINALIZATION OF AGE MISREPRESENTATION IN CONNECTION WITH ONLINE SOLICITATION OF A MINOR.**

Section 2252C of title 18, 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) AGE MISREPRESENTATION.—Any person 18 years or older who knowingly misrepresents their age with the intent to use the Internet to engage in criminal sexual conduct involving a minor, or to facilitate or attempt such conduct, shall be fined under this title and imprisoned for not more than 20 years. Such penalty shall be in addition to any penalty pursuant to the laws of any jurisdiction for the crime of using the Internet to engage in criminal sexual conduct involving a minor, or to facilitate or attempt such conduct.''.]

*''(c) AGE OF MISREPRESENTATION.—Any person 18 years or older who knowingly misrepresents his or her age with the intent to use the Internet, to operate a facility, by mail, or by any other means of interstate or foreign commerce to engage in criminal sexual conduct involving a minor who is at least 4 years younger than the person engaging in such conduct, or to facilitate or attempt such conduct, shall be fined under this title and imprisoned for not more than 20 years. Such penalty shall be in addition to any penalty pursuant to the laws of any jurisdiction for the crime of using the Internet to engage in criminal sexual conduct involving a minor, or to facilitate or attempt such conduct.''.*

***SEC. 6. KNOWINGLY ACCESSING CHILD PORNOGRAPHY WITH THE INTENT TO WATCH CHILD PORNOGRAPHY.***

*(a) MATERIALS INVOLVING SEXUAL EXPLOITATION OF MINORS.—Section 2252(a)(4) of title 18, United States Code, is amended—*

*(1) in subparagraph (A), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''; and*

*(2) in subparagraph (B), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''.*

*(b) MATERIALS CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(a)(5) of title 18, United States Code, is amended—*

*(1) in subparagraph (A), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''; and*

*(2) in subparagraph (B), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''.*

***SEC. 7. CLARIFYING BAN OF CHILD PORNOGRAPHY.***

*(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended—*

*(1) in section 2251—*

*(A) in each of subsections (a), (b), and (d), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''be transported'';*

*(B) in each of subsections (a) and (b), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''been transported''; and*

*(C) in subsection (d), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''is transported'';*

*(2) in section 2251A(c), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''or transported'';*

*(3) in section 2252(a)—*

*(A) in paragraph (1), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''ships'';*

*(B) in paragraph (2)—*

*(i) by inserting ''using any means or facility of interstate or foreign commerce or'' after ''distributes, any visual depiction''; and*

*(ii) by inserting ''using any means or facility of interstate or foreign commerce or'' after ''depiction for distribution''; and*

*(C) in paragraph (4), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been shipped or transported''; and*

*(4) in section 2252A(a)—*

*(A) in paragraph (1), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''ships'';*

*(B) in paragraph (3), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''mails, or'' each place it appears;*

*(C) in each of paragraphs (4) and (5), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been mailed, or shipped or transported''; and*

*(D) in paragraph (6), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been mailed, shipped, or transported''.*

*(b) AFFECTING INTERSTATE COMMERCE.—Chapter 110 of title 18, United States Code, is amended in each of sections 2251, 2251A, 2252, and 2252A, by striking ''in interstate'' each place it appears and inserting ''in or affecting interstate''.*

*(c) CERTAIN ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252(a)(3)(B) of title 18, United States Code, is amended by inserting '', shipped, or transported using any means or facility of interstate or foreign commerce'' after ''that has been mailed''.*

*(d) CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(a)(6)(C) of title 18, United States Code, is amended by striking ''or by transmitting'' and all that follows through ''by computer,'' and inserting ''or any means or facility of interstate or foreign commerce,''.*

Mr. KYL. Mr. President, I rise to say a few words about final passage of the KIDS Act, S. 431. This bill authorizes procedures for social networking Web sites to check whether a particular email address is registered to a sex offender. The bill also includes provisions that would make it an offense to use the Internet to lure a victim and then sexually assault her, that expand the jurisdictional predicates for the child-porn possession offenses, and that make it an offense to knowingly access child pornography on the Internet with the intent to view child pornography.

Section 7 of the bill, which expands the jurisdictional predicates for offenses relating to child pornography, is of particular interest to me. I offered this proposal as an amendment in the Judiciary Committee after it was informally proposed to me by the Justice Department. The proposal addresses a problem highlighted by *United States* v. *Schaefer*, 501 F.3d 1197, 10th Circuit 2007, which dismissed a conviction for receipt and possession of child pornography because the court found that proof that an image traveled over the Internet is not sufficient to prove that the image in question moved in interstate commerce. I understand that this ruling has had a substantial impact on prosecutions pertaining to sexually abusive images of children, particularly in the Tenth Circuit.

In Schaefer, the Tenth Circuit found that evidence that an image had traveled through servers in another State could prove that the image moved across State lines. Unfortunately, this conclusion provides little help for Federal prosecutions in the State of Colorado because the largest Internet service provider in Colorado maintains all of it servers in that State. Therefore, in Colorado it is extremely difficult to get the kind of evidence required by the Tenth Circuit's decision.

It is an irony of the Internet that the more that it grows, the harder that it is to prove that an image of child pornography crossed State lines. As in Colorado, many Internet service providers are setting up server farms across the United States, so it is harder to get the requisite evidence that the images moved through out-of-State servers. Additionally, with the advent of different ways of connecting to the Internet, such as wireless, broadband, and DSL, it can be harder to trace the route that an image took across the Internet. And with certain Internet-based technologies, such as instant messaging and peer-to-peer file sharing, it can be impossible to find out to whom or from where a defendant sent or received an image.

The child pornography statutes were enacted, for the most part, before Internet and cell phone technology existed. At the time the statutes were originally written, there were really only two ways to transport this contraband: by mailing it or by physically carrying it on one's person. The statutes were drafted accordingly. Now, however, because of technological developments, Federal laws pertaining to sexually abusive images of children simply do not reach all of the crimes they could under the Constitution.

Section 7 of the KIDS Act adds the words ''affecting interstate or foreign commerce'' and ''using a facility or means of interstate or foreign commerce'' to the child pornography laws, thereby employing maximum Federal power to proscribe child pornography. The primary advantage of the ''facility or means'' language is that it accurately reflects how sexually abusive images of children are traded today, which is to say, over the Internet and phone lines. The Supreme Court and courts of appeals have long recognized that the Internet and phones are facilities of interstate commerce, regardless of whether the actual transmission goes across State lines. Finally, the ''facility or means'' language tracks that in 18 U.S.C. §§ 1470 and 2422(b).

Thus there is already a body of case law to guide the drafting of jury instructions and statutory interpretation.

My second favorite provision in S. 431 is section 6, which makes it a crime to knowingly access child pornography with the intent to view child pornography. This proposal was brought to my attention by my colleague Senator VITTER, who persuaded me to offer it as an amendment in the Judiciary Committee. Like section 7, section 6 adapts our laws to address a new obstacle to child-pornography prosecutions that was created by changes in technology and that is exemplified by a recent court of appeals decision. The Vitter staff also provided me with the following Justice Department testimony, which explains the need for this provision and is worth quoting in full. It is the testimony of Larry Rothenberg, a Deputy Assistant Attorney General in the Justice Department's Office of Legal Policy, before the House Judiciary Committee on October 17 of last year:

18 U.S.C. §§ 2252 and 2252A currently criminalize various activities related to child pornography including transportation, trafficking, and possession. Some courts have narrowly interpreted (incorrectly, in our view) the definition of possession so that a person would not have violated the statute if he, for example, viewed images of child pornography on his computer but did not save them onto his disk drive. Even if, in his computer's ''temporary Internet cache,'' we have a record of his viewing the images, and thus proof that he accessed them on a website, under this narrow interpretation, he would not be guilty of violating the statute if he did not know that his temporary Internet cache automatically saved the images on his computer.

Two recent cases demonstrate the need for these changes. In *United States* v. *Teal*, No. 1:04–CR–00042–CCB–1 (D. Md., motion to dismiss granted Aug. 13, 2004), the Maryland U.S. Attorney's Office prosecuted Marvin Teal, a former administrative law judge who had prior convictions for sexually abusing children, for possession and attempted possession of child pornography based on his viewing child pornography at a public library in Baltimore, Maryland. Library police officers saw child pornography on the computer Teal was using, arrested him, and printed out the images that could be seen on the computer screen. Because there was no evidence that the defendant had himself downloaded or saved anything, the District Court dismissed the case. We chose not to appeal, given the state of the law and the facts of the case.

In *United States* v. *Kuchinski*, 469 F.3d 853 (9th Cir. 2006), the Ninth Circuit vacated and remanded the sentence of an offender found with between 15,120 and 19,000 separate images of child pornography on his computer on the basis that he did not know that they were in his Internet cache. The court stated, ''There is no question that the child pornography images were found on the computer's hard drive and that Kuchinski possessed the computer itself. Also, there is no doubt that he had accessed the web page that had those images somewhere upon it, whether he actually saw the images or not. What is in question is whether it makes a difference that, as far as this record shows, Kuchinski had no knowledge of the images that were simply in the cache files. It does.'' Of course we acknowledge the Ninth Circuit's authority to interpret the law this way. However, we think the court's distinction should not make a difference under the law.

Our proposal [which is identical to Section 6 of the KIDS Act] would correct these anomalies while protecting unsuspecting persons who unintentionally access child pornography from prosecution. Specifically, the bill would amend 18 U.S.C. § 2252(a)(4) and 18 U.S.C. § 2252A(a)(5) to criminalize not only possession of child pornography, but also ''knowingly accessing child pornography with the intent to view it.'' That is, a person would be liable to prosecution if he purposefully clicked on a link with the intent that when the link opened, he would view child pornography. It would therefore be a two-step test that the prosecution would have to satisfy—first, that he purposefully (that is, not accidentally) clicked the link, and, second, he did so with the intent that by clicking on the link child pornography would appear on his computer screen. This test would not be difficult to satisfy in the case of people who really did want to view child pornography. Extrinsic evidence—such as the name of the link, which would probably have terms indicating that it displayed child pornography, and payment for the images—would be used to prove the violation. But in the case of an ''innocent viewer'' who accidentally came across child pornography, the two-step proof would be his protection.

I would also like to express my appreciation to the sponsors of this bill for their willingness to work with the Justice Department to address technical concerns with the bill. It is particularly important that the bill has been modified to minimize conflict with the Justice Department's forthcoming guidelines for implementation of SORNA, which serve many of the same ends as the bill. Earlier versions of the KIDS Act used terminology inconsistent with that used in SORNA, unnecessarily required that sex offenders appear in person to report their e-mail addresses, did not clearly provide the Attorney General with discretion to screen out ill-intentioned users of the checking system, limited access to the checking system to only commercial websites, and unnecessarily restricted to only the SORNA database the sources on which the checking system may rely for Internet addresses. I am pleased to report that all of these problems will be corrected in the floor amendment for the bill. While these issues may seem like technicalities, had they not been addressed they would have degraded the utility of the checking system.

The committee-reported bill also appeared to limit existing programs for helping law enforcement and parents to determine whether the individual using a particular address is a sex offender. The final Senate bill includes a rule of construction that makes clear that the bill does not limit the Attorney General's preexisting authority to allow such searches. The final bill also includes a compromise on how the Attorney General and social networking Web sites may disseminate sex-offender e-mail addresses. The compromise is somewhat complicated and merits explanation. The bill still does bar the wholesale distribution to the general public of sex offenders' e-mail information contained in the system, and further requires that the AG limit how the social networking sites disseminate the information about individual offenders that such sites receive. I understand that some Senators expressed concern that such bulk distribution of offenders' e-mail addresses would make it possible for malicious individuals to identify individual offenders' e-mail addresses and use those addresses to harass an offender. Preventing the publication of lists of offenders' e-mail addresses also will prevent offenders from using the checking system to identify each other's e-mail addresses and communicate with each other. We should not allow the system's information about sex offenders' e-mail addresses to be used in this way. The bill creates a two-tiered limit on distribution of these e-mail addresses in proposed SORNA section 121(d)(4)(A) and (B). Subparagraph (A) bars bulk distribution of offenders' addresses contained in the system to the public at large, and subparagraph (B) further requires the AG to limit how social networking sites disseminate the information that they receive. Subparagraph (A) bars both the AG and the participating social-networking sites from disseminating lists of sex-offender e-mail information that are generated through the operation of the checking system unless the information is only given to a limited set of sources with a particular need for the information, as opposed to the public at large. It does not limit dissemination of information generated from other sources, but should substantially prevent the creation of bulk public lists of sex-offender e-mail information as a result of the operation of the checking system. Subparagraph (B) complements this provision by requiring the AG to regulate how participating social networking sites use the information that they receive. It is likely that some social-networking sites will come into possession of large amounts of sex-offender e-mail information as a result of their participation in this system. It is thus important that the AG see to it that those sites do not liberally disseminate such information in a way that would allow others to create bulk public lists of sex offenders' e-mail information. Although subparagraph (B) contains no specific mandate to the AG, I trust that he will apply this provision with this purpose in mind.

In addition, I would like to address two urgently-needed reforms to our Nation's child pornography laws that are not included in this bill, but that I hope to amend onto future legislation. We need tougher, mandatory penalties for possession of child pornography, and Congress needs to act to stiffen and expand penalties for electronic-communication service providers who fail to report the presence of child pornography on their systems. The case for both of these provisions is made in the Rothenberg testimony noted above, and I quote it in full:

[W]e urge Congress to establish a mandatory minimum sentence for possession of child pornography. This is crucial because too many people believe that child pornography is ''just pictures'' and is not ''a big deal.'' That is wrong. Each pornographic image of a child is the visual record of the sexual exploitation of that child. It is not just a picture. Every time that image is viewed, the child is violated once again. Moreover, the demand for such images is what fuels the physical violation of the children in these images in the first place. Possession of child pornography is victimization of a child and should be punished accordingly.

Unfortunately, since the Federal Sentencing Guidelines became advisory under the Supreme Court's decision in *United States* v. *Booker* the number of downward departures by judges in federal child pornography possession cases has increased. After enactment of the PROTECT Act of 2003, which restricted in various ways the authority of courts to make non-government-sponsored downward departures in sentences, the rate of non-government-sponsored below-range sentences for all offense types was about 5 percent. *See* United States Sentencing Commission, Final Report on the Impact of *United States* v. *Booker* on Federal Sentencing (March 2006), at p. 54, *available at* http://www.ussc.gov/booker_report/Booker_Report .pdf. Following *Booker*, that rate jumped up to 12.5 percent. *Id.* at p. 47. For child pornography possession offenses, however, the rate of non-government-sponsored below-range sentences leapt to 26.3 percent, more than twice the average rate. *Id.* at p. 122. By way of comparison, for drug trafficking and firearms violations, the rate has increased to 12.8 percent and 15.2 percent, respectively, much closer to the average. *Id.* at table on page D–5.

The increase in non-government-sponsored, below-range sentences for possession offenses after *Booker* demonstrates the need for a mandatory minimum sentence for possession offenses. Establishing a two-year minimum sentence will be a warning to potential consumers of child pornography, prevent unwarranted downward departures, and forcefully express our revulsion at this type of material. This change is contained in section 201 of the Department's Violent Crime and Anti-Terrorism Act of 2007 and is included as section 201 of H.R. 3156, the Violent Crime Control Act of 2007.

Our second proposal would amend an existing law that requires certain providers of electronic communications services to report violations of the child pornography laws. Currently the law provides that a provider who knowingly and willfully fails to report the presence of child pornography images on its computer servers shall be subject to a criminal fine of up to $50,000 for the initial failure to report and $100,000 for each subsequent failure to report. Prosecutors and law enforcement sources report that this criminal provision has been virtually impossible to enforce because of the particular *mens rea* requirement and the low amount of the potential penalty. These impediments severely hinder the needed crackdown on the presence of child pornography on the Internet.

Our legislation would triple the criminal fines available for knowing and willful failures to report, making the available fines $150,000 for the initial violation and $300,000 for each subsequent violation.

Even more importantly, the legislation would add civil fines for *negligent* failure to report a child pornography offense. The civil penalty is set at $50,000 for the initial violation and $100,000 for each subsequent violation. The Federal Communications Commission would be provided with the authority to levy the civil fines under this section and to promulgate the necessary regulations, in consultation with the Attorney General, for imposing the fines and for providing an appropriate administrative review process.

These proposals would make it much more likely that service providers will exercise sound practices for weeding out child pornography. The images are out there, too often on commercial computer servers, and law enforcement needs to know about them to investigate and to prosecute the sexual predators who consume them. This amendment is contained in section 202 of the Department's Violent Crime and Anti-Terrorism Act of 2007 and in section 202 of H.R. 3156.

Finally, I would like to thank Preet Bharara and Lee Dunn, staffers to Senators SCHUMER and MCCAIN, respectively, who have worked tirelessly to see this bill through the Senate. S. 431 is a good bill, and I hope to see it enacted into law.

Mr. REID. I ask unanimous consent a Schumer amendment which is at the desk be agreed to, the committee amendments, as amended, be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4798) was agreed to.

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

The committee amendments, as amended, were agreed to.

The bill (S. 431), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 431

*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 ''Keeping the Internet Devoid of Sexual Predators Act of 2008'' or the ''KIDS Act of 2008''.

**SEC. 2. REGISTRATION OF ONLINE IDENTIFIERS OF SEX OFFENDERS.**

(a) IN GENERAL.—Section 114(a) of the Sex Offender Registration and Notification Act (42 U.S.C. 16914(a)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8); and

(2) by inserting after paragraph (3) the following:

''(4) Any electronic mail address or other designation the sex offender uses or will use for self-identification or routing in Internet communication or posting.''.

(b) UPDATING OF INFORMATION.—Section 113(c) of the Sex Offender Registration and Notification Act (42 U.S.C. 16913(c)) is amended by adding at the end the following: ''The Attorney General shall have the authority to specify the time and manner for reporting of other changes in registration information, including any addition or change of an electronic mail address or other designation used for self-identification or routing in Internet communication or posting.''.

(c) FAILURE TO REGISTER ONLINE IDENTIFIERS.—Section 2250 of title 18, United States Code, is amended—

(1) in subsection (b), by inserting ''or (d)'' after ''subsection (a)''; and

(2) by adding at the end the following:

''(d) KNOWING FAILURE TO REGISTER ONLINE IDENTIFIERS.—Whoever—

''(1) is required to register under the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.); and

''(2) uses an email address or any other designation used for self-identification or routing in Internet communication or posting which the individual knowingly failed to provide for inclusion in a sex offender registry as required under that Act;

shall be fined under this title or imprisoned not more than 10 years, or both.''.

(d) CONFORMING AMENDMENT; DIRECTIVE TO UNITED STATES SENTENCING COMMISSION.—Section 141(b) of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248; 120 Stat. 602) is amended by striking ''offense specified in subsection (a)'' and inserting ''offenses specified in subsections (a) and (d) of section 2250 of title 18, United States Code''.

**SEC. 3. CHECKING OF ONLINE IDENTIFIERS AGAINST SEX OFFENDER REGISTRATION INFORMATION.**

(a) PUBLIC ACCESS.—Section 118(b) of the Sex Offender Registration and Notification Act (42 U.S.C. 16918(b)) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

''(4) any electronic mail address or designation used for self-identification or routing in Internet communication or posting; and''.

(b) ONLINE IDENTIFIER CHECKING SYSTEM FOR SOCIAL NETWORKING WEBSITES.—Section 121 of the Sex Offender Registration and Notification Act (42 U.S.C. 16921) is amended by adding at the end the following:

''(d) CHECKING SYSTEM FOR SOCIAL NETWORKING WEBSITES.—

''(1) IN GENERAL.—The Attorney General shall maintain a system available to social networking websites that permits the automated comparison of lists or databases of the electronic mail addresses and other designations used for self-identification or routing in Internet communication or posting of the registered users of such websites, to the corresponding information contained in or derived from sex offender registries.

''(2) QUALIFICATION FOR USE OF SYSTEM.—A social networking website seeking to use the system established under paragraph (1) shall submit an application to the Attorney General which provides—

''(A) the name and legal status of the website;

''(B) the contact information for the website;

''(C) a description of the nature and operations of the website;

''(D) a statement explaining why the website seeks to use the system; and

''(E) such other information or attestations as the Attorney General may require

to ensure that the website will use the system—

''(i) to protect the safety of the users of such website; and

''(ii) not for any unlawful or improper purpose.

''(3) SEARCHES AGAINST THE SYSTEM.—

''(A) IN GENERAL.—A social networking website approved to use the system established under paragraph (1) shall—

''(i) submit the information to be compared in a form satisfying the technical requirements for searches against the system; and

''(ii) pay any fee established by the Attorney General for use of the system.

''(B) FREQUENCY OF USE OF THE SYSTEM.—A social networking website approved by the Attorney General to use the system established under paragraph (1) may conduct searches under the system as frequently as the Attorney General may allow.

''(C) AUTHORITY OF AG TO SUSPEND USE.—The Attorney General may deny, suspend, or terminate use of the system by a social networking website that—

''(i) provides false information in its application for use of the system; or

''(ii) may be using or seeks to use the system for any unlawful or improper purpose.

''(4) LIMITATION ON RELEASE OF INTERNET IDENTIFIERS.—

''(A) NO PUBLIC RELEASE.—Neither the Attorney General nor a social networking website approved to use the system established under paragraph (1) may release to the public any list of the e-mail addresses or other designations used for self-identification or routing in Internet communication or posting of sex offenders contained in the system.

''(B) ADDITIONAL LIMITATIONS.—The Attorney General shall limit the release of information obtained through the use of the system established under paragraph (1) by social networking websites approved to use such system.

''(C) STRICT ADHERENCE TO LIMITATION.—The use of the system established under paragraph (1) by a social networking website shall be conditioned on the website's agreement to observe the limitations required under this paragraph.

''(D) RULE OF CONSTRUCTION.—This subsection shall not be construed to limit the authority of the Attorney General under any other provision of law to conduct or to allow searches or checks against sex offender registration information.

''(5) LIMITATION ON LIABILITY.—

''(A) IN GENERAL.—A civil claim against a social networking website, including any director, officer, employee, parent, or agent of that social networking website, arising from the use by such website of the National Sex Offender Registry, may not be brought in any Federal or State court.

''(B) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Subsection (a) shall not apply to a claim if the social networking website, or a director, officer, employee, or agent of that social networking website—

''(i) engaged in intentional misconduct; or

''(ii) acted, or failed to act—

''(I) with actual malice;

''(II) with reckless disregard to a substantial risk of causing injury without legal justification; or

''(III) for a purpose unrelated to the performance of any responsibility or function described in paragraph (3).

''(C) ORDINARY BUSINESS ACTIVITIES.—Subsection (a) shall not apply to an act or omission to act relating to an ordinary business activity of any social networking website, including to any acts related to the general administration or operations of such website, the use of motor vehicles by employees or agents of such website, or any personnel management decisions of such websites.

''(D) MINIMIZING ACCESS.—A social networking website shall minimize the number of employees that are provided access to the list of electronic mail addresses, and other designations used for self-identification or routing in Internet communication or posting by persons in the National Sex Offender Registry.

''(6) RULE OF CONSTRUCTION.—Nothing is this section shall be construed to require any Internet website, including a social networking website, to compare its database of registered users with the list of electronic mail addresses and other designations used for self-identification or routing in Internet communication or posting by persons in the National Sex Offender Registry, and no Federal or State liability, or any other actionable adverse consequence, shall be imposed on such website based on its decision not to compare its database with such list.''.

**SEC. 4. DEFINITIONS.**

Section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911) is amended by adding at the end the following:

''(15) The term 'social networking website' means an Internet website that—

''(A) allows users, through the creation of web pages or profiles or by other means, to provide information about themselves that is available publicly or to other users; and

''(B) offers a mechanism for communication with other users.

''(16) The term 'Internet' has the meaning given that term in section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note).

''(17) The term 'electronic mail address' has the meaning given that term in section 3 of the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (15 U.S.C. 7702).''.

**SEC. 5. CRIMINALIZATION OF AGE MISREPRESENTATION IN CONNECTION WITH ONLINE SOLICITATION OF A MINOR.**

Section 2422 of title 18, United States Code, is amended by adding at the end the following:

''(c) MISREPRESENTATION OF AGE.—Whoever knowingly misrepresents his or her age using the Internet or any other facility or means of interstate or foreign commerce or the mail, with the intent to further or facilitate a violation of this section, shall be fined under this title and imprisoned not more than 20 years. A sentence imposed under this subsection shall be in addition and consecutive to any sentence imposed for the offense the age misrepresentation was intended to further or facilitate.''.

**SEC. 6. KNOWINGLY ACCESSING CHILD PORNOGRAPHY WITH THE INTENT TO VIEW CHILD PORNOGRAPHY.**

(a) MATERIALS INVOLVING SEXUAL EXPLOITATION OF MINORS.—Section 2252(a)(4) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''; and

(2) in subparagraph (B), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''.

(b) MATERIALS CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(a)(5) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''; and

(2) in subparagraph (B), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''.

**SEC. 7. CLARIFYING BAN OF CHILD PORNOGRAPHY.**

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended—

(1) in section 2251—

(A) in each of subsections (a), (b), and (d), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''be transported'';

(B) in each of subsections (a) and (b), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''been transported'';

(C) in subsection (c), by striking ''computer'' each place that term appears and inserting ''using any means or facility of interstate or foreign commerce''; and

(D) in subsection (d), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''is transported'';

(2) in section 2251A(c), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''or transported'';

(3) in section 2252(a)—

(A) in paragraph (1), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''ships'';

(B) in paragraph (2)—

(i) by inserting ''using any means or facility of interstate or foreign commerce or'' after ''distributes, any visual depiction''; and

(ii) by inserting ''using any means or facility of interstate or foreign commerce or'' after ''depiction for distribution'';

(C) in paragraph (3)—

(i) by inserting ''using any means or facility of interstate or foreign commerce'' after ''so shipped or transported''; and

(ii) by striking ''by any means,''; and

(D) in paragraph (4), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been shipped or transported''; and

(4) in section 2252A(a)—

(A) in paragraph (1), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''ships'';

(B) in paragraph (2), by inserting ''using any means or facility of interstate or foreign commerce'' after ''mailed, or'' each place it appears;

(C) in paragraph (3), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''mails, or'' each place it appears;

(D) in each of paragraphs (4) and (5), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been mailed, or shipped or transported''; and

(E) in paragraph (6), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been mailed, shipped, or transported''.

(b) AFFECTING INTERSTATE COMMERCE.—Chapter 110 of title 18, United States Code, is amended in each of sections 2251, 2251A, 2252, and 2252A, by striking ''in interstate'' each place it appears and inserting ''in or affecting interstate''.

(c) CERTAIN ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252(a)(3)(B) of title 18, United States Code, is amended by inserting '', shipped, or transported using any means or facility of interstate or foreign commerce'' after ''that has been mailed''.

(d) CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(a)(6)(C) of title 18, United States Code, is amended by striking ''or by transmitting'' and all that follows through ''by computer,'' and inserting ''or any means or facility of interstate or foreign commerce,''.

## RECOGNIZING THE 100TH BIRTHDAY OF LYNDON BAINES JOHNSON

Mr. REID. I ask unanimous consent that the Senate now proceed to S. Res. 571.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 571) recognizing the 100th birthday of Lyndon Baines Johnson, 36th President, designer of the Great Society, politician, educator, and civil rights enforcer.

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, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 571) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 571

Whereas August 27, 2008, marks the 100th birthday of Lyndon Baines Johnson;

Whereas Lyndon B. Johnson was born in Stonewall, Texas, to Samuel Ealy Johnson, Jr., a Texas representative, and Rebekah Baines, on August 27, 1908;

Whereas upon graduation, Lyndon B. Johnson enrolled in Southwest Texas State Teachers' College, where he vigorously participated in debate, campus politics, and edited the school newspaper;

Whereas Lyndon B. Johnson had several teaching positions throughout Texas, including at the Welhausen School in La Salle County, at Pearsall High School, and as a public speaking teacher at Sam Houston High School in Houston;

Whereas Lyndon B. Johnson went to work as a congressional assistant at the age of 23;

Whereas Lyndon B. Johnson served the 10th Congressional District in the Texas House of Representatives from April 10, 1937, to January 3, 1949;

Whereas Lyndon B. Johnson became a commissioned officer in the Navy Reserve in December 1941;

Whereas, during World War II, Lyndon B. Johnson was recommended by Undersecretary of the Navy James Forrestal to President Franklin D. Roosevelt, who assigned Johnson to a 3-man survey team in the southwest Pacific;

Whereas Lyndon B. Johnson was conferred the Silver Star, which is the military's 3rd highest medal, by General Douglas MacArthur;

Whereas, in 1948, Lyndon B. Johnson was elected to the Senate at the age of 41;

Whereas, in 1951, Lyndon B. Johnson was elected Senate minority leader at the age of 44, and elected Senate majority leader at the age of 46, the youngest in United States history;

Whereas Lyndon B. Johnson was elected Vice President at the age of 52, becoming president of the Senate;

Whereas Lyndon B. Johnson's congressional career and his leadership spanned the stock market crash, the Great Depression, World War II, the nuclear age, the Cold War, the space age, and the civil rights movement, some of the most turbulent years in American history;

Whereas Vice President Lyndon B. Johnson was appointed as head of the President's Committee on Equal Employment Opportunities, through which he worked with African-Americans and other minorities;

Whereas an hour and 38 minutes after the assassination of President Kennedy, Lyndon B. Johnson was sworn in as President aboard Air Force One;

Whereas Lyndon B. Johnson was a bold leader and an idealist, who had the energy, determination, and leadership to turn those dreams into reality;

Whereas Lyndon B. Johnson was a ''can-do'' President because no matter how difficult and daunting the task at hand, he never rested until it was completed;

Whereas, in 1964, at the request of the Johnson Administration, Congress passed the landmark Civil Rights Act of 1964, which banned de jure segregation in the Nation's schools and public places;

Whereas Congress passed by request of the Johnson Administration the Voting Rights Act of 1965, which outlawed obstructive provisions that were determined to be impractical and potentially biased against prospective voters;

Whereas, in January of 1965, the Johnson Administration introduced by request the legislation that encompassed the Great Society programs;

Whereas, in 1967, President Johnson nominated Thurgood Marshall as the 1st African-American to serve on the Supreme Court;

Whereas, during President Johnson's time in office, the National Aeronautics and Space Administration made spectacular steps forward in space exploration when 3 astronauts successfully orbited the moon in December 1968;

Whereas Lyndon B. Johnson died at 4:33 p.m. on January 22, 1973, at his ranch in Johnson City, Texas, at the age of 64;

Whereas Lyndon B. Johnson was posthumously awarded the Presidential Medal of Freedom in 1980; and

Whereas Lyndon B. Johnson is honored, venerated, and revered for his drive to establish equality for all Americans, illustrated in the momentous legislation passed during his Administration: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors Lyndon B. Johnson for his fortitude in bringing about the passage of the historic Civil Rights Act of 1964 and Voting Rights Act of 1965;

(2) extols the contributions of Lyndon B. Johnson to the United States;

(3) commends Lyndon B. Johnson for establishing the Medicare Act of 1965 that has helped millions of Americans; and

(4) recognizes the 100th birthday of Lyndon Baines Johnson, the 36th President, designer of the Great Society, politician, educator, and civil rights enforcer.

## RECOGNIZING THE 100TH BIRTHDAY OF LYNDON BAINES JOHNSON

Mr. REID. I ask unanimous consent that we now look at the Judiciary Committee and discharge that committee from further consideration of H. Con. Res. 354.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 354) recognizing the 100th birthday of Lyndon Baines Johnson, 36th President, designer of the Great Society, politician, educator, and civil rights enforcer.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 354) was agreed to.

The preamble was agreed to.

## CONGRATULATING FOCUS: HOPE

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate proceed to S. Con. Res. 79.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 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.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 79) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

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.

## MEASURES READ THE FIRST TIME—S. 3036 AND S. 3044

Mr. REID. I understand there are two bills at the desk. I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title:

The legislative clerk read as follows:

A bill (S. 3036) to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

A bill (S. 3044) to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes.

Mr. REID. I now ask for their second reading en bloc and object to my own requests en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will be read for the second time on the next legislative day.

## ORDERS FOR WEDNESDAY, MAY 21, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until tomorrow morning at 9:30 a.m., Wednesday, May 21; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes, and that the time from 11 a.m. until 12 noon be reserved for Senators to make tributes to former President Lyndon B. Johnson in honor of the centennial of his birth, with the time equally divided and controlled between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that we resume the matter we received from the House—the message from the House I filed cloture on just a short time ago, that underlying legislation—that we resume that tomorrow after morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. REID. Mr. President, during the time reserved for the Johnson tributes, Senators will speak in an alternating fashion between the majority and the Republicans. The Senate is expected to resume consideration of the House message—which we just got permission to do—following that.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:07 p.m., adjourned until Wednesday, May 21, 2008, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### DEPARTMENT OF TRANSPORTATION

HUSEIN A. CUMBER, OF FLORIDA, TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD FOR A TERM EXPIRING DECEMBER 31, 2013, VICE W. DOUGLAS BUTTREY, TERM EXPIRING.

### DEPARTMENT OF STATE

ASIF J. CHAUDHRY, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MOLDOVA.

TINA S. KAIDANOW, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KOSOVO.

### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE COMMANDER, MARINE FORCE RESERVE AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601 AND 5144:

*To be lieutenant general*

MAJ. GEN. DOUGLAS M. STONE

### IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be lieutenant commander*

JOHN L. FRANKLIN
NICOLE M. KICHTA
ROBERT M. MORRISON III
NORMAN C. PETTY

## CONFIRMATIONS

Executive nominations confirmed by the Senate Tuesday, May 20, 2008:

### DEPARTMENT OF JUSTICE

MICHAEL G. MCGINN, OF MINNESOTA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF FOUR YEARS.

RALPH E. MARTINEZ, OF FLORIDA, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR A TERM EXPIRING SEPTEMBER 30, 2010.

### THE JUDICIARY

G. STEVEN AGEE, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT.

## WITHDRAWALS

Executive message transmitted by the President to the Senate on May 20, 2008 withdrawing from further Senate consideration the following nominations:

ARLENE HOLEN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2010, VICE ROBERT H. BEATTY, JR., TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

HANS VON SPAKOVSKY, OF GEORGIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011, VICE BRADLEY A. SMITH, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

A. PAUL ANDERSON, OF FLORIDA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2012, (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON AUGUST 2, 2007.

# EXTENSIONS OF REMARKS

## A PROCLAMATION HONORING THE 150TH BIRTHDAY OF WINCHESTER COMMUNITY CHURCH

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. SPACE. Madam Speaker:

Whereas, the Winchester Community Church was built in 1858; and

Whereas, the Winchester Community Church still holds regular Sunday and weekday services today; and

Whereas, the members of the Winchester Community Church are active, important members of our community; and

*Resolved,* that along with the residents of the 18th Congressional District, I congratulate the Winchester Community Church and its members, for their service and dedication.

## A TRIBUTE TO BEDFORD ACADEMY HIGH SCHOOL

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Bedford Academy High School, located in Brooklyn, New York, for the achievements of the principal and faculty.

Bedford Academy opened its doors in 2003 to a group of 100 underperforming students. Principal George Leonard used his 13 years of experience in educating the community's youth to create a unique learning environment that combined strict discipline with an atmosphere of compassion and encouragement.

Bedford Academy graduated nearly all of its students in its first class, the class of 2007. Many continued on to attend various colleges such as, Long Island University, Temple University, Stony Brook, Morehouse, and the New Jersey Institute of Technology, to name a few.

Under the leadership of Principal George Leonard, Bedford Academy High School received a 90 percent-plus pass rate on all New York State Regents exams. To achieve this level of success, Bedford Academy conducts rigorous after-school tutoring almost daily and on Saturdays.

As a result, Bedford Academy is now ranked the number one school in Brooklyn and the number two school in New York City.

Lastly, Principal Leonard has stated that his "vision is for every Black and Latino in the inner city to have an opportunity to learn just like anyone else in the country." In addition to his vision and the model set by Principal Leonard and the dedicated faculty of Bedford Academy High School, their commitment has profoundly influenced the student body to achieve academically and personally.

## CONGRATULATING FRANK KARAM, RECIPIENT OF THE 2008 GOVERNOR ROBERT P. CASEY MEDAL FOR A LIFETIME OF SERVICE

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Frank Karam, recipient of the 2008 Governor Robert P. Casey Medal for a Lifetime of Service presented by the Neighborhood Housing Services of Lackawanna County, Pennsylvania.

For more than a quarter of a century, the NHS has faithfully served the greater northeastern Pennsylvania community by empowering individuals and families through home ownership, education and promotion, property rehabilitation and affordable lending. This work has resulted in thousands of educated homebuyers, over a hundred improved properties and millions of dollars worth of investment into local neighborhoods.

NHS, as part of a national network of more than 230 community-based nonprofit organizations in all 50 states, the District of Columbia and Puerto Rico, has created home ownership for lower income families, produced and managed affordable, high-quality rental properties, stemmed the tide of foreclosures that threaten to de-stabilize neighborhoods and local economies and helped to revitalize and strengthen neighborhoods.

Named as a tribute to the late Pennsylvania Gov. Robert P. Casey, this award is intended to acknowledge the efforts of individuals who have faithfully invested their time and talents to the betterment of the quality of life in northeastern Pennsylvania and, equally as importantly, to allow others to learn from their service.

Frank Karam chose law enforcement as his professional outlet to relentlessly pursue making his community a better place to live.

He was a fair. honest and upright police chief for the City of Scranton. More importantly, he is a fair, honest and upright man.

Chief Karam's vision, counsel, indomitable spirit and respect for his fellow citizen have served his community well. While long in devoted service retired from public service, he has never wavered in devoted service to his family, friends and neighborhood.

He lives a life of commitment to living his faith expressed as a dutiful daily participant in early morning Mass. He lives in Scranton and remains active in business, civic, church and community, affairs.

Madam Speaker, please join me in congratulating Frank Karam on this auspicious occasion. His example and commitment to service has been an inspiration to all whose lives he has touched.

## HONORING THE LIFE AND MEMORY OF DR. KAREN J. STUCK

### HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. MCCOTTER. Madam Speaker, today I rise to honor Dr. Karen J. Stuck, a cherished leader of the medical community, and mourn her upon her passing at age 56.

Born on September 7, 1951, and raised in Lancaster, Ohio, Dr. Stuck was inducted into her high school's Hall of Fame as a distinguished alumnus for her many accomplishments throughout her lifetime. Karen performed her undergraduate career at the University of Michigan in 1973, where she served as president of her sorority and was installed as a member of the school's academic honor society.

Dr. Stuck continued her education at the Ohio State University Medical School in 1976 and undertook internships and residencies at Duke University and the University of Michigan. Her love of medicine brought her to teach the field of radiology at the University of Michigan. Karen's profound research made her papers and exhibits nationally renowned at meetings, books, and scientific journals.

Dr. Stuck applied her medical expertise to acquire a 20-year career as a radiologist at Henry Ford Hospital; Division Head of GU Radiology; the Interim Director of Breast Imaging; and as an educator. Karen's gift in medicine permitted her to receive the profession's highest honor as a Fellow of the American College of Radiology.

Regrettably, Dr. Stuck, after a year-long battle with acute myeloid leukemia, passed away on March 5, 2008. Dr. Stuck was not purely known for her medical talents, but was also known for her love and devotion to her friends and family. To her husband, Walter; mother, Jean; her sons, Andrew and Thomas; her step-son, James; her brother, Tom (Catherine); her nephews, Thomas and Joseph; and to everyone that knew and loved her, Dr. Karen Stuck was a dedicated member of the medical community locally, nationally, and world-wide.

Madam Speaker, during her lifetime, Dr. Karen Stuck enriched the lives of everyone around her by exhibiting compassion, leadership, and courage. As we bid farewell to this exceptional individual, I ask my colleagues to join me in mourning her passing and honoring her many years of loyal service to the community and our country.

## STATEMENT COMMENDING THE NAMING OF THE RODERICK P. PAIGE ELEMENTARY SCHOOL

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to recognize our former Secretary of Education, Dr. Rod Paige, on the occasion of the naming of an elementary school in Houston, Texas in his honor. This is certainly a well-deserved honor for Dr. Paige given his years of dedication to educational excellence, and I hope that the dedication will impact a whole new generation of students who may be inspired by all that Dr. Paige has accomplished throughout his career.

On January 21, 2001, the United States Senate confirmed Dr. Roderick Paige as the 7th U.S. Secretary of Education. For Dr. Paige, the son of a principal and a librarian in public schools, that day was the crowning achievement of a long career in education.

Born in 1933 in segregated Monticello, Mississippi, Dr. Paige's accomplishments speak of his commitment to education. He earned a bachelor's degree from Jackson State University in his home state, and went on to earn both a master's and a doctoral degree from Indiana University. Dr. Paige began working with students early in his career as a teacher and a coach. He then went on to serve as Dean of College of Education at Texas Southern University (TSU) for a decade. In this position Dr. Paige worked to ensure that future educators would receive the training and expertise necessary to succeed in the classroom.

In 1989, Dr. Paige was sworn in as a trustee and an officer of the Board of Education of the Houston Independent School District (HISD), in which capacities he served until 1994 when he became superintendent of HISD, the nation's seventh largest school district.

Dr. Paige served as the first African-American Secretary of Education from 2001–2005. During his tenure, Dr. Paige continued his mission to set new standards of educational achievement for all students. Today, Dr. Paige is the Chairman of Chartwell Education Group, an organization he co-founded to improve the quality of education for our nation's school children.

The Roderick Paige Elementary School will be formally dedicated on Friday, May 23, 2008. Dr. Paige's impact on students in Houston and throughout this country will he felt for years to come. I congratulate Dr. Paige on this occasion. This is a fitting honor, and I can think of no greater individual to bestow it upon.

## NATIONAL AUTISM AWARENESS MONTH

SPEECH OF

### HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2008*

Ms. TSONGAS. Mr. Speaker, I rise today in support of House Resolution 1106 which expresses support for designating April 2008 as National Autism Awareness Month.

Autism is a very real issue for many of my constituents whose families have been affected by this condition. I hear about the challenges that these families face at each Congress on Your Corner I host and receive many constituent letters on this issue.

My district is fortunate to house the Melmark New England headquarters. This organization is dedicated to serving children and adolescents with the autism spectrum disorders.

Founded in 1998, Melmark, New England recently celebrated its 10th Anniversary. At a recent visit in celebration of this occasion, I had the opportunity to see first hand the importance of early intervention and proper treatment for those individuals living with autism.

I commend Melmark New England and organizations like it across the country that provide quality treatment to those living with Autism.

My hope is that passage of this resolution will help to expand these programs by highlighting the need for early intervention services and appropriately trained teachers to teach, assist, and respond to special needs students.

## REMEMBERING LOBSANG LHALUNGPA

### HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. UDALL of New Mexico. Madam Speaker, Lobsang Lhalungpa was born on the other side of the world from New Mexico, but we considered him one of our own.

When he died in April, the state lost, as one resident put it, a ''teacher with a capital T.'' For decades, Lhalungpa was a great promoter of communication. As a translator and adviser for the Dalai Lama, he brought the ideas and the struggles of the Tibetan people to American audiences. As an exile and activist, he linked Tibetan communities from India and the United States to their troubled homeland and their brothers and sisters around the world. As a spiritual teacher in New Mexico, he introduced his neighbors to a history and a way of life that continues to provide comfort to those who knew him.

Lhalungpa's family had developed a habit of being one step ahead of disaster. In 1910, his father recommended to the Dalai Lama that he leave Lhasa immediately after the Manchu General Chao Erh Feng decided to attack. The move may have saved the Lama's life, and it sealed his relationship with Lhalungpa's family. In 1947, Lhalungpa left Tibet for India, two years before China began its invasion. His escape allowed him to help establish the Tibetan government in exile and rally Tibetans in India around the cause of their homeland.

Lhalungpa's life was cut short by a traffic accident, but he had already lived 84 years filled with action, reflection and joy. Friends claim that Lhalungpa would not want us to feel sorrow at his passing. As a teacher, he told his students that life is fleeting and death comes when we least expect it. Our responsibility is not to mourn death but to celebrate life.

I rise today to celebrate the life of Lobsang Lhalungpa. Buddhism teaches that those who don't find teachers in this life will live in vain. Those who had the privilege to be taught by Lhalungpa have lived lives more linked to their communities and more touched by the divine. He lives on in their hearts and in the memory of a grateful community.

## PERSONAL EXPLANATION

### HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mrs. JONES of Ohio. Madam Speaker, on Tuesday, May 20, 2008, I missed 3 recorded votes. Had I been present, I would have voted: H.R. 6081, The Heroes Earnings Assistance & Relief Tax Act of 2008, ''yes''; H.R. 6074, Gas Price Relief for Consumers Act of 2008, ''yes''; and H. Res. 1144, Expressing support for designation of a ''Frank Sinatra Day'' on May 13, 2008, in honor of the dedication of the Frank Sinatra commemorative stamp, ''yes.''

## A PROCLAMATION HONORING WARRANT OFFICER ROBERT D. GABRIEL FOR HIS SERVICE IN THE UNITED STATES ARMY

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. SPACE. Madam Speaker:

Whereas, Warrant Officer Robert D. Gabriel served in the United States Army; and

Whereas, he fought with an engaged infantry unit in the Republic of Vietnam; and

Whereas, Warrant Officer Robert D. Gabriel displayed personal bravery and devotion to duty as a soldier in the United States Army; now, therefore, be it

Resolved that along with his friends, family, and the residents of the 18th Congressional District, I commend and thank Warrant Officer Robert D. Gabriel for his contributions to his community and country.

## A TRIBUTE TO EVANGELIST BETTY J. WRIGHT

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Evangelist Betty J. Wright, founder of ''Apple of His Eye'' Ministries and outreach ministry for those who understand a personal walk with God.

A native of Augusta, Georgia, Evangelist Wright was raised in Brooklyn, New York. She is a graduate of the High School of Fashion and is an alumna of the Fashion Institute of Technology of (F.I.T.). Thereafter, Evangelist Wright matriculated at O.M. Kelly Bible Religious Institute, where she earned her Bachelor of Theology and a Master of Religious Education.

Evangelist Wright is the wife of Elder Timothy Wright, mother of five sons—Danny,

Donny, David, Derrick and Dwayne—mother-in-law to four daughters-in-law, and the grandmother to many grandchildren.

In August 1990, Evangelist Wright's husband, Elder Timothy Wright, began his pastoral duties and founded the Grace Tabernacle Christian Cerner COGIC. Her recent elevation to the office of Co-Pastor resulted from her tireless support of the Grace Tabernacle ministry. In the years prior, Evangelist Wright was a member of Washington Temple COGIC from 1958 to 1990 under the leadership of the late Bishop F.D. Washington.

In closing, Evangelist Wright has proven to be a great example to many young people that she has encountered.

## CONGRATULATING JAMES J. HAGGERTY, ESQ., 2008 RECIPIENT OF THE GOVERNOR ROBERT P. CASEY MEDAL FOR A LIFETIME OF SERVICE

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to James J. Haggerty. Esq., recipient of the 2008 Governor Robert P. Casey Medal for a Lifetime of Service presented by the Neighborhood Housing Services of Lackawanna County, Pennsylvania.

For more than a quarter of a century, the NHS has faithfully served the greater northeastern Pennsylvania community by empowering individuals and families through home ownership, education and promotion, property rehabilitation and affordable lending. This work has resulted in thousands of educated homebuyers, over a hundred improved properties, and millions of dollars worth of investment into local neighborhoods.

NHS, as part of a national network of more than 230 community-based nonprofit organizations in all 50 states, the District of Columbia and Puerto Rico, has created home ownership for lower income families, produced and managed affordable, high-quality rental properties, stemmed the tide of foreclosures that threaten to destabilize neighborhoods and local economies and helped to revitalize and strengthen neighborhoods.

Named as a tribute to the late Pennsylvania Governor Robert P. Casey, this award is intended to acknowledge the efforts of individuals who have faithfully invested their time and talents to the betterment of the quality of life in northeastern Pennsylvania and, equally as importantly, to allow others to learn from their service.

As a former Secretary of State for the Commonwealth of Pennsylvania, James J. Haggerty has a dedication to public service that is the hallmark of his professional life.

Attorney Haggerty served as general counsel to his friend, Governor Robert P. Casey and steadfastly advanced their shared values for the betterment of the common good in the civic arena.

He is a highly accomplished businessman, community leader and man of the law, though topping the list of his many accomplishments is that of devoted family man. As a father of seven and the grandfather of 12, his unique pride of heritage, ethic of service and spirited wit has been deeply instilled in his family and will no doubt continue to have a positive impact on the region for generations to come.

Madam Speaker, please join me in congratulating Attorney Haggerty on this auspicious occasion. His example and commitment to service is an inspiration to all whose lives he has touched.

## HONORING THE LIFE OF MS. NANCY SWANBORG

### HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. MCCOTTER. Madam Speaker, today I rise to honor and acknowledge Ms. Nancy Swanborg, long-time Director of the Women's Resource Center and Schoolcraft College employee, upon her retirement from an exemplary nineteen-year career in serving the public.

Ms. Swanborg obtained the position of Director of the Women's Resource Center in the summer of 1989. Through her vital leadership, Nancy has been recognized locally and nationally for her successful measures to remove the educational, financial, and legal barriers that face women. Nancy's vision to help women has inspired her to create a unique program called ''From Chocolate Chips to Micro Chips to Blue Chips'', which is a college program assisting women to transition from home to the work force. Ms. Swanborg's work at the college is not limited to the Women's Resource Center. Nancy is currently working on writing a grant for the school; is instrumental in the implementation of a scholarship to assist women; and is a trustee for various Schoolcraft College Foundation Scholarships.

Nancy exerts energy well beyond her responsibilities with the Women's Resource Center and Schoolcraft College. Ms. Swanborg is extremely involved in the community through activities including, Threads of Power, Detroit Race for the Cure, and organized several campus-wide memorial services. Nancy is also a loving and devoted mother of two and grandmother of four.

Madam Speaker, for nearly twenty years Ms. Nancy Swanborg has been a devoted community leader in Livonia, Michigan. As Ms. Swanborg turns over the reigns of Director of the Women's Resource Center on May 6, 2008, she leaves a community who will surely miss her strength, commitment, and movement to empower women. Ms. Swanborg's accomplishments in her personal and professional life have ensured the greatness and stability of the Women's Resource Center for years to come. Today, I ask my colleagues to join me in congratulating Ms. Nancy Swanborg upon her retirement and recognizing her many years of loyal service to the community and our country.

## HONORING THE LIFE OF U.S. ARMY SGT. JOSEPH A. FORD

### HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. HILL. Madam Speaker, on May 10, 2008, the Hoosier state lost another of its brave young men. Army SGT Joseph A. Ford died from injuries sustained when his vehicle rolled over in Al Asad, Iraq. SFT Ford was from Knox, Indiana, but had been living in New Albany with his wife, Karen Christina Grimm Ford. SGT Ford deployed to Iraq with more than 3,000 members of the Indiana National Guard's 76th Infantry Battalion Combat Team.

SGT Ford was known as an intellectual among his peers and comrades. He was drawn to military and ancient history, often carrying a book along with him. While in high school, Ford was a member of the fencing club. He choreographed the sword fight scenes in his school's production of ''The Three Musketeers.''

SGT Joseph A. Ford is an American hero. His sacrifice for our Nation, and our State, deserves our deepest respect and most heartfelt thanks. I, along with the towns of Knox and New Albany, mourn the loss of Joseph. His mends and family are in my prayers.

## HONORING JOHN F. BURNESS FOR HIS SERVICE TO DUKE UNIVERSITY AND THE CITY OF DURHAM

### HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. PRICE of North Carolina. Madam Speaker, I rise today to honor the career of John F. Burness, Senior Vice President for Public Affairs and Government Relations at Duke University. Mr. Burness will retire on June 30th after nearly 40 years of service in higher education. His has been a distinguished career that helped revolutionize the way universities handle communications and public affairs. In Durham, North Carolina, he has transformed the relationship between the town and the university in a way that few other institutions have been able to replicate.

After graduating from Franklin and Marshall College, where he currently serves as a trustee, John began his career in 1970 as Assistant to the President at the State University of New York at Stony Brook, rising through the ranks to become Deputy to the President for University Affairs and Secretary of the Stony Brook Council. From SUNY, he moved to the University of Illinois, where he was first Director of Public Affairs and then promoted to the newly created position of Associate Chancellor for Public Affairs. Following his time at Illinois, he returned to New York to assume the role of Vice President for University Relations at Cornell University. Regarded as a national expert in university public affairs, he became the founding chair of the Association of American Universities' Public Affairs Committee, as well as a founding member of the steering committee of The Science Coalition, a consortium of universities, scientific societies, and business groups that takes a grassroots approach

to promoting investments in scientific research.

John Burness's considerable talents are reflected in the many leadership positions he has held in his field: director of the National Association of College and University Business Officers; chairman of the Consortium on Financing Higher Education's Public Issues Committee; and co-chair of the Ad Hoc Tax Group, a consortium of educational institutions that monitors Federal tax policy. He has also served on the Board of Directors of the National Association of Independent Colleges and Universities, the Committee on Institutional Relations for the Council for Advancement and Support of Education, and The College Board's Government Relations Advisory Panel.

I came to know John after his arrival at Duke University in 1991. Over the years, we have conferred and collaborated on a wide range of policy and funding issues in higher education as well as the special needs of Durham. During his time at Duke, he built an award-winning news office and guided a well-respected government relations operation. But it was his tireless efforts in Durham that had the most profound impact.

Under John's leadership, the Duke-Durham Neighborhood Partnership was created in 1996. This partnership has led to increased home ownership, improved student achievement, and greater access to health care for residents in several of Durham's neighborhoods. John was also the founding chairman of the Board of Directors of the Durham Communities in Schools dropout prevention program, and he serves on the board of MDC, a nonprofit organization located in Chapel Hill. North Carolina, which seeks to expand opportunities, reduce poverty, and build inclusive civic cultures in Southern communities.

Through his public endeavors and his behind-the-scenes work, John's efforts to improve the quality of life for his fellow Durhamites have touched countless citizens and have earned him the respect of leaders throughout the community. As a testament to John's dedication and achievements, the science center at E.K. Powe Elementary School in Durham has been rededicated as the John F. Burness Science Center, and the Duke University Board of Trustees has established an endowment in John's name to support collaboration between the Duke and Durham communities. I recently attended a retirement reception for John in a community center and was struck by the many tributes from those whose lives and endeavors John has touched.

It is thus with great pleasure that I congratulate John Burness for his outstanding contributions to the Nation's system of higher education, to Duke University, and to Durham, North Carolina. My wife Lisa and I wish him and Ann all the best in retirement, and in the many activities they will still be engaged in as active and caring members of the community.

## RECOGNIZING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE CONGRESSIONAL CLUB

SPEECH OF

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2008*

Mr. MILLER of Florida. Mr. Speaker, I rise to today to support House Resolution 1026. recognizing the 100th Anniversary of the Congressional Club. This non-political group promotes friendship and cordiality in public life, and brings the wives of Members of Congress together in a warm and welcoming atmosphere in the Nation's Capital. Not only does this distinctive club build relationships between the two political parties, but it also organizes charity events and diplomatic receptions. Every spring since 1912, the women gather to host our First Ladies' Luncheon, honoring our First Lady and donating tens of thousands of dollars to charities in her name. Many of the club's charitable recipients include mentoring programs, literacy programs, the White House library; youth dance troupes, domestic shelters, and child care centers.

Fulfilling their own mission to encourage all Americans to strive for greater friendship, civility, and generosity in order to heighten public service, elevate the culture, and enrich humanity; the women extend their hands globally in friendship and goodwill by hosting an annual diplomatic reception to entertain the spouses of ambassadors to the United States. The Congressional Club encourages all Americans to seek out opportunities to give financially and to volunteer to assist charitable organizations in their own communities. Mr. Speaker, today I would like to congratulate and recognize these kind-hearted, strong, and talented women in their efforts to promote the greater good here at home and abroad. May God bless these women and may the Congressional Club continue in their friendship and charitable efforts for many years to come.

## IN RECOGNITION OF THE 90TH ANNIVERSARY OF MAXWELL MEMORIAL LIBRARY OF CAMILLUS, NEW YORK

### HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. WALSH of New York. Madam Speaker, I rise today to recognize the 90th anniversary of Maxwell Memorial Library in Camillus, New York.

Founded in 1918, the Camillus Library Association began as the result of a public meeting. Though the original library started with only a few books in one room over a plumbing shop, it soon grew under the leadership of librarian Mary E. Maxwell. In its early years, the library moved 4 times to accommodate its growing collection of books.

In 1927, the Presbyterian Church of Camillus was renovated to become the permanent home of the library. Since its inception, the Camillus Library has become an important meeting place for the town, providing its patrons with quality reading material for many years. With its central location, the Maxwell Memorial Library has become a neighborhood anchor and will be enjoyed by many for years to cone.

The staff and volunteers of the Maxwell Memorial Library have always strived to provide the best quality and selection of reading material to the public, and I am proud to recognize them here today. I congratulate Director Kathryn Benson and the library's dedicated staff—both past and present—on reaching this milestone. On behalf of the people of the 25th District of New York, I thank the Maxwell Memorial Library for 90 years of service that has been and will continue to be such a positive asset to our community.

## A PROCLAMATION HONORING THE 95TH ANNIVERSARY OF ERNEST WARTHER'S PLIERS TREE

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. SPACE. Madam Speaker:

Whereas, 2008 marks the 95th anniversary of the carving of the remarkable Ernest Warther's Pliers Tree; and

Whereas, in 1933 the Pliers Tree was on display at the Chicago World's Fair; and

Whereas, the Pliers Tree remains on display in the Warther Museum in Dover, Ohio today; be it

Resolved that along with the residents of the 18th Congressional District, I congratulate the Ernest Warther's Pliers Tree, for reaching this milestone.

## CONGRATULATING JEANNE BOVARD, 2008 RECIPIENT OF THE GOVERNOR ROBERT P. CASEY MEDAL FOR A LIFETIME OF SERVICE

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Jeanne Bovard, recipient of the 2008 Governor Robert P. Casey Medal for a Lifetime of Service presented by the Neighborhood Housing Services of Lackawanna County, Pennsylvania.

For more than a quarter of a century, the NHS has faithfully served the greater northeastern Pennsylvania community by empowering individuals and families through home ownership, education and promotion, property rehabilitation and affordable lending. This work has resulted in thousands of educated homebuyers, over a hundred improved properties and millions of dollars worth of investment into local neighborhoods.

NHS, as part of a national network of more than 230 community-based nonprofit organizations in all 50 states, the District of Columbia and Puerto Rico, has created home ownership for lower income families, produced and managed affordable, high-quality rental properties, stemmed the tide of foreclosures that threaten

to destabilize neighborhoods and local economies and helped to revitalize and strengthen neighborhoods.

Named as a tribute to the late Pennsylvania Gov. Robert P. Casey, this award is intended to acknowledge the efforts of individuals who have faithfully invested their time and talents to the betterment of the quality of life in northeastern Pennsylvania and, equally as importantly, to allow others to learn from their service.

Ms. Bovard is a special friend to northeastern Pennsylvania. As executive director of the Scranton Area Foundation, she has provided dynamic leadership to an organization that has served this community as a catalyst for change and as a vital convener of diverse groups passionate about community action.

Throughout her career, she has overseen direct and measureable improvements to our region's health. education, arts, environment, human services and civic affairs.

Although she consistently and humbly credits the foundation for its remarkable success, it is widely known that it is her own kindness, intelligence, compassion and love for this community that have been the key ingredients to its amazing impact on our region.

Madam Speaker, please join me in congratulating Jeanne Bovard on this auspicious occasion. Her example and commitment is an inspiration to all whose lives she has touched.

## PAYING TRIBUTE TO RON MASON

### HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. ROGERS of Michigan. Madam Speaker, I rise to honor the accomplishments of Ron Mason as he retires after 29 years as a leader at Michigan State University. I want to thank Ron on behalf of those individuals who have benefited from his time, contributions, and dedication to world-class academics and athletics.

Ron Mason's Michigan State career began with the 1979–80 season when he became head coach of the Spartan hockey team. He became a seven-time CCHA Coach of the Year and led the Spartans to seven regular-season league championships and 10 playoff crowns. In 2001, the conference honored Mason by renaming the CCHA playoff trophy—The Mason Cup—in recognition of his contributions to college hockey and the formation of the league as well as his success behind the bench.

Considered one of the ''Founding Fathers'' of the CCHA, Ron joined Bowling Green's Jack Vivian and St. Louis University's Bill Selman in establishing a ''coaches' league'' in 1971. Among his many accomplishments included an NCAA Championship at Michigan State in 1986. His dedication to upholding the values of sportsmanship and integrity at Michigan State University, and his continued work on behalf of the university and its community, is a testament to his strength of character.

On March 18, 1994, a win over Bowling Green established him as the winningest college hockey coach in history. In 2001–02, Ron's final campaign as the Spartan coach, he recorded his unprecedented 900th win as a college hockey coach with a victory over Ferris State (Oct. 20, 2001). In 2002, Ron was introduced as the 16th athletic director in Michigan State history. During his five-year tenure, State athletic squads have captured I1 conference championships (regular season and postseason combined) and one national championship. In addition, MSU has been represented at the NCAA Championships 72 times, including Final Four/Frozen Four appearances by men's basketball (2005), women's basketball (2005), field hockey (2002 and 2004) and ice hockey (2007).

Ron is also active in a number of local organizations and charities. He recently completed a 4-year term on the Sparrow Hospital Foundation Board and has set up the Ron Mason Fund for Kids that supports the Pediatric Rehabilitation Department, which has raised nearly $675,000 since 1998. He also served as the honorary chairperson for the Children's Miracle Network, which has raised $19 million over the last 19 years, and has worked with the Coaches For Kids campaign, which has raised $5.3 million in the last 7 years for a pediatrics emergency room at Sparrow Hospital. In addition, he served on the committee for the broomball game for the Legal Eagles, which benefited the Boys and Girls Club of Lansing, and spent several years on the Lansing Safety Council. Ron currently is a board member for the Lansing Chamber of Commerce.

For all his career accomplishments, Ron has been inducted into the Michigan Sports Hall of Fame (1994), Lake Superior Sports Hall of Fame (1996) and St. Lawrence Sports Hall of Fame (1999). In addition, the American Hockey Coaches Association honored him with the John Machines Award for his outstanding contributions to hockey in the spring of 2003, and he received the Hobey Baker Memorial Award Foundation's 2004 ''Legend of Hockey'' award in April 2004.

Therefore Madam Speaker, I ask our colleagues to join me in honoring Ron Mason's exceptional service to students, athletes, and Michigan State University. May he know that his nation is greatly appreciative of his dedication, and wishes him the best in all his future endeavors.

## MASTER SERGEANT BRIAN CREMEANS HONORED WITH ARMY SOLDIER'S MEDAL

### HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. YOUNG of Florida. Madam Speaker, It was my distinct privilege this morning to participate in ceremonies here at the Capitol to honor Army MSG Sergeant Brian L. Cremeans with the Soldier's Medal for heroism.

During a 2003 tour of duty in Afghanistan as part of Operation Enduring Freedom, Master Sergeant Cremeans, an explosive ordnance disposal technician, was conducting a controlled demolition of 4,000 pounds of high explosives that were captured from the Taliban when he alertly realized that a fire ignited in the demolition pit. Given the amount of explosives, he realized that there was no time to evacuate the area. Master Sergeant Cremeans, without forethought for his own safety, jumped into the demolition pit and quickly began covering the fire with dirt, extinguishing it before the entire cache of weapons exploded. He then located the fire's propellant, scooped it into a canister and continued to fight more small flash fires until they were all extinguished. His actions saved the lives of 15 Afghans and 4 American soldiers who would have been killed had he not taken those extraordinary actions.

Madam Speaker, Master Sergeant Cremeans's heroic actions were brought to my attention by my constituent Army MAJ Zachary Norsworthy of St. Petersburg, Florida, who was with the unit at the time of this incident. Having personally witnessed Master Sergeant Cremeans' quick thinking and actions, Major Norsworthy nominated him for the Soldier's Award, one of the Army's highest noncombat honors for valor. Unfortunately, the award package was lost by the Army and when time had passed with no action, Major Norsworthy resubmitted the application but was told that the two-year period for submitting an award nomination had passed and it was too late to resubmit. Major Norsworthy promptly contacted me and I contacted the Secretary of the Army who reviewed the case and quickly saw that Master Sergeant Cremeans was deserving of this honor and ordered the awarding of the medal.

This morning in my office, SMA Kenneth Preston officiated as we presented Master Sergeant Cremeans with this long-overdue recognition. Following my remarks, I will submit for the benefit of my colleagues the Army citation and Major Norsworthy's narrative outlining the brave actions of Master Sergeant Cremeans.

Madam Speaker, Master Sergeant Cremeans represents the best our Nation has to offer. He volunteered to serve our Nation in uniform and to protect our freedom and liberty. He is now retired after 22 years of service to the United States and to the Army. Please join me in saying thank you to him for his actions and his lifetime of service.

CITATION

To all who shall see these presents, greeting: this is to certify that the President of the United States of America, authorized by act of Congress, July 2, 1926, has awarded the Soldier's Medal to (Then) Sergeant First Class Brian L. Cremeans, United States Army, for heroism on 6 May 2003 in Meynemah, Afghanistan. Given under my hand in the City of Washington on this 30th day of October 2007.

REUBEN D. JONES,
*the Adjutant General.*
PETE GEREN,
*Secretary of the Army.*

The President of the United States of America, authorized by an Act of Congress, July 2, 1926, has awarded the Soldier's Medal to Sergeant First Class Brian L. Cremeans, United States Army, for heroism: not involving actual conflict with an armed enemy on 6 May 2003, in Meynemah, Afghanistan. As enemy munitions were being placed in a demolition pit, Sergeant Cremeans saw a glimpse of smoke billow from the pit. The demolition pit was covered with approximately four inches of explosive propellant (white phosphorous) at the base that, if ignited, would detonate the 4000 pounds of high explosives rigged for demolition. Without hesitation, he immediately leapt onto the side of the twenty-foot deep pit, which caused dirt to smother the flame that had begun to build. Sergeant Cremeans' actions

provided him enough time to gain control of the flame and further extinguish it. His attention to detail and situational awareness enabled him to recognize the difference between dust and smoke as the pit was being loaded with mortar and tank rounds. Sergeant Cremeans' quick reaction prevented the propellant from igniting, which would have caused the munitions to prematurely detonate, thereby saving the lives of the fifteen Afghan Nationals and four U.S. servicemen. Master Sergeant Cremeans' courage and concern for his fellow Soldiers and Afghan Nationals were in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit and the United States Army.

NARRATIVE

On May 6, 2003, Sergeant First Class Brian L. Cremeans was serving as the Senior Explosive Ordnance and Demolition (EOD) Technician to destroy the largest cache ever discovered in Afghanistan. The cache amounted to over 350,000 pounds worth of High Explosives. Over 4000 pounds worth of High Explosives was loaded into one of two demolition pits by fifteen Afghans with the close supervision of a fellow EOD technician. At this point, the floor of the pit was covered ankle deep with propellant from previous demolition shots. SFC Cremeans, 1LT Patton and 1LT Norsworthy were standing on top of the pit as the Afghans and one of the EOD technicians were loading the final mortar rounds into the pit. As he was watching the pit, a billow of smoke appeared at the bottom of the 20 foot deep pit. SFC Cremeans yelled, ''Fire'' and before 1LT Patton could yell burning, SFC Cremeans had dove into the pit yelling fire. As he was sliding down to the bottom of the pit a flame erupted and he slid into it causing his body to push enough dirt into the flame to momentarily smolder it. This act gave him enough time to put more dirt onto the flames and gather up loose propellant surrounding the site of ignition, thus allowing him to gain control of the situation. He immediately gathered up the white phosphorous residue that had been unearthed and the surrounding propellant and scooped them into a canister. He stayed there extinguishing the ambitious little flames until the threat was eliminated. All non essential personnel were loaded on the truck. He then calmly set the ring main and charges on the pit. He then finished by arming the M–60 fuse igniters on the ring main and was the last man to get into the revving truck. In summary, Sergeant First Class Brian L. Cremeans' courageous selfless act and impeccable attention to detail saved the lives of fifteen Afghans and four United States Army servicemen. SFC Cremeans courageous selfless act richly deserves the award of the Soldiers Medal. Through his courageous selfless efforts and impeccable attention to detail, Sergeant First Class Brian L. Cremeans reflected great credit upon himself, the United States Army and the Department of Defense.

## GREAT CATS AND RARE CANIDS ACT OF 2008

SPEECH OF

### HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2008*

Mr. ROYCE. Mr. Speaker, I rise in support of H.R. 1464, the Great Cats and Rare Canids Act of 2007.

As an original cosponsor of this bill and co-chair of the International Conservation Caucus, I would like to thank my fellow Caucus co-chair, Representative UDALL, for his leadership on this issue.

Endangered species such as lions, cheetahs, leopards, jaguars, and Ethiopian Wolves are not just remarkable creatures, but they play an important role in eco-tourism throughout Africa, bringing in much needed revenue to very poor countries.

Unfortunately, many of these endangered animals are losing their race for survival, as habitats become compromised and poachers decimate populations. This bill will be an important tool for reversing these trends.

Importantly, this bill provides assistance for programs to preserve and protect these remarkable animals. Multinational species funds, such as this one, have enjoyed tremendous success and have played a vital role in the protection of wildlife. On average, private donors have matched 3–1 every U.S. government dollar contributed to conservation programs.

In other words, when the United States leads in conservation, others follow. As the mission of the international Conservation Caucus states, the U.S. has the opportunity to advance the protection of the worldwide environment. This bill is true to that mission.

## DYSTONIA AWARENESS WEEK

### HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to draw attention to Dystonia Awareness Week, designated by the Commonwealth of Kentucky for June 1–7, 2008.

Dystonia is a neurological disorder that creates painful, involuntary muscle spasms throughout the body. The public knows little about this disorder, afflicting as many as 1 million people in North America alone.

The causes of dystonia are still largely unknown within the medical community. The physical manifestations of dystonia can be debilitating and the lack of understanding among the general public often creates isolation and psychological distress to those who suffer from the disorder.

The Dystonia Association of Kentucky, Inc., was formed by patients, families, and friends to help one another and to seek a cure for their condition. Widespread public support for their efforts is essential.

I urge my colleagues in the U.S. House of Representatives to join me in supporting the goals of Dystonia Awareness Week and urge all Americans to gain a deeper understanding of this disorder and those who are afflicted by it.

## THE PUNGO STRAWBERRY FESTIVAL

### HON. THELMA D. DRAKE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mrs. DRAKE. Madam Speaker, 25 years ago, in the rural area of Virginia Beach, Virginia, know as Pungo, several locals decided that the rest of the community should be aware of Pungo's delicious treasure: its strawberries. In 1983, locals began an annual festival, which at the time drew 2,500 people. In the years to follow, the festival's attendance grew to roughly 120,000 people each year. Today, the festival hosts many family-oriented activities, including a carnival, youth art show, and a multi-million dollar military display.

In 1985, it was deemed necessary to establish a festival board in order to accommodate the festival's growth as well as establish themselves as a nonprofit organization. To this end, the festival gives back to the community in the form of scholarships for students and makes contributions to other community-oriented programs.

To this date, the Pungo Strawberry Festival has donated over $550,000 to the community. I want to take this moment to recognize the people behind this festival, some of whom have been involved since the beginning, and to inform my colleagues that this year the festival will be celebrating its 25th anniversary with, as always, an emphasis on the men and women serving in the military. The theme this year will be ''Celebrating 25 years of Freedom, Family, and Fun.'' I support the community of Pungo in their efforts and look forward to attending the festival this year.

## A PROCLAMATION HONORING MARY C. POLILLI FOR BEING TUSCARAWAS COUNTY'S OLDEST VOTER

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. SPACE. Madam Speaker:

Whereas, Mary C. Polilli is 102 years young; and

Whereas, she continues to make voting a priority; and

Whereas, Mary C. Polilli continues to be a positive influence on the lives of others and contributes to her state and country; and

Whereas, she strives to continue her good works of public service and inspire others to work for the many freedoms guaranteed by our democratic form of government; now, therefore, be it

Resolved that along with her friends, family, and the residents of the 18th Congressional District, I commend and thank Mary C. Polilli for her contributions to her community and country.

## IN RECOGNITION OF COLONEL ANNE L. DAVIS, USA

### HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. BISHOP of Utah. Madam Speaker, I rise today to honor an outstanding military commander in the United States Army, Colonel Anne L. Davis.

As outgoing Commander of the Tooele Army Depot, TEAD, Utah, Colonel Davis has demonstrated exceptional meritorious service

during her tenure from June 16, 2005 to July 8, 2008. TEAD is a very large military installation, with 23,600 acres with extensive munitions storage handling an estimated 200,000 short tons of ammunition stocks valued at $2.75 billion. She was responsible for logistical support to 17 United States military units as well as command and control of Hawthorne Ammunition Depot, Riverbank Army Ammunition Plant and Ft. Wingate.

Colonel Davis is a brilliant leader who makes every mission look easy. Her PhD in Business added to her skills to better manage and transform Tooele into the Depot of the future. The leaders who worked under her took pride in achieving nearly 100 percent on time, on location delivery of ammunition throughout the Western Continental United States and to various ports to support ongoing combat operations in Iraq and Afghanistan.

Colonel Davis was instrumental in the development, testing, prove-out and eventual preparation of the Stryker Brigade Combat Teams Combat Configured Loads. Her ability to safely and efficiently manage stockpile surveillance inspections while enduring personnel shortages in terms of Quality Assurance and Surveillance Specialists was superb.

Colonel Davis aggressively sought additional workload at Tooele by meeting with the Utah Governor's Office of Economic Development and by attending numerous business events throughout the country in an effort to reduce life cycle costs on her installation. Her personal attention in all aspects of safety, to include the Department of Defense Safety Voluntary Protection Program resulted in a 50 percent reduction in civilian days lost due to accidents.

Colonel Davis, a native of St. Clair Shores, Michigan, arrived at Tooele Army Depot in June 2005 as a highly regarded and decorated leader in the Army having served in leadership positions in Italy, Hawaii, and the Continental United States. She also commanded Hawthorne Army Depot in Hawthorne, Nevada from June 2000 to July 2003.

Lean Six Sigma, LSS, was implemented by Colonel Davis to ensure the Army's competitive edge and increase employee involvement. Under her control, TEAD has certified over 70 Green Belts and has an established self-sufficient LSS program with a Master Black Belt and four Black Belts. Involving over half of the workforce in projects, Colonel Davis has overseen savings to the Depot of over $560,000 in the first two years with another $400,000 expected by the end of this fiscal year.

In conclusion, Madam Speaker, Colonel Davis has served her nation well and exhibited some of the finest qualities of leadership and good stewardship of her many responsibilities. She will be missed by the Tooele workforce and by those with whom she has associated in Utah over the past 3 years. I join with the rest of the Utah Congressional Delegation in offering our sincere congratulations on a job well-done, and wishing her the very best for her in all future endeavors.

## HONORING THE ACHIEVEMENTS OF THE JONESBORO HIGH SCHOOL MOCK TRIAL TEAM

### HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. SCOTT of Georgia. Madam Speaker, I rise today to congratulate students, teachers, judges and attorneys residing in my Congressional District. Once again, I congratulate the Jonesboro High School Mock Trial Team for winning the National High School Mock Trial Championship on May 11, 2008, in Wilmington, Delaware. The Jonesboro team also won the national title in 2007 and has held State titles six times in the last 20 years.

The Jonesboro Mock Trial Team represents some of the best and brightest of Clayton County students. I want to take a moment to recognize the aspiring lawyers, the honors students and the Eagle Scout candidates who comprise this winning team. Special recognition must go to returning members Jayda Hazell, Jurod James, Tabias Kelly and Braeden Orr who competed with the 2007 team. In addition, I congratulate Brian Bady, Miguelande Charlestin, Kayla Daniels, Dominique Delgado, Lindsay Hargis, Bridget Harris, Avion Jackson, Adrienne Marshall, Laura Parkhouse, Joe Strickland and Ralph Wilson for their win.

The Jonesboro Mock Trial Team is fortunate to be guided by legal professionals including the Honorable John C. Carbo and the Honorable Deborah Benefield, both Clayton County State court judges, as well as Ms. Tasha Mosley and Ms. Katie Powers, attorney coaches. In these exercises, students gain insight about the American legal system including trial preparation and standard courtroom procedures. Jonesboro faculty sponsors Andrew and Anna Cox also helped the team since early in the fall term to the present so that the team members are prepared for their local, State and national competitions.

In closing, Madam Speaker, I am delighted to recognize the efforts of the Jonesboro High School Mock Trial Team for their back-to-back victories. I hope to see the Jonesboro High School team compete again at the 2009 National Championship, which will be held in Atlanta, Georgia.

## OUTSTANDING HIGH SCHOOL SENIORS FIRST CONGRESSIONAL DISTRICT OF NEW MEXICO

### HON. HEATHER A. WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mrs. WILSON of New Mexico. Madam Speaker, the following graduating high school students from the First Congressional District of New Mexico have been awarded the Congressional Certificate of Merit. These students have excelled during their academic careers and proven themselves to be exceptional students and leaders with their scholastic achievements, community service, and participation in school and civic activities. It is my pleasure to be able to recognize these outstanding students for their accomplishments. Their parents, their teachers, their classmates, the people of New Mexico and I are proud of them.

CERTIFICATE OF MERIT AWARD WINNERS 2008

Chelsie Alderete, School for Integrated Academics and Technologies; Marissa Andazola, St. Pius X High School; Clare Callahan, Highland High School; Gladys Delgado, Valencia High School; Aubrey Eckert, Sandia High School; Dawn Marie Goodwin, Cesar Chavez Community School; Erika Hernandez, Digital Arts and Technology Academy; Landon Hill, Cibola High School; Tony Lucero, Albuquerque High School; Nancy Molinar, Bernalillo High School; Carla Nieto, South Valley Academy.

Oscar Alderete, Century Alternative High School; Andrew Bachica, Southwest Secondary Learning Center; Marshele Danner, Sandia Preparatory School; Bethany Dorl, Early College Academy; Chris Ela, Hope Christian School; Lauren Harding, Albuquerque Academy; Anna Herrera, Temple Baptist Academy; Andrew Krause, East Mountain High School; Sabrina Mead, Los Puentes Charter School; Cassandra Montoya, Mountainair High School; Anna Nowlin, Los Lunas High School.

Marisol Ochoa, Albuquerque Evening High School; Heather Polyard, Manzano High School; Michael Romero, Creative Education Preparatory Institute #1; Kelley Scheib, Sierra Alternative High School; Patrick Turney, La Cueva High School; Oran Wallace, Menaul High School; Hannah Perez, New Futures High School; Sean Ritchel, Del Norte High School; Felicia Salazar, Moriarty High School; Juan Soche, Valley High School; Joshua Velasquez, West Mesa High School.

## HONORING BECKY YOUNG

### HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Ms. BALDWIN. Madam Speaker, I rise today to honor Becky Young, a former Wisconsin State Representative. Throughout her seven consecutive terms in the Assembly, Young was a tireless advocate for her constituents and their families, and she left a lasting impact on the entire State of Wisconsin that will not be forgotten.

Beginning her political career as a Dane County Supervisor in 1970, Becky focused on health care issues that had not been adequately addressed but were especially important to women. Becky's pioneering work did not end there. In 1974, she became the first woman to serve as Wisconsin Highway Commissioner. Later, she became the Deputy Secretary of the Wisconsin Department of Administration. While serving on the Madison School Board from 1979 to 1985, Becky demonstrated a unique enthusiasm for education reform. Her determination to ensure that every child realizes the potential of education was indeed rare.

Becky's unwavering commitment to children and families began to permeate through the State Legislature in 1984 when she was first elected to the Wisconsin State Assembly. During her tenure in the Assembly, Young served on the Education Committee for several terms and as Chair of the Assembly Committee on Children and Human Services from 1987 to 1995. She also served as the Ranking Democratic Member on the Assembly Committee on Children and Families and chaired the Special

Committee on Women Offenders in the Correctional System. Using these avenues, Young was able to enact meaningful solutions to a range of issues facing the people of her district and the State of Wisconsin as a whole. Becky Young gave a voice to those women and children who were not being heard in the halls of the State Capitol at the time.

I was honored to serve in the Assembly with Becky from 1993 until 1999. I witnessed firsthand her passion for helping others and improving the lives of those she could reach. It was a privilege to work with as passionate a woman as Becky and her presence will be forever missed at the Capitol in Madison.

Becky's love for helping people has been evident throughout her career as she has always maintained strong ties to the community. The YWCA recognized Becky as a Woman of Distinction for her tireless efforts to improve the quality of life for all women, and the Wisconsin Women's Network named her the 1992 Stateswoman of the Year. She has also been recognized by a variety of other organizations that have benefited from her diligence and volunteerism. Undoubtedly, Becky remains dedicated to the people of Wisconsin.

For her hard work, pioneering leadership, and service to our communities, I join the entire State of Wisconsin in saluting and thanking Becky Young. She is an inspiration to all women and I carry her legacy and mission with me as I fight for all families in our Nation's capital.

## INTRODUCTION OF THE DOMESTIC VIOLENCE VOLUNTEER ATTORNEY NETWORK ACT

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. CONYERS. Madam Speaker, today I am introducing the "Domestic Violence Volunteer Attorney Network Act," legislation that addresses the need to increase legal services for victims of domestic violence by creating a coordinated, nationwide system of attorney referrals to assist domestic violence victims. I am joined in this effort by Representative POE.

Domestic violence continues to be a problem in our country. Nearly one in four women will be a victim of domestic violence in her lifetime, and between three and ten million children witness acts of domestic violence each year. Domestic violence is not just physical but affects every aspect of a woman's life, including her mental and emotional well-being.

In 2005, Congress reauthorized the Violence Against Women Act, continuing programs such as STOP and Legal Assistance for Victims, as well as adding new programs that focus on prevention and services for youth and children.

But there is still a huge gap in services and resources for victims who need help navigating the legal system. Obtaining effective protection orders, initiating divorce proceedings or designing safe child custody arrangements are all key components to stopping the violence, because these are often the first real steps that battered women can take to leave an abusive home.

The problem is not that the resources do not exist; in fact, many lawyers want to volunteer their time to provide legal assistance to victims of domestic violence. The problem is in bridging the gap between these willing and able advocates and the victims seeking access to the justice system.

Our bill, the Domestic Violence Volunteer Attorney Network Act, has several components:

Creates an electronic network of volunteer attorneys. The network will be managed by the American Bar Association Commission on Domestic Violence, which will solicit and mentor the lawyers and conduct training and provide other technical assistance.

Authorizes new funds to the National Domestic Violence Hotline to update the system and train advocates on how to provide referrals for voluntary attorneys.

Creates a pilot program to implement the volunteer attorney network in five states. The program will be administered by the Office of Violence Against Women in DOJ. After these five years, if successful, the program will be rolled out nationally.

Establishes a Domestic Violence Legal Advisory Task Force, which will monitor the program and make recommendations.

Mandates a study by the National Institute of Justice to assess the scope and quality of legal services available to battered women in each state. The GAO will report to Congress within one year.

The legislation is supported by a broad range of interests and experts, including the National Network to End Domestic Violence, the Legal Resource Center for Violence Against Women, the National Coalition Against Domestic Violence, the National Council of Juvenile and Family Court Judges, the ABA, National Legal Aid and Defenders Association, the National Association for Attorneys General, and the National Center for the Victims of Crime.

This legislation is an important next step in our fight to defeat domestic violence and assist victims. A companion bill has been introduced in the Senate by Senators BIDEN and SPECTER. I am hopeful that Congress can move quickly to enact this worthwhile and timely legislation.

## HONORING PRESIDENT CHEN SHUI-BIAN

### HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Ms. FOXX. Madam Speaker, on March 22, 2008, Taiwan elected a new president, Dr. Ma Ying-jeou of the Nationalist Party, effectively ending the era of government rule by the Democratic Progressive Party (DPP). The DPP first came into power with the inauguration of President Chen Shui-bian on May 20, 2000.

During the last 8 years, Chen championed human rights and established the Human Rights Consultation Task Force in the Taiwan Presidential Office in October 2000. The purpose of the task force was to lay the groundwork for the establishment of a national Human Rights Commission. Because of this process, a number of seminars on human rights have been held in Taipei over the last 8 years. Today, Taiwan's 23 million citizens enjoy human rights protection, a necessary component of any successful democracy.

In addition to the promotion of human rights, Chen was equally committed to using Taiwan's resources to bring aid to less-developed countries in Africa and other parts of the world. Unfortunately, without United Nations membership, Taiwan was denied access to many international organizations which would help coordinate more effective delivery of this aid. During his presidency, Chen continually argued his country's case before the world—that Taiwan's exclusion from the United Nations was a direct violation of the U.N. Charter, the Universal Declaration of Human Rights and other international human rights provisions. In the same spirit, Chen never gave up in his efforts to secure observer status for Taiwan in the World Health Assembly. In 2004, the 108th Congress passed a bill, later signed into law, that requires the administration to make it a long-term policy to support Taiwan's participation in the World Health Organization as an observer.

In terms of Taiwan's relations with the People's Republic of China (PRC), Chen has always expressed his willingness to talk to PRC leaders, despite the PRC's passage of the Anti-Secession Law in 2005 and its current deployment of thousands of missiles aimed at Taiwan. Chen sought peace and tranquility across the Taiwan Strait without sacrificing the permanent interests of the Taiwanese people.

Chen also worked closely with the United States Government throughout his administration. He helped reduce the trade imbalance between Taiwan and the United States and cooperated fully with the United States after 9/11 by supporting U.S. antiterrorism efforts in Afghanistan and Iraq and implementing Container Security Initiatives (CSI) in two major ports in Taiwan to enhance the level of security cooperation between Taiwan and the United States. President Chen has always expressed his admiration for American democracy and fondness for the American people.

Chen's accomplishments are many and it is difficult to enumerate them all here. Chen is a patriot who has shown the world that democracy is deeply rooted in Taiwan. This is most evident in the election of Mr. Chen and the DPP in 2000 and the upcoming peaceful, democratic transfer of power to President Ma and his new government this May.

Mr. Chen, you have served your people well and we will miss you.

## A PROCLAMATION HONORING ROBERT'S MEN'S SHOP FOR CELEBRATING THEIR 35TH ANNIVERSARY

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. SPACE. Madam Speaker:

Whereas, Robert's Men's Shop has been providing excellent service to the people of New Philadelphia, Ohio for 35 years; and

Whereas, Robert's Men's Shop has grown and prospered since 1973 through hard work and determination; and

Whereas, Robert's Men's Shop was named 2005 Small Business of the Year by the Tuscarawas County Chamber of Commerce; now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend and thank Robert's Men's Shop for its contributions to its community and country.

## RECOGNIZING THE IMPORTANCE OF BICYCLING IN TRANSPORTATION AND RECREATION

SPEECH OF

### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2008*

Mr. BLUMENAUER. Mr. Speaker, today I am pleased to rise in strong support of H. Con. Res. 305, the National Bike Bill. This resolution recognizes the bicycle as an important part of our transportation system. Investing in infrastructure that allows for bicycling produces enriched health, reduced traffic congestion and air pollution, greenhouse gas emission reductions, economic vitality, and an overall improved quality of life.

As the earth continues to warm and gas prices hover around $4 per gallon, more and more Americans are discovering that bicycling is a smart, healthy, and environmentally sound transportation option. Across the globe—from D.C. to Portland to Paris and beyond—bicycles are being used as a means for people to reduce congestion and pollution and improve both health and quality of life. Locally, communities are seeing that investment in bike lanes and bike boulevards, as well as education on how to ride, are resulting in dramatic increases in ridership. It's time that the Federal Government steps up and becomes a better partner to the States and local governments, giving them the tools and incentives they need to create of complete and healthy communities.

The Federal Government can assist in those efforts by promoting increased bicycle safety, supporting policies that establish national target levels for bicycle use, supporting increased intermodal travel, providing incentives to State and local government, providing flexibility in Federal transportation laws, and encouraging partnerships with employers and executive agencies.

I am pleased that this legislation has over 30 cosponsors from both sides of the aisle. Increased transportation options and a higher quality of life are ideas that everyone can agree on. I strongly urge my colleagues to vote in favor of H. Con. Res. 305.

## HONORING WORLD WAR II STAFF SERGEANT EDDIE JOHNSON

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Staff Sergeant Eddie Johnson of my hometown, Flint Michigan. Eddie Johnson is a World War II veteran and is part of the Honor Flight Network contingent of veterans traveling to Washington DC to visit the National World War II Memorial.

Eddie Johnson joined the United States Army at the age of 18 on May 21, 1941. He served until January 6, 1946. During his service he taught himself to read and write. He was promoted and became one of the first Black Staff Sergeants in World War II. He was in charge of an Engineering Platoon in the 93rd Division; Company A 318th Engineer Combat Battalion. He served through the Bismarck-Archipelago, New Guinea, and Northern Solomon Campaigns.

He is a Veterans of Foreign Wars—Lifetime Member of the Dr. George Washington Carver Post 3791, Past Post Commander and Member of the American Legion Dorie Miller Post 306. He is honored to have his own display at the Military and Space Museum in Frankenmuth, Michigan.

After his discharge from the Army, Eddie utilized the GI Bill to study tailoring and TV and radio repair. He moved to Flint in 1953 with the intention of starting his own business. Instead, he hired into General Motors V–8 Plant and worked there for 23 years. He went on to become head of security for Genesee County Community Mental Health, worked with the MTA-Your Ride program, and is head of security at Southeast Christian Church. Married to Betty, Eddie has 8 children and 5 step-children. He is the patriarch of a 5 generation family.

Madam Speaker, I ask the House of Representatives to join me in thanking Eddie Johnson for his service to our country and his continuing devotion to the memory of his fellow patriots. May we always treasure men and women like Staff Sergeant Eddie Johnson for their sacrifice and fidelity to our Nation.

## IN RECOGNITION OF THE RETIREMENT OF JANICE KILGORE, DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY IN ESCAMBIA COUNTY, FLORIDA

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today in recognition of Janice Kilgore upon her retirement as the Director of the Department of Public Safety in Escambia County, Florida.

For almost 30 years, Janice Kilgore has altruistically served the civic realm. As Director of the Department of Public Safety, Ms. Kilgore dutifully fills a crucial position that greatly affects the citizens of the area. Her service spans several decades and encompasses a wide range of civic commitment.

In addition to her current position, Ms. Kilgore has dedicated most of her life to serving the interests of the public. Beginning in 1968, Ms. Kilgore worked as a student for the Escambia County Sheriff's Office. Twenty years later she was named the Emergency Management Director for Escambia County. For an area prone to hurricanes and advanced emergency escape routes, Ms. Kilgore's position was no small task. Yet, she maintained a bold persistence and remained in the position for almost 10 years. Now, as director of the Department of Public Safety, Ms. Kilgore continues to protect the living conditions and lives of those in Escambia County. The First District of Florida is incredibly fortunate to have received the services provided by Ms. Kilgore. She will be greatly missed upon her retirement.

Madam Speaker, on behalf of the United States Congress. I am proud to honor Janice Kilgore for her enduring allegiance to the First District of Florida. I would like to congratulate Ms. Kilgore on her retirement and wish her many more years of success and happiness.

## TRIBUTE TO SHIRLEY KISS

### HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. WELLER of Illinois. Madam Speaker, I rise today to honor my constituent, Shirley Kiss, on the occasion of her 80th Birthday. With Shirley's help and leadership, We Care of Grundy County has evolved into an organization that has helped thousands of residents in Grundy County, Illinois. We Care helps residents by giving them rides to medical appointments, help with their bills or by providing emergency babysitting services to residents in need.

Shirley Kiss began her career with We Care as a phone volunteer 2 years after We Care began providing services in 1971. Shirley's talents became quickly evident and she became Secretary of We Care's Steering Committee in 1975. In 1977, Shirley assumed greater responsibilities when she became Chairman of the Steering Committee. As Chairman, Shirley worked to increase We Care's community presence by giving interviews to WCSJ, the local radio station in Morris. Shirley also worked with community organizations and churches in order to find volunteers and build a network of relationships.

Two years after she became Chairman, Shirley was instrumental in helping We Care become incorporated. Because of Shirley's hard work, We Care became "We Care of Grundy County, Inc." on June 12, 1979. For 21 years, until her retirement, Shirley worked as the first full-time paid Administrator of We Care of Grundy County. Shirley continued her involvement with We Care by returning to a volunteer position on the Board of Directors after her 2000 retirement.

As a longtime resident of Morris, I have seen We Care grow and provide needed services to many members of the community. I congratulate Mrs. Shirley Kiss on the occasion of her 80th Birthday and thank her for all of her hard work with We Care of Grundy County.

## RECOGNIZING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE CONGRESSIONAL CLUB

### HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. SCOTT of Georgia. Mr. Speaker, I rise today to express support for House Resolution 1026. For over one hundred years, the Congressional Club has been a place to cultivate friendships among the spouses of sitting or former Members of Congress, Supreme Court

Justices and Members of the President's Cabinet. Although the group was founded as an organization for congressional wives, the group includes husbands too, as we are privileged to now have 86 women serving in this great body, in addition to the many before them and those who have served in Presidential Administrations since 1908.

I am also pleased to rise today, as someone very special to me has been involved with this organization since my first election to Congress in 2002. My wife, Alfredia, was the chair of the 2008 Congressional Club First Lady's Luncheon, an event held by the Club annually since 1912. At the event entitled "The Many Splendors of Spring," Mrs. Bush was presented with a lovely quilt commissioned by Arts Clayton, an organization located in my congressional district, which was handmade by Ms. Debra Svitil of Alpharetta, Georgia.

Artist Theresa Fontes-Black, of Snellville, Georgia, was also commissioned to create over 2,000 glass-bead necklaces of various shapes and designs for luncheon attendees as party favors. It was an honor for Arts Clayton and the 13th Congressional District to have such beautiful recognition in this time-honored tradition. In addition to this outstanding social event, members are also involved in social service projects to benefit those less fortunate. Proceeds from the sale of the Congressional Club's annual cookbook not only support the clubs activities but also support charitable giving to organizations throughout the area.

Mr. Speaker, in closing, it is with great pleasure that I recognize the important work of the Congressional Club by celebrating its centennial on the House floor today and urging its passage.

## PRAISING THE CONTRIBUTIONS OF AN AMERICAN PLAYWRIGHT: LORRAINE HANSBERRY

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. RANGEL. Madam Speaker, I rise today to celebrate and recognize the birthday of Lorraine Hansberry, whose work; A Raisin in the Sun became the first Broadway production of a black playwright. Lorraine Hansberry is the foremother of African-American drama. As the youngest American, the fifth woman, and the first black to win the New York Drama Critic's Circle Award as Best Play of the Year for A Raisin in the Sun, she has paved the way for many of her peers. To Be Young, Gifted and Black, an autobiographical portrait in her own words won the record for longest Off-Broadway running drama in 1968.

Lorraine Hansberry's work does not stop at the stages of Broadway; her work provided many in White America with their first exposure to the reality of the pain and struggles associated with being Black in America. She used the success of A Raisin in the Sun as a platform, becoming a spokesperson for the American Civil Rights Movement. Ms. Hansberry's first brush with the struggles of civil rights occurred when her family moved into an all-White neighborhood. White landowners in the area had relied on a restrictive covenant in order to not sell property to any person of color. The legal struggle to permit them to move to and live in an integrated environment led to the landmark Supreme Court case of Hansberry v. Lee, 311 U.S. 32 (1940). This experience later inspired her to write her most famous work, A Raisin in the Sun.

Today marks the birth of this great American 78 years ago. Although her life was cut short, her impact on her peers and her field will continue to be a testimony to hard work and what it means to be deeply committed to the causes of justice and equality.

## A PROCLAMATION HONORING SERGEANT MICHAEL L. ART FOR HIS SERVICE IN THE UNITED STATES ARMY

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. SPACE. Madam Speaker:

Whereas, Sergeant Michael L. Art served in the United States Army; and

Whereas, he distinguished himself through valorous actions while serving as a Squad Leader with Company A, 4th Battalion, 39th, an engaged infantry unit dispatched to the Republic of Vietnam; and

Whereas, Sergeant Michael L. Art displayed personal bravery and devotion to duty as a soldier in the United States Army; now, therefore, be it

*Resolved,* that along with his friends, family, and the residents of the 18th Congressional District, I commend and thank Sergeant Michael L. Art for his contributions to his community and country.

## HONORING DR. ANDREAS G. TZAKIS

### HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. BILIRAKIS. Madam Speaker, I rise today to honor Dr. Andreas G. Tzakis, who is the recipient of the Panhellenic Federation of Florida Award. A Professor of Surgery at the University of Miami's Miller School of Medicine, Dr. Tzakis is one of the top transplant surgeons in the world, as well as a preeminent educator and research scientist.

A native of Greece, Dr. Tzakis attended the University of Athens Medical School and served in the medical corps of the Greek Air Force. He came to the United States in 1977 where he spent the next 6 years as a resident at Mount Sinai Hospital in New York and then the State University of New York at Stony Brook. It was said that he transformed into "one of the best surgeons in the world," while serving as a surgical fellow with the world renowned transplant team of Dr. Thomas Starzl at the University of Pittsburgh.

Dr. Tzakis has served in several leadership positions and is a member of numerous professional organizations. He is a founding member of the International Pancreas and Islet Transplant Association. He has also published over 600 papers, abstracts, and book chapters, and has been a visiting professor at medical schools across the United States, Europe, and Asia. He was recognized internationally in 1994 for the transplantation of two baboon livers into humans, and has led the way in transplanting insulin-producing cells from the pancreas and performing intestinal and multi-visceral organ transplantations.

Madam Speaker, Dr. Tzakis is not only a great surgeon but has also developed innovative techniques that have advanced transplant surgery in general. I am truly honored to recognize a person who has contributed so much to modern medicine, his peers, and the world. His work to save lives is legendary.

## PERSONAL EXPLANATION

### HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. CONAWAY. Mr. Speaker, I missed a number of votes on May 6th and 7th as I was attending the funeral service for a soldier who was from my Congressional District and was killed in Baghdad, Iraq while supporting Operation Iraqi Freedom.

On Rollcall vote No. 249, H.R. 3658—a bill to amend the Foreign Service Act of 1980 to permit rest and recuperation travel to United States territories for members of the Foreign Service. Had I been present, I would have voted "yea."

On Rollcall vote No. 251, H. Con. Res. 317—a Condemning the Burmese regime's undemocratic draft constitution and scheduled referendum.. Had I been present, I would have voted "yea."

On Rollcall vote No. 252, Table Motion to Reconsider—H. Con. Res. 317—a Condemning the Burmese regime's undemocratic draft constitution and scheduled referendum.. Had I been present, I would have voted "nay."

On Rollcall vote No. 25, H. Con. 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. Had I been present, I would have voted "yea."

On Rollcall vote No. 252, Table Motion to Reconsider H. Con. 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. Had I been present, I would have voted "nay."

On Rollcall No. 255, On Motion to Adjourn. Had I been present, I would have voted "yea."

On Rollcall No. 256, S. 2929 to temporarily extend the programs under the Higher Education Act of 1965. Had I been present, I would have voted "yea."

On Rollcall No. 257, Table Motion to Reconsider—S. 2929 To temporarily extend the programs under the Higher Education Act of 1965. Had I been present, I would have voted "nay."

On Rollcall No. 258, On Motion to Instruct Conferees—Farm, Nutrition, and Bioenergy Act. Had I been present, I would have voted "nay."

On Rollcall No. 259, Table Motion to Reconsider—Farm, Nutrition, and Bioenergy Act. Had I been present, I would have voted "nay."

On Rollcall No. 260, On Motion to Adjourn. Had I been present, I would have voted "yea."

On Rollcall No. 261, On Motion to Adjourn. Had I been present, I would have voted ''yea.''

On Rollcall No. 262, On Motion to Adjourn. Had I been present, I would have voted ''yea.''

On Rollcall No. 263, H. Res. 1168—Congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes. Had I been present, I would have voted ''yea.''

On Rollcall No. 264, table Motion to Reconsider—H. Res. 1168—Congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes. Had I been present, I would have voted ''nay.''

On Rollcall No. 265, H. Res. 1155—Honoring the recipients of the El Dorado Promise scholarship. Had I been present, I would have voted ''yea.''

On Rollcall No. 266, Table Motion to Reconsider—H. Res. 1155—Honoring the recipients of the El Dorado Promise scholarship. Had I been present, I would have voted ''nay.''

On Rollcall No. 267, On Motion to Adjourn. Had I been present, I would have voted ''yea.''

On Rollcall No. 268, On Approving the Journal. Had I been present, I would have voted ''nay.''

On Rollcall No. 269, Expressing the sense of the House of Representatives regarding provocative and dangerous statements and actions taken by the Government of the Russian Federation that undermine the territorial integrity of the Republic of Georgia. Had I been present, I would have voted ''yea.''

On Rollcall No. 270. Table Motion to Reconsider—H. Res. 1166—Expressing the sense of the House of Representatives regarding provocative and dangerous statements and actions taken by the Government of the Russian Federation that undermine the territorial integrity of the Republic of Georgia. Had I been present, I would have voted ''nay.''

On Rollcall No. 271, On Motion to Adjourn. Had I been present. I would have voted ''yea.''

On Rollcall No. 272, On Motion to Adjourn. Had I been present, I would have voted ''yea.''

On Rollcall No. 273. On Motion to Adjourn. Had I been present, I would have voted ''yea.''

On Rollcall No. 274, H. Res. 1113—Celebrating the role of mothers in the United States and supporting the goals and ideals of Mother's Day. Had I been present, I would have voted ''yea.''

On Rollcall No. 275, Table Motion to Reconsider—H. Res. 1113—Celebrating the role of mothers in the United States and supporting the goals and ideals of Mother's Day. Had I been present, I would have voted ''nay.''

On Rollcall No. 276. On Motion to Adjourn. Had I been present, I would have voted ''yea.''

On Rollcall No. 277, H.R. 5937—To facilitate the preservation of certain affordable housing dwelling units. Had I been present, I would have voted ''nay.''

On Rollcall No. 278, Table Motion to Reconsider—H.R. 5937—To facilitate the preservation of certain affordable housing dwelling units. Had I been present, I would have voted ''nay.''

On Rollcall No. 279, On Motion to Adjourn. Had I been present, I would have voted ''yea.''

On Rollcall No. 280, On Motion to Adjourn. Had I been present, I would have voted ''yea.''

On Rollcall No. 281, H. Res. 1175—Providing for consideration of the Senate amendments to H.R. 3221. Had I been present, I would have voted ''nay.''

On Rollcall No. 282, Table Motion to Reconsider—H. Res. 1175—Providing for consideration of the Senate amendments to H.R. 3221. Had I been present, I would have voted ''nay.''

On Rollcall No. 283, H. Res. 1175—Providing for consideration of the Senate amendments to H.R. 3221. Had I been present, I would have voted ''nay.''

On Rollcall No. 284, Table Motion to Reconsider—H. Res. 1175—Providing for consideration of the Senate amendments to H.R. 3221. Had I been present, I would have voted ''nay.''

On Rollcall No. 285, On Motion to Adjourn. Had I been present. I would have voted ''yea.''

On Rollcall No. 286, On Motion to Adjourn. Had I been present, I would have voted ''yea.''

On Rollcall No. 287, On Ordering the Previous Question 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. Had I been present, I would have voted ''nay.''

On Rollcall No. 288, Table Motion to Reconsider—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. Had I been present, I would have voted ''nay.''

On Rollcall No. 289, 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. Had I been present, I would have voted ''nay.''

On Rollcall No. 290, Table Motion to Reconsider—H. Res. 1174—Providing for consideration of the bill 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. Had I been present, I would have voted ''nay.''

On Rollcall No. 291, On Motion to Adjourn. Had I been present, I would have voted ''yea.''

## HONORING EMERGENCY MEDICAL SERVICES WEEK

### HON. ALBIO SIRES

OF NEW JERSY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. SIRES. Madam Speaker, I rise today in honor of Emergency Medical Services Week which takes place the week of May 18 thru May 24, 2008. Emergency medical services are a vital public service, and the members of emergency medical service teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week.

Access to quality emergency care is not only a necessity but dramatically improves the survival and recovery rate of those who experience sudden illness or injury. The emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, and administrators.

The members of the emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills. It is appropriate to recognize the value and the accomplishments of emergency medical service providers by designating Emergency Medical Services Week.

Please join me in honoring Extraordinary People, Extraordinary Service and may we all continue to encourage our communities to observe this week with appropriate programs, ceremonies and activities.

## REGARDING THE CENTRAL WASHINGTON UNIVERSITY WOMEN'S SOFTBALL TEAM

### HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2008*

Mr. HASTINGS of Washington. Madam Speaker, I rise today to pay tribute to two young women who showed extraordinary character during a recent college softball game in Ellensburg, Washington.

Last month, the women's softball team at Central Washington University played Western Oregon University for a spot in the NCAA Division II playoffs.

During the second inning of this scoreless game, Western Oregon senior Sara Tucholsky hit the first home run of her college career, only to fall to the ground with a knee injury after rounding first base. Unable to finish running around the bases, the only option available to Ms. Tucholsky was to bring in a new runner at first base, which would replace her home run with a single.

At this point, a truly amazing thing happened. Believing that Ms. Tucholsky should not be cheated of her first home run, Central Washington University senior first baseman and White Salmon native Mallory Holtman asked the umpire if the rules would allow members of the opposing team to assist her around the bases. When the umpire agreed, she and shortstop Liz Wallace carried the injured opponent to each bag to complete the home run.

By placing the interests of an athlete from the opposing team above their own, Ms. Holtman and Ms. Wallace, along with the rest of the Central Washington University softball team demonstrated outstanding sportsmanship. Although Central Washington University lost the game, they revealed a level of maturity well beyond their years by helping Ms. Tucholsky to achieve a major softball accomplishment.

I am honored to have this opportunity to recognize Mallory Holtman and Liz Wallace and the rest of the Central Washington University softball team for their selfless actions and generosity, which have moved people across the Nation. These young women exemplified strong character and true sportsmanship with their selfless act. Their university, teammates, Coach Gary Frederick. and the people of Washington are proud of these individuals. I wish them the very best in their future endeavors.

## FEDERAL REAL PROPERTY DISPOSAL ENHANCEMENT ACT OF 2008

SPEECH OF

### HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2008*

Mr. MOORE of Kansas. Mr. Speaker, I rise today in support of H.R. 5787, the Federal Real Property Disposal Enhancement Act, a bill that I introduced with Representative JIMMY DUNCAN of Tennessee to address the disincentives that are currently keeping some agencies from disposing of properties they no longer need.

Last June the Office of Management and Budget (OMB) released a report which found that there is currently a backlog of more than 21,000 excess and surplus Federal properties worth a total of $18 billion. Holding onto these properties has serious implications for the American taxpayer, as it costs Federal agencies millions of dollars per year to maintain and secure properties that are underutilized or simply unneeded.

Investigations by the Government Accountability Office (GAO) have also pointed out that the administrative requirements and costs of preparing a property for transfer or sale continue to hamper some agencies' efforts to address their backlog of unneeded properties. Because it can be difficult for agencies to secure the resources that they need to prepare a property for disposal, these costs serve as a disincentive because it makes more sense, in the short-term, for them to simply hold onto a property, particularly if they do not expect to receive the proceeds of a transfer or sale.

Fortunately, over the past several years the administration and Federal agencies have made progress toward strategically managing Federal real property by establishing asset management plans, standardizing data reporting, and adopting performance measures.

But there are also commonsense steps that we can take now to ensure that Federal agencies have the proper incentives to dispose of property they no longer need. H.R. 5787 is designed to do just this.

First, the legislation would move to help agencies deal with the administrative requirements and costs of preparing underutilized properties for transfer or sale by allowing the General Services Administration (GSA), in cooperation with agencies, to use its resources and expertise to cover these up-front costs and help agencies ensure that title records, property descriptions, and environmental clearances are in order so that properties can be classified as excess. GSA would then be reimbursed for the costs it incurs from the proceeds that agencies receive from the transfer or sale of such properties.

The legislation would also provide agencies with another incentive to reduce their inventory of unneeded properties by allowing them to keep all the proceeds received from the sale of surplus properties, which would then be available, subject to appropriations, to fund future asset management and disposal activities.

Many landholding agencies, including the three largest landholding agencies—the Department of Defense, GSA, and the Department of Veterans Affairs—already have the authority to retain 100 percent of proceeds, and it has been shown to be a tremendous incentive for some agencies to dispose of property they no longer need.

H.R. 5787 would simply extend this authority to landholding agencies that currently do not have it, and allow the proceeds agencies would receive to be used for future disposal and asset management efforts.

Mr. Speaker, I would like to encourage my colleagues to support this common sense effort to help Federal agencies more efficiently manage their Federal real property assets. As we are all well aware, the Federal government faces many short and long-term fiscal challenges, which is why we must increase our efforts both to manage our existing assets more effectively and to significantly reduce the backlog of underutilized and unused Federal properties. We should no longer waste precious taxpayer funds on maintaining and holding properties that are not needed.

## NATIONAL MISSING CHILDREN'S DAY

SPEECH OF

### HON. STEVE CHABOT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2008*

Mr. CHABOT. Mr. Speaker, I rise in strong support of H. Res. 1142, a resolution recognizing May 25, 2008, as National Missing Children's Day.

As a parent, I know first hand the fears that we all experience as they relate to the safety of our children. These fears are compounded with the growing use of the Internet by our kids. Now, predators aren't limited by physical barriers, but can enter our homes, schools, and communities without us ever knowing.

With more than 800,000 children reported missing each year and 2,000 each day, we can't afford to let any tool go unused. We must recommit ourselves to ensuring that families, schools, neighborhoods, and law enforcement have the resources necessary to ensure the safety and well-being of our Nation's children. Recognizing May 25, 2008, as National Missing Children's Day provides the Nation with this opportunity.

I urge my colleagues to support our kids and families by passing this resolution.

# Daily Digest

# Senate

## Chamber Action

*Routine Proceedings, pages S4425–S4557*

**Measures Introduced:** Ten bills and one resolution were introduced, as follows: S. 3035–3044, and S. Res. 571. **Pages S4486–87**

**Measures Reported:**

S. 2191, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, with an amendment in the nature of a substitute. (S. Rept. No. 110–337)

S. Res. 550, expressing the sense of the Senate regarding provocative and dangerous statements made by the Government of the Russian Federation that undermine the territorial integrity of the Republic of Georgia. **Page S4485**

**Measures Passed:**

***Higher Education Act of 1965:*** Senate passed S. 3035, to temporarily extend the programs under the Higher Education Act of 1965. **Pages S4425–26**

***Crazy Horse Memorial:*** Committee on the Judiciary was discharged from further consideration of S. Res. 496, honoring the 60th anniversary of the commencement of the carving of the Crazy Horse Memorial, and the resolution was then agreed to. **Pages S4427–28**

***Credit and Debit Card Receipt Clarification Act:*** Senate passed H.R. 4008, 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, clearing the measure for the President. **Pages S4439–40**

***National Day of the American Cowboy:*** Committee on the Judiciary was discharged from further consideration of S. Res. 482, designating July 26, 2008, as "National Day of the American Cowboy", and the resolution was then agreed to. **Pages S4443–44**

***Protecting Our Children Comes First Act:*** Committee on the Judiciary was discharged from further consideration of H.R. 2517, to amend the Missing Children's Assistance Act to authorize appropriations, and the bill was then passed, clearing the measure for the President. **Page S4549**

***KIDS Act:*** Senate passed S. 431, to require convicted sex offenders to register online identifiers, after agreeing to the committee amendments, and the following amendment proposed thereto: **Pages S4549–54**

Reid (for Schumer/McCain) Amendment No. 4798, of a perfecting nature. **Pages S4553–54**

***100th birthday of late President Lyndon Baines Johnson:*** Senate agreed to S. Res. 571, recognizing the 100th birthday of Lyndon Baines Johnson, 36th President, designer of the Great Society, politician, educator, and civil rights enforcer. **Pages S4554–55**

***100th birthday of late President Lyndon Baines Johnson:*** Committee on the Judiciary was discharged from further consideration of H. Con. Res. 354, recognizing the 100th birthday of Lyndon Baines Johnson, 36th President, designer of the Great Society, politician, educator, and civil rights enforcer, and the resolution was then agreed to. **Page S4555**

***Congratulating and Saluting Focus: HOPE:*** Committee on the Judiciary was discharged from further consideration of S. Con. Res. 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, and the resolution was then agreed to. **Pages S4555–56**

**Measures Considered:**

**Military Construction and Veterans Affairs Appropriations Act:** Senate began consideration of the House message to accompany H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and taking action on the following amendments proposed thereto: **Pages S4444–71, S4475–76**

Pending:

Reid Motion to Concur in the House Amendment No. 2 to the Senate amendment to the bill with Amendment No. 4803, in the nature of a substitute. **Page S4475**

Reid Amendment No. 4804 (to Amendment No. 4803), in the nature of a substitute. **Page S4475**

A motion was entered to close further debate on the motion to concur in the House Amendment No. 2 to H.R. 2642, Military Construction And Veterans Affairs Appropriations Act, with an amendment, Reid Amendment No. 4803 and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, May 22, 2008. **Pages S4475–76**

During consideration of this measure today, Senate also took the following action:

Senator Menendez raised a point of order under Rule XVI, Paragraph 4, against the Reid motion to concur in the House Amendment with Amendment No. 4789 (to House Amendment No. 2 to the Senate Amendment to the bill), in the nature of a substitute. **Page S4475**

Chair sustained a point of order against the Reid Amendment No. 4789 as being in violation of Rule XVI of the Standing Rules of the Senate, which prohibits legislation on an appropriation bill, and the motion thus fell. **Page S4475**

The following amendments fell when the motion to concur fell:

Reid Amendment No. 4789 (to House Amendment No. 2 to the Senate Amendment to the bill), in the nature of a substitute. **Page S4460**

Reid Amendment No. 4790 (to Amendment No. 4789), in the nature of a substitute. **Page S4460**

A unanimous-consent was reached providing that at approximately 12:00 noon on Wednesday May 21, 2008, Senate continue consideration of the House message to accompany H.R. 2642. **Page S4557**

**Johnson Tributes—Agreement:** A unanimous-consent-time agreement was reached providing that the time from 11:00 a.m. until 12:00 noon on Wednesday, May 21, 2008, be reserved for Senators to make tributes to former President of the United States, Lyndon B. Johnson, in honor of the centennial of his birth, with the time equally divided and controlled by the Majority Leader and Republican Leader, or their designees. **Pages S4556–57**

**Message from the President:** Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13303 of May 22, 2003, with respect to the stabilization of Iraq; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–50) **Page S4483**

**Nominations Confirmed:** Senate confirmed the following nominations:

By unanimous vote of 96 yeas (Vote No. EX. 136), G. Steven Agee, of Virginia, to be United States Circuit Judge for the Fourth Circuit. **Pages S4435–39, S4440–43, S4357**

Michael G. McGinn, of Minnesota, to be United States Marshal for the District of Minnesota for the term of four years.

Ralph E. Martinez, of Florida, to be a Member of the Foreign Claims Settlement Commission of the United States for a term expiring September 30, 2010. **Pages S4435–39, S4440–43 S4557**

**Nominations Received:** Senate received the following nominations:

Husein A. Cumber, of Florida, to be a Member of the Surface Transportation Board for a term expiring December 31, 2013.

Asif J. Chaudhry, of Washington, to be Ambassador to the Republic of Moldova.

Tina S. Kaidanow, of the District of Columbia, to be Ambassador to the Republic of Kosovo.

1 Marine Corps nomination in the rank of general.

A routine list in the Navy. **Page S4557**

**Nominations Withdrawn:** Senate received notification of withdrawal of the following nominations:

Arlene Holen, of the District of Columbia, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2010, which was sent to the Senate on January 9, 2007.

Hans von Spakovsky, of Georgia, 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.

A. Paul Anderson, of Florida, to be a Federal Maritime Commissioner for the term expiring June 30, 2012, which was sent to the Senate on August 2, 2007. **Page S4557**

**Messages from the House:** **Page S4483**

**Measures Read the First Time:** **Pages S4483–84, S4556**

**Executive Communications:** **Pages S4484–85**

**Executive Reports of Committees:** **Pages S4485–86**

**Additional Cosponsors:** **Pages S4487–88**

**Statements on Introduced Bills/Resolutions:** **Pages S4488–95**

**Additional Statements:** **Pages S4478–83**

**Amendments Submitted:** **Pages S4495–S4548**

**Notices of Hearings/Meetings:** **Page S4548**

**Authorities for Committees to Meet:** **Pages S4548–49**

**Privileges of the Floor:** **Page S4549**

**Record Votes:** One record vote was taken today. (Total—136) **Page S4443**

**Adjournment:** Senate convened at 10 a.m. and adjourned at 8:07 p.m., until 9:30 a.m. on Wednesday, May 21, 2008. (For Senate's program, see the remarks of the Majority Leader in today's Record on pages S4556–57.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## APPROPRIATIONS: DEPARTMENT OF DEFENSE

*Committee on Appropriations:* Subcommittee on Defense concluded a hearing to examine proposed budget estimates for fiscal year 2009 for the Department of Defense, after receiving testimony from Robert M. Gates, Secretary, and Admiral Michael G. Mullen, USN, Chairman, Joint Chiefs of Staff, both of the Department of Defense.

## BUSINESS MEETING

*Committee on Banking, Housing, and Urban Affairs:* Committee ordered favorably reported the following:

H.R. 634, 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, with an amendment;

An original bill entitled ''Federal Housing Finance Regulatory Reform Act''; and

An original bill to make certain technical corrections to Title III of SAFETEA–LU.

## ECONOMIC IMPACTS

*Committee on Energy and Natural Resources:* Committee concluded a hearing to examine energy and related economic effects of global climate change legislation, including S. 1766, to reduce greenhouse gas emissions from the production and use of energy, and S. 2191, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, focusing on containing the costs of a cap-and-trade program for carbon dioxide emissions, after receiving testimony from Brent Yacobucci and Larry Parker, both Specialists in Energy and Environmental Policy, Resource, Science, and Industry Division, Congressional Research Service, Library of Congress; Howard Gruenspecht, Deputy Administrator, Energy Information Administration, Department of Energy; Brian J. McLean, Director, Office of Atmospheric Programs, Office of Air and Radiation, Environmental Protection Agency; and Peter R. Orszag, Director, Congressional Budget Office.

## TREATIES

*Committee on Foreign Relations:* Committee concluded a hearing to examine the Agreement on Extradition between the United States of America and the European Union (EU), signed on June 25, 2003 at Washington, together with twenty-two bilateral instruments which subsequently were signed between the United States and each European Union Member State in order to implement the Agreement with the EU. The Agreement includes an explanatory note which is an integral part of the Agreement (Treaty Doc.109–14), Extradition Treaty between the United States of America and the Government of the Republic of Latvia, signed on December 7, 2005, at Riga (Treaty Doc.109–15), Extradition Treaty between the United States of America and the Government of the Republic of Estonia, signed on February 8, 2006, at Tallinn (Treaty Doc.109–16), Extradition Treaty between the United States of America and the Government of Malta, signed on May 18, 2006, at Valletta, that includes an exchange of letters that is an integral part of the treaty (Treaty Doc.109–17), Extradition Treaty between the United States of America and Romania (the ''Extradition Treaty'' or the ''Treaty'') and the Protocol to the Treaty between the United States of America and Romania on Mutual Legal Assistance in Criminal Matters (the ''Protocol''), both signed at Bucharest on September 10, 2007 (Treaty Doc.110–11), Extradition Treaty between the Government of the United States of America and the Government of the Republic of Bulgaria (the ''Extradition Treaty'' or the ''Treaty'') and the Agreement on Certain Aspects of Mutual Legal Assistance in Criminal Matters between the Government of the United States of America and the Government of the Republic of Bulgaria (the ''MLA Agreement''), both signed at Sofia on September 19, 2007 (Treaty Doc.110–12), Treaty Between the Government of the United States of America and the Government of the Kingdom of Sweden on Mutual Legal Assistance in Criminal Matters, signed at Stockholm on December 17, 2001 (Treaty Doc.107–12), Mutual Legal Assistance between the United States of America and the European Union (EU), signed on June 25, 2003, at Washington, together with 25 bilateral instruments that subsequently were signed between the United States and each European Union Member State in order to implement the Agreement with the EU, and an explanatory note that is an integral part of the Agreement (Treaty Doc.109–13), and Treaty between the United States of America and Malaysia on Mutual Legal Assistance in Criminal Matters, signed on July 28, 2006, at Kuala Lumpur (Treaty Doc.109–22), after receiving testimony from Susan Biniaz, Deputy Legal Adviser, Department of State;

and Bruce C. Swartz, Deputy Assistant Attorney General, Criminal Division, Department of Justice.

## BUSINESS MEETING

*Committee on Foreign Relations:* Committee ordered favorably reported the following:

H.R. 3913, to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met;

S. Res. 550, expressing the sense of the Senate regarding provocative and dangerous statements made by the Government of the Russian Federation that undermine the territorial integrity of the Republic of Georgia;

S. 3024, to authorize grants to the Eurasia Foundation; and

The nominations of Gillian Arlette Milovanovic, of Pennsylvania, to be Ambassador to the Republic of Mali, Janice L. Jacobs, of Virginia, to be an Assistant Secretary (Bureau of Consular Affairs), T. Vance McMahan, of Texas, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations, William J. Burns, of the District of Columbia, to be an Under Secretary (Political Affairs), Robert Stephen Beecroft, of California, to be Ambassador to the Hashemite Kingdom of Jordan, James B. Cunningham, of New York, to be Ambassador to Israel, Richard E. Hoagland, of the District of Columbia, to be Ambassador to the Republic of Kazakhstan, Joseph Evan LeBaron, of Oregon, to be Ambassador to the State of Qatar, 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, 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, Patricia McMahon Hawkins, of Virginia, to be Ambassador to the Togolese Republic, 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, Stephen James Nolan, of Virginia, to be Ambassador to the Republic of Botswana, Richard A. Boucher, of Maryland, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period, Anne Woods Patterson, of Virginia, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period, and C. David Welch, of Virginia, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period, all of the Department of State, and certain promotion lists in the Foreign Service.

## PAKISTAN

*Committee on Foreign Relations:* Subcommittee on Near Eastern and South and Central Asian Affairs concluded a hearing to examine the terrorist threat in Pakistan's Federally Administered Tribal Areas (FATA), focusing on securing one of the world's most dangerous regions, after receiving testimony from John D. Negroponte, Deputy Secretary of State; and Gene L. Dodaro, Acting Comptroller General, Government Accountability Office.

## COMMODITY MARKETS

*Committee on Homeland Security and Governmental Affairs:* Committee concluded a hearing to examine financial speculation in commodity markets, focusing on whether institutional investors and hedge funds are contributing to food and energy price inflation, after receiving testimony from Jeffrey Harris, Chief Economist, Commodity Futures Trading Commission; Michael W. Masters, Masters Capital Management, LLC, Atlanta, Georgia; Thomas Erickson, Commodity Markets Council, and Tom Buis, National Farmers Union, both of Washington, D.C.; and Benn Steil, Council on Foreign Relations, New York, New York.

## WORKERS RIGHTS/WARN ACT

*Committee on Health, Education, Labor, and Pensions:* Committee concluded a hearing to examine plant closings, focusing on workers rights and the Worker Adjustment and Retraining Notification (WARN) (Public Law 100–379) Act's 20th anniversary, after receiving testimony from John C. Philo, Maurice and Jane Sugar Law Center for Economic and Social Justice, Detroit, Michigan; Richard L. Trumka, American Federation of Labor and Congress of Industrial Organizations (AFL–CIO), Washington, D.C.; Stefan Jan Marculewicz, Miles and Stockbridge, P.C., Baltimore, Maryland; and Joe Aguiar, Fall River, Massachusetts.

## GLOBAL INTERNET FREEDOM

*Committee on the Judiciary:* Subcommittee on Human Rights and the Law concluded a hearing to examine global internet freedom, focusing on corporate responsibility and the rule of law, after receiving testimony from Nicole Wong, Google, Inc., Mountain View, California; Michael Samway, Yahoo! Inc., Miami, Florida; Arvind Ganesan, Human Rights

Watch, Washington, D.C.; Mark Chandler, Cisco Systems, Inc., San Jose, California; and Shiyu Zhou, Global Internet Freedom Consortium, Bethesda, Maryland.

### AMERICANS' RIGHT TO VOTE

*Committee on the Judiciary:* Committee concluded a hearing to examine protecting the constitutional right to vote for all Americans, after receiving testimony from J. Bradley King, Office of the Secretary of State of Indiana Election Division, Indianapolis; Jonah H. Goldman, Lawyers Committee for Civil Rights Under Law, and Cleta Mitchell, Foley and Lardner, LLP, both of Washington, D.C.; Pamela S. Karlan, Stanford Law School, Stanford, California; and John Payton, National Association for the Advancement of Colored People (NAACP) Legal Defense and Educational Fund, Inc., New York, New York.

### INTELLIGENCE

*Select Committee on Intelligence:* Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

# House of Representatives

## *Chamber Action*

**Public Bills and Resolutions Introduced:** 19 public bills, H.R. 6084–6102; 1 private bill, H.R. 6102; and 9 resolutions, H. Con. Res. 355–359; and H. Res. 1210–1211, 1215–1216 were introduced.

**Pages H4320–21**

**Additional Cosponsors:** **Pages H4321–22**

**Reports Filed:** Reports were filed today as follows:

H.R. 6049, to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, and to provide individual income tax relief, with an amendment (H. Rept. 110–658);

Conference report on S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013 (H. Rept. 110–659);

Supplemental report on H.R. 5658, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense and to prescribe military personnel strengths for fiscal year 2009 (H. Rept. 110–652, Pt. 2);

H. Res. 1212, providing for consideration of the bill (H.R. 6049) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, and to provide individual income tax relief (H. Rept. 110–660);

H. Res. 1213, providing for consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense and to prescribe military personnel strengths for fiscal year 2009 (H. Rept. 110–661); and

H. Res. 1214, providing for consideration of the conference report to accompany the concurrent resolution (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013 (H. Rept. 110–662).

**Pages H4217–78, H4297–98, H4320**

**Speaker:** Read a letter from the Speaker wherein she appointed Representative McNulty to act as Speaker Pro Tempore for today. **Page H4155**

**Recess:** The House recessed at 9:15 a.m. and reconvened at 10 a.m. **Page H4157**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

***Heroes Earnings Assistance and Relief Tax Act of 2008:*** H.R. 6081, amended, to amend the Internal Revenue Code of 1986 to provide benefits for military personnel, by a ⅔ yea-and-nay vote of 403 yeas with none voting "nay", Roll No. 331;

**Pages H4160–71, H4187–88**

***Expressing the sense of the House of Representatives that Congress should recognize the important contributions of Americans who serve as foster parents and, in doing so, unselfishly open their homes and family lives to children in need:*** H. Res. 1185, to express the sense of the House of Representatives that Congress should recognize the important contributions of Americans who serve as foster parents and, in doing so, unselfishly open their homes and family lives to children in need; **Pages H4171–73**

***Expressing the sense of the House of Representatives that youth who age out of foster care should be given special care and attention:*** H. Res. 1208,

to express the sense of the House of Representatives that youth who age out of foster care should be given special care and attention; **Pages H4173–75**

***Honoring the service and achievements of women in the Armed Forces and female veterans:*** H. Res. 1054, amended, to honor the service and achievements of women in the Armed Forces and female veterans; **Pages H4178–80**

***Commending the Alaska Army National Guard for its service to the State of Alaska and the citizens of the United States:*** H. Res. 961, to commend the Alaska Army National Guard for its service to the State of Alaska and the citizens of the United States; **Pages H4180–82**

***Honoring the members of the United States Air Force who were killed in the June 25, 1996, terrorist bombing of the Khobar Towers United States military housing compound near Dhahran, Saudi Arabia:*** H. Con. Res. 32, amended, to honor the members of the United States Air Force who were killed in the June 25, 1996, terrorist bombing of the Khobar Towers United States military housing compound near Dhahran, Saudi Arabia; **Pages H4182–83**

***Amending title 38, United States Code, to establish the position of Director of Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for Health:*** H.R. 2790, amended, to amend title 38, United States Code, to establish the position of Director of Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for Health; **Pages H4183–85**

***Veterans Benefits Awareness Act of 2008:*** H.R. 3681, amended, to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to advertise in the national media to promote awareness of benefits under laws administered by the Secretary; **Pages H4185–87**

***Amending title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a longitudinal study of the vocational rehabilitation programs administered by the Secretary:*** H.R. 3889, amended, to amend title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a longitudinal study of the vocational rehabilitation programs administered by the Secretary; **Pages H4191–93**

***Justin Bailey Veterans Substance Use Disorders Prevention and Treatment Act of 2008:*** H.R. 5554, amended, to amend title 38, United States Code, to expand and improve health care services available to veterans from the Department of Veterans Affairs for substance use disorders; **Pages H4193–96**

***Amending title 38, United States Code, to direct the Secretary of Veterans Affairs to update at least once every six years the plans and specifications for specially adapted housing furnished to veterans by the Secretary:*** H.R. 5664, amended, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to update at least once every six years the plans and specifications for specially adapted housing furnished to veterans by the Secretary; **Pages H4196–97**

***Spina Bifida Health Care Program Expansion Act:*** H.R. 5729, amended, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide comprehensive health care to children of Vietnam veterans born with Spina Bifida; **Pages H4197–98**

***Amending the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation:*** H.R. 6048, to amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation; **Pages H4202–06**

***Providing for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958:*** S. 3029, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958—clearing the measure for the President; **Pages H4206–09**

***Expressing condolences and sympathy to the people of the People's Republic of China for the grave loss of life and vast destruction caused by the earthquake of May 12, 2008 in Sichuan Province:*** H. Res. 1195, amended, to express condolences and sympathy to the people of the People's Republic of China for the grave loss of life and vast destruction caused by the earthquake of May 12, 2008 in Sichuan Province; and **Pages H4209–13**

***Temporarily extending the programs under the Higher Education Act of 1965:*** S. 3035, to temporarily extend the programs under the Higher Education Act of 1965—clearing the measure for the President. **Pages H4278–79**

**Oath of Office—First Congressional District of Mississippi:** Representative-elect Travis Childers 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 Ms. Linda Dixon Rigsby, Assistant Secretary of State for Elections, State of Mississippi, indicating that, according to the unofficial

returns of the Special Election held on May 13, 2008, the Honorable Travis Childers was elected Representative to Congress for the First Congressional District, State of Mississippi.

**Pages H4188–89, H4319**

**Whole Number of the House:** The Speaker announced to the House that, in light of the administration of the oath to the gentleman from Mississippi, Mr. Travis Childers, the whole number of the House is adjusted to 435. **Page H4189**

**Suspensions—Proceedings Resumed:** The House agreed to suspend the rules and pass the following measures which were debated on Monday, May 19th:

***Gas Price Relief for Consumers Act of 2008:*** H.R. 6074, to amend the Sherman Act to make oil-producing and exporting cartels illegal, by a 2/3 yea-and-nay vote of 324 yeas to 84 nays, Roll No. 332; **Page H4189**

***Expressing support for designation of a "Frank Sinatra Day" on May 13, 2008, in honor of the dedication of the Frank Sinatra commemorative stamp:*** H. Res. 1144, amended, to express support for designation of a "Frank Sinatra Day" on May 13, 2008, in honor of the dedication of the Frank Sinatra commemorative stamp, by a 2/3 yea-and-nay vote of 402 yeas to 3 nays, Roll No. 333; **Pages H4189–90**

Agreed to amend the title so as to read: "Expressing support for the designation of a Frank Sinatra Day, in honor of the dedication of the Frank Sinatra commemorative stamp.". **Page H4190**

***Great Cats and Rare Canids Act of 2008:*** H.R. 1464, amended, to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of nations within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations, by a 2/3 recorded vote of 294 ayes to 119 noes, Roll No. 335;

**Pages H4280–81**

***Lake Hodges Surface Water Improvement and Reclamation Act of 2008:*** H.R. 2649, amended, to make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992, by a 2/3 recorded vote of 374 ayes to 39 noes, Roll No. 336; and **Pages H4281–82**

***Airline Flight Crew Technical Corrections Act:*** H.R. 2744, amended, to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews, by a 2/3 yea-and-nay vote of 402 yeas to 9 nays, Roll No. 337. **Page H4282**

**Suspensions—Proceedings Postponed:** The House debated the following measures under suspension of the rules. Further proceedings were postponed:

***Recognizing the courage and sacrifice of those members of the United States Armed Forces who were held as prisoners of war during the Vietnam conflict and calling for a full accounting of the 1,729 members of the Armed Forces who remain unaccounted for from the Vietnam conflict:*** H. Res. 986, amended, to recognize the courage and sacrifice of those members of the United States Armed Forces who were held as prisoners of war during the Vietnam conflict and to call for a full accounting of the 1,729 members of the Armed Forces who remain unaccounted for from the Vietnam conflict;

**Pages H4175–78**

***Veterans Emergency Care Fairness Act of 2007:*** H.R. 3819, amended, to amend title 38, United States Code, to require the Secretary of Veterans Affairs to reimburse veterans receiving emergency treatment in non-Department of Veterans Affairs facilities for such treatment until such veterans are transferred to Department facilities; **Pages H4190–91**

***Veterans' Compensation Cost-of-Living Adjustment Act of 2008:*** H.R. 5826, to increase, effective as of December 1, 2008, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans; **Pages H4198–99**

***Department of Veterans Affairs Medical Facility Authorization and Lease Act of 2008:*** H.R. 5856, to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 2009; and

**Pages H4199–H4202**

***Reaffirming the support of the House of Representatives for the legitimate, democratically-elected Government of Lebanon under Prime Minister Fouad Siniora:*** H. Res. 1194, to reaffirm the support of the House of Representatives for the legitimate, democratically-elected Government of Lebanon under Prime Minister Fouad Siniora. **Pages H4213–17**

**Calendar Wednesday:** Agreed to dispense with the Calendar Wednesday business of Wednesday, May 21st. **Page H4279**

**Adjournment Resolution:** The House agreed to H. Con. Res. 355, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate, by a yea-and-nay vote of 239 yeas to 175 nays, Roll No. 334.

**Pages H4279–80**

**Moment of Silence:** The House observed a moment of silence in honor of Lionel Van Deerlin, former Member of Congress. **Page H4281**

**Supplemental Report:** Agreed that the Committee on Armed Services be permitted to file a supplemental report on H.R. 5658, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense and to prescribe military personnel strengths for fiscal year 2009. **Page H4283**

**Presidential Message:** Read a message from the President wherein he notified Congress that the national emergency declared with respect to Iraq is to continue in effect beyond May 22, 2008—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 110–114). **Pages H4282–83**

**Senate Messages:** Messages received from the Senate today appear on pages H4173, H4287.

**Senate Referrals:** S. 3035 was held at the desk.

**Quorum Calls—Votes:** Five yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H4187–88, H4189, H4189–90, H4279–80, H4280–81, H4281–82, and H4282. There were no quorum calls.

**Adjournment:** The House met at 9:00 a.m. and adjourned at 10:48 p.m.

# *Committee Meetings*

## IMMIGRATION AND CUSTOMS ENFORCEMENT WORKPLACE RAIDS

*Committee on Education and Labor:* Subcommittee Workforce Protections held a hearing on ICE Workplace Raids: Their Impact on U.S. Children, Families, and Communities. Testimony was heard from James Spero, Acting Deputy Assistant Director, Office of Investigations, U.S. Immigration and Customs Enforcement, Department of Homeland Security; and public witnesses.

## LOW-LEVEL RADIOACTIVE WASTE IMPORTS

*Committee on Energy and Commerce:* Subcommittee on Energy and Air Quality held a hearing on H.R. 5632, To prohibit the importation of certain low-level radioactive waste into the United States. Testimony was heard from Margaret M. Doane, Director, Office of International Programs, NRC, Gene Aloise, Director, Natural Resources and Environment, GAO; and public witnesses.

## CREDIT MONITORING CLARIFICATION ACT

*Committee on Financial Services:* Held a hearing on examining the need for H.R. 2885, Credit Monitoring Clarification Act. Testimony was heard from public witnesses.

## BURMA'S CYCLONE AFTERMATH

*Committee on Foreign Affairs,* Subcommittee on Asia, the Pacific, and the Global Environment held a hearing on Burma in the Aftermath of Cyclone Nargis: Death, Displacement, and Humanitarian Aid. Testimony was heard from the following officials of the Department of State: Scot Marciel, Deputy Assistant Secretary, Bureau of East Asian and Pacific Affairs; and Greg Gottlieb, Deputy Assistant Administrator, Bureau for Democracy, Conflict, and Humanitarian Assistance, U.S. Agency for International Development; former Representative Thomas H. Andrews of Maine; and a public witness.

## GUANTANAMO BAY AND AMERICA'S IMAGE

*Committee on Foreign Affairs:* Subcommittee on International Organizations, Human Rights, and Oversight held a hearing on City on the Hill or Prison on the Bay? The Mistakes of Guantanamo and the Decline of America's Image, Part II. Testimony was heard from public witnesses.

## EXPORT COMPLIANCE

*Committee on Foreign Affairs:* Subcommittee on Terrorism, Nonproliferation and Trade held a hearing on Export Compliance: Ensuring Safety, Increasing Efficiency. Testimony was heard from Matthew S. Borman, Acting Assistant Secretary, Export Administration, Bureau of Industry and Security, Department of Commerce; Todd Owen, Executive Director, Office of Cargo and Conveyance Security, U.S. Customs and Border Protection, Department of Homeland Security; and public witnesses.

## MISCELLANEOUS MEASURES

*Committee on Homeland Security:* Ordered reported, as amended, the following measures: H.R. 1333, Civil Air Patrol Homeland Security Support Act of 2007; H.R. 2631, Nuclear Forensics and Attribution Act; H.R. 4179, Fast, Accurate, Secure and Timely Redress Act of 2007; H.R. 4749, National Bombing Prevention Act of 2007; 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; H.R. 5982, Biometric Enhancement for Airport-Risk Reduction Act of 2008; and H. Res. 1150, Expressing the sense of the House of Representative 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.

## LOCAL CRIME AND JUSTICE GRANTS

*Committee on the Judiciary:* Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on H.R. 3546, To authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012. Testimony was heard from Domingo Herraiz, Director, Bureau of Justice Assistance, Department of Justice; and public witnesses.

## MILITARY IMMIGRATION ISSUES

*Committee on the Judiciary:* Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law held a hearing on Immigration Needs of America's Fighting Men and Women, Testimony was heard from LTC Margaret Stock, Military Police Corps, USAR; Officer Karla Arambula de Rivera, E2 Officer, U. S. Navy; CDR Christine Navarro, KC–134 Aircraft Commander, USAF; and public witnesses.

## NATIONAL MALL's FUTURE

*Committee on Natural Resources:* Subcommittee on National Parks, Forests and Public Lands held an oversight hearing on The Future of the National Mall. Testimony was heard from Representative Norton; Peggy O'Dell, Superintendent. National Mall and Memorial Parks, National Park Service, Department of the Interior; Harriet Tregoning, Director, Office of Planning, District of Columbia; John V. Cogbill, III, Chairman, National Capital Planning Commission; and public witnesses.

## EPA'S NEW OZONE STANDARDS

*Committee on Oversight and Government Reform:* Held a hearing on EPA's New Ozone Standards. Testimony was heard from Stephan L. Johnson, Administrator, EPA: Susan E. Dudley, Administrator, Office of Information and Regulatory Affairs, OMB; and public witnesses.

## FEDERAL RETIREES PART-TIME REEMPLOYMENT

*Committee on Oversight and Government Reform:* Subcommittee on Federal Workforce, Postal Service and the District of Columbia held a hearing on Part-Time Reemployment of Federal Annuitants. Testimony was heard from Nancy Kichak, Associate Director, OPM; Patrick Purcell, Specialist in Income Security, CRS, Library of Congress; and public witnesses.

## CONFERENCE REPORT—CONCURRENT BUDGET RESOLUTION FISCAL YEAR 2009

*Committee on Rules:* Granted, by voice vote, a rule that waives all points of order against the conference report to accompany S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013, and against its consideration. The rule provides that the conference report shall be considered as read. The rule provide one hour of debate on the conference report, equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget. Testimony was heard from Chairman Spratt and Representative Ryan of Wisconsin.

## ENERGY AND TAX EXTENDERS ACT OF 2008

*Committee on Rules:* Granted, by a voice vote, a rule providing for consideration of H.R. 6049, the Renewable Energy and Job Creation Act of 2008. The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. 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 Ways and Means now printed in the bill shall be considered as adopted and the bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived.

The rule provides one motion to recommit with or without instructions. The rule provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker. Testimony was heard from Representatives McDermott and Brady of Texas.

## DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION FISCAL YEAR 2009

*Committee on Rules:* Granted, by a voice vote, a rule providing for consideration of H.R. 5658, the "Duncan Hunter National Defense Authorization Act for Fiscal Year 2009." The rule provides for two hours of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule provides that the Committee of the Whole shall rise without motion

after general debate. Finally, the rule prohibits further consideration of the bill except pursuant to a subsequent order of the House. Testimony was heard from Chairman Skelton and Representative Hunter.

### NASA AUTHORIZATION ACT

*Committee on Science and Technology:* Subcommittee on Space and Aeronautics approved for full Committee action H.R. 6063, National Aeronautics and Space Administration Authorization Act of 2008.

### COAST GUARD/NTSB CASUALTY INVESTIGATIONS

*Committee on Transportation and Infrastructure:* Subcommittee on Coast Guard and Maritime Transportation held a hearing on Coast Guard and National Transportation Safety Board Casualty Investigation Program. Testimony was heard from RADM James Watson, IV, USCG, Director, Prevention Policy, Marine Safety, Security and Stewardship; Anne L. Richards, Assistant Inspector General, Audits, both with the Department of Homeland Security; and Kathryn O'Leary Higgins, member, National Transportation Safety Board, Department of Transportation.

### PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008

*Committee on Transportation and Infrastructure:* Subcommittee on Railroads, Pipelines, and Hazardous Materials approved for full Committee action H.R. 6003, Passenger Rail Investment and Improvement Act of 2008.

### ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

*Committee on Ways and Means:* Subcommittee on Oversight held a hearing on the Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau. Testimony was heard from Representative Doggett; and John J. Manfreda, Administrator, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury.

### BRIEFING—NIE

*Permanent Select Committee on Intelligence:* Met in executive session to receive a follow-up briefing on National Intelligence Estimate. The Committee was briefed by departmental witnesses.

## *Joint Meetings*

### BUDGET RESOLUTION

*Conferees* agreed to file a conference report on the differences between the Senate and House adopted versions of S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

## NEW PUBLIC LAWS

*(For last listing of Public Laws, see* DAILY DIGEST, *p. D625)*

H.R. 6022, to suspend the acquisition of petroleum for the Strategic Petroleum Reserve. Signed on May 19, 2008. (Public Law 110–232)

## COMMITTEE MEETINGS FOR WEDNESDAY, MAY 21, 2008

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Agriculture, Nutrition, and Forestry:* to hold hearings to examine efforts to create jobs with climate solutions, focusing on the ways agriculture and forestry can help lower costs in a low-carbon economy, 2:30 p.m., SR–328A.

*Committee on Environment and Public Works:* business meeting to consider pending calendar business, 10 a.m., SD–406.

*Committee on Foreign Relations:* to hold hearings to examine treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London on June 21 and 26, 2007 (Treaty Doc.110–07), and treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney, September 5, 2007 (Treaty Doc.110–10), 9:15 a.m., SD–419.

*Committee on Homeland Security and Governmental Affairs:* business meeting to consider the nomination of Paul A. Schneider, of Maryland, to be Deputy Secretary of Homeland Security, Time to be announced, S–216, Capitol.

*Committee on the Judiciary:* to hold hearings to examine the skyrocketing price of oil, 10 a.m., SD–106.

*Committee on Rules and Administration:* to hold hearings to examine the nominations of Cynthia L. Bauerly, of Minnesota, Caroline C. Hunter, of Florida, and Donald F. McGahn, of the District of Columbia, each to be a Member of the Federal Election Commission; to be followed by a business meeting to consider and vote on the nominations, 2:45 p.m., SR–301, 2 p.m., SR–301.

*Committee on Veterans' Affairs:* to hold hearings to examine pending health care legislation, 9:30 a.m., SR–418.

### House

*Committee on Education and Labor,* hearing on the National Mathematics Advisory Panel Report: Foundations for Success, 10 a.m., 2175 Rayburn.

*Committee on Energy and Commerce,* Subcommittee on Health, hearing on the following bills: H.R. 1157, Breast Cancer and Environmental Research Act of 2007; and

H.R. 758, Breast Cancer Patient Protection Act of 2007, 11 a.m., 2123 Rayburn.

*Committee on Financial Services,* Subcommittee on Oversight and Investigations, hearing entitled ''The Impact of Credit-Based Insurance Scoring on the Availability and Affordability of Insurance,'' 10 a.m., 2128 Rayburn.

*Committee on Foreign Affairs,* hearing on the Rise of Sovereign Wealth Funds: Impacts on U.S. Foreign Policy and Economic Interests, 9:30 a.m., 2172 Rayburn.

Subcommittee on the Middle East and South Asia, hearing on the U.S.-Israel-Egypt Trilateral Relationship: Shoring Up the Foundation of Regional Peace, 1 p.m., 2172 Rayburn.

*Committee on Homeland Security,* hearing entitled ''Diversity at DHS: Keeping Pace or Missing the Mark? 10 a.m., 311 Cannon.

Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, hearing entitled ''Implications of Cyber Vulnerabilities on the Resiliency and Security of the Electric Grid,'' 2 p.m., 311 Cannon.

*Committee on House Administration,* hearing on Assessment of Administrative Compliance with Internal Controls, 11 a.m., 1310 Longworth.

*Committee on the Judiciary,* Subcommittee on Crime, Terrorism, and Homeland Security, oversight hearing on FBI Whistleblowers, 1:30 p.m., 2141 Rayburn.

*Committee on Natural Resources,* oversight hearing entitled '' The Danger of Deception: Do Endangered Species Have a Chance?'' 10 a.m., 1324 Longworth.

Subcommittee on Fisheries, Wildlife and Oceans, to mark up the following bills: H.R. 2964, Captive Primate Safety Act; H.R. 5350, To authorize the Secretary of Commerce to sell or exchange certain National Oceanic and Atmospheric Administration property located in Norfolk, Virginia; and H.R. 5451, Coastal Zone Reauthorization Act of 2008, 2 p.m., 1334 Longworth.

*Committee on Oversight and Government Reform,* Subcommittee on Domestic Policy, hearing on Neighborhoods: the blameless victims of the subprime mortgage crisis, 2 p.m., 2154 Rayburn.

Subcommittee on Information Policy, Census, and National Archives and the Subcommittee on Insular Affairs of the Committee on Natural Resources, joint hearing on Census Data: Special Issues Related to the U.S. Territories, 10 a.m., 2154 Rayburn.

*Committee on Rules*, to consider H.R. 5658, Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, 4 p.m., H–313 Capitol.

*Committee on Science and Technology,* Subcommittee on Energy and Environment, hearing on H.R. 5618, National Sea Grant College Program Amendments Act of 2008, 10 a.m., 2325 Rayburn.

Subcommittee on Investigation and Oversight, hearing on EPA's Restructured IRIS System: Have Polluters and Politics Overwhelmed Science, 11 a.m., 2318 Rayburn.

*Committee on Small Business,* Subcommittee on Urban and Rural Entrepreneurship, hearing entitled ''Competitive Bidding for Durable Medical Equipment,'' 10 a.m., 1539 Rayburn.

*Committee on Transportation and Infrastructure,* Subcommittee on Water and Environment, hearing on Reauthorization of the Great Lakes Legacy Act, 10 a.m., 2167 Rayburn.

*Next Meeting of the* SENATE

9:30 a.m., Wednesday, May 21

Senate Chamber

**Program for Wednesday:** After the transaction of any morning business (not to extend beyond 60 minutes), Senators will make tributes in honor of the centennial of the birth of the late President of the United States Lyndon B. Johnson from 11 a.m. to 12 noon; following which, Senate will continue consideration of the House message to accompany H.R. 2642, Military Construction and Veterans Affairs Appropriations Act.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, May 21

House Chamber

**Program for Wednesday:** Consideration of H.R. 6049—Energy and Tax Extenders Act of 2008 (Subject to a Rule), Conference Report on S. Con. Res. 70—Budget Resolution for 2009 (Subject to a Rule), and H.R. 5658—National Defense Authorization Act for Fiscal Year 2009 (Subject to a Rule).

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