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# House of Representatives

The House met at 10 a.m.

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

Lord, by Your power and graceful ways that touch us humanly, create a future of promise for this country. In Congress, create new settings of hope where Your kingdom of realized truth and promised justice may become more apparent in all its saving power.

May the Members of the House of Representatives face the challenges of the present and the future with confidence in You and in the people. Help them, Lord, never to lose heart in the face of resistance, adversity, and scandal. Enable them to overcome every separation between faith and life and reject every false dichotomy of faith and expediency. Thus may they extend Your reign of peace and love and give You glory now and forever. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Michigan (Mrs. MILLER) come forward and lead the House in the Pledge of Allegiance.

Mrs. MILLER of Michigan led the Pledge of Allegiance as follows:

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

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 6040. An act to amend the Water Resources Development Act of 2007 to clarify the authority of the Secretary of the Army to provide reimbursement for travel expenses incurred by members of the Committee on Levee Safety.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

## NO NEED TO OPEN NEW AREAS AND NEW LEASES

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

Mr. DEFAZIO. We are going to hear a lot today about the need for new leases. There is no need to open new areas and new leases. Here is Alaska. The former Naval Petroleum Reserve leased by Bill Clinton, authorized by the Republican Congress, has more than 10 billion barrels of oil under it. It is known to exist. The oil industry has the leases; they have drilled 25 wells; they have capped them. They have no plans to connect it to the existing pipeline and bring that oil here to consumers.

But they are saying, no, we want to go over here, we want more leases over here in ANWR. We don't even know if there is any oil under ANWR. How about they deal with the known 10 billion barrels here and provide us some relief at the pump? Then we can talk about other places they might want to go in the future.

## NO MORE EXCUSES ENERGY ACT

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

Mrs. MILLER of Michigan. Madam Speaker, as we approach the Fourth of July holiday, many Americans who would use this long weekend to vacation or to perhaps spend time with their family will have to weigh their options as they struggle with gas prices that have risen to over $4 a gallon. As the worldwide demand for oil has contributed to the rise in prices that affects families all across America, we have actually restricted our supply here at home. America, unfortunately, has become more dependent than ever on more expensive foreign sources of energy, and not taking advantage of our own energy sources is economic suicide.

That is why I am cosponsoring the No More Excuses Energy Act. It would lift the moratorium on exploring for oil on the Outer Continental Shelf, open up the ANWR in Alaska for natural gas exploration and oil exploration, and it would also provide incentives to build more refineries right here at home.

This legislation would provide incentives and tax credits to assist in researching and in using alternative forms of energy like wind power and nuclear energies. This commonsense approach to energy can help our Nation meet the challenges that we face in the future and can hold down the costs to consumers.

It is time to get to work.

## BUSH-CHENEY ADMINISTRATION

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

Mr. GEORGE MILLER of California. Madam Speaker, Members of the House, as American families struggle with the rising cost of energy, as it makes their commute to work even more expensive, as they think about



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buying home heating oil for this winter, think how it could have been.

Think how their lives would have been different if, for the last 7 years, instead of defending the subsidies for big oil companies, the tax breaks for big oil companies and the royalty holidays for big oil companies, the Bush administration and the Cheney administration had put their heads together and had thought about the future as opposed to the past. But when you have two oil men together in the Oval Office in the White House, they think about the past, and that is protecting the oil companies; it is not about the future.

Think if President Bush had come out for any increase in the mileage standards 7 years ago where we would have been, instead of defending for 32 years the right of the automobile companies to keep us away from more efficient automobiles.

But that would have been the future. The Bush-Cheney administration has never thought about the future; they have only thought about the past, and that has turned out to be terribly, terribly costly to the American consumer.

## HEALTHY HOSPITALS ACT

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

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I know much of our concern is on energy and gas prices, but I want to remind Members of some grim statistics on other issues.

If an airplane crashed today and 250 people died, we would send the FAA and every other Federal agency to investigate. If the same thing happened tomorrow, our concerns would escalate, too. If it happened a third day, we would shut down the airline industry. We don't seem to do that same thing, and we have that many deaths each day from infections in hospitals.

In April of 2005, when I first started talking about infections in hospitals, we have had since that time over 6 million cases, over 320,000 deaths, and have wasted $162 billion. Just in 2008 alone, 969,000 cases, 47,000 deaths, and $24 billion.

When I introduced my Healthy Hospitals Act, H.R. 1174, the aim was to have hospitals declare their infection rates so people could compare hospitals so we could do something about it.

Hospitals can clean up their act. They can reduce their infections, and Congress needs to make sure there is a law of the land requiring them. People have a right to know if they are going to leave a hospital at all.

## IRAQI OIL

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

Mr. KUCINICH. In March of 2001, when the Bush administration began to have secret meetings with the oil company executives from Exxon, Shell, and BP, spreading maps of Iraqi oil fields on the desk, the price of oil was $23.96 per barrel, and then there were 63 companies in 30 countries, the U.S. not included, competing for oil contracts with Iraq. Today, the price of oil is $135.59 per barrel; the U.S. Army is occupying Iraq, and the first Iraq oil contracts will go without competitive bidding—surprise—to Exxon, Shell, and BP.

Iraq has between 200 billion and 300 billion barrels of oil with a market value in the tens of trillions, and our government is trying to force Iraq not only to privatize its oil but to accept a long-term U.S. military presence to guard the oil and to protect the profits of the oil companies while they charge Americans $4 and $5 a gallon and while our troops continue dying.

We found the weapons of mass destruction in Iraq. We found the weapons of mass destruction in Iraq, and it is oil. As long as oil companies control our government, Americans will continue to pay, and they will pay with our lives, our fortune, our sacred honor.

## MEDICARE ADVANTAGE

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

Mr. PITTS. Madam Speaker, the House voted this week on Medicare.

First, let me make one thing clear: We need to pay our doctors. We cannot continue to make it more difficult for doctors to make the decisions to see Medicare patients. A permanent fix is absolutely necessary.

Having said that, the bill we voted on this week took a very short-sighted approach. By cutting the successful and innovative Medicare Advantage program in order to pay for the doctors' payment fix, there will be cuts to Medicare Advantage plans that will reduce access, benefits, and choices for millions of our senior citizens, especially low income seniors and those in rural areas.

We can take care of our doctors without cutting benefits for our seniors, our Nation's senior citizens. The cuts to Medicare Advantage were $47.5 billion. This would do great damage to an effective aspect of Medicare that serves our senior citizens. We can do better than that.

## OPPOSITION TO NEW OFFSHORE DRILLING

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

Mrs. CAPPS. Madam Speaker, I rise in response to recent calls for new offshore drilling. These arguments for new drilling hit a dry hole for several reasons.

First, we are already drilling offshore. Eighty percent of the known offshore reserves are in areas where leasing and drilling is allowed. Today, the oil companies have nearly 6,000 untapped leases in the Gulf of Mexico alone.

Second, with 3 percent of the world's resources and 25 percent of the world's demand, there is no way we are going to just drill our way out of this problem.

Third, even the Bush administration admits consumers would see little savings at the pump from new drilling.

Yesterday, Guy Caruso, head of the Energy Information Agency, said this about the impact of new drilling: ''It would be a relatively small effect, because it would take such a long time to bring those supplies on. It doesn't affect prices that much.''

Democrats have a better plan. Let's pass legislation that moves America in a new direction on energy by closing the Enron loophole on Wall Street speculators who are driving up prices. Let's reduce mass transit fares and build the infrastructure there, and let's force Big Oil to use it or lose it on drilling permits.

I urge my colleagues to join with me in bringing America to a new, more affordable energy future.

## INCREASING AMERICAN JOBS AND 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. My constituents in southwest Louisiana want solutions to the energy crisis.

On Monday, the Lake Charles American Press summed up what is needed in their editorial, something I have advocated for a long time.

They said, ''The energy campaign should include more exploration, more refining capacity, more alternative energy sources, more renewable energy, retirement of society's dependency on the internal combustion engine, and an increase in conservation.

''It should not be demagogued, for this is not a Republican or Democrat issue. It is a national issue that will require solutions, not insults hurled across the aisles of Congress and back and forth from Capitol Hill to the White House.

Those that feel the pain of higher energy prices and accompanying higher prices throughout the marketplace—the poor, those on fixed income, even the middle class—are being squeezed.''

Increasing responsible energy production is one part of the solution. We must accompany that with conservation, with greater refining capacity and, most importantly, with unleashing individual American genius.

A magic bullet will not lower the price at the pump for American families, but increasing American energy production responsibly will help, and it will create jobs here at home.

## RECOGNIZING THE ARMY'S 4TH BRIGADE—2ND INFANTRY DIVISION, THE ''DRAGOON RAIDERS''

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

Mr. SMITH of Washington. Madam Speaker, I rise today to pay tribute to the 4th Brigade, 2nd Infantry Division from Fort Lewis.

By June 30 of this month, the last of the, roughly, 4,000 men and women of the 4th Brigade, 2nd Infantry Division will have returned home to Fort Lewis after completing a 15-month deployment in Iraq. The Dragoon Raiders, as the Brigade is known, deployed in Iraq in April 2007, a month earlier than expected.

During their deployment, the 4–2 supported operations in Baghdad, Baghdad's Northern Security Belt, and the Diyala Province. The Brigade cleared 2,216 IEDs from more than 87,000 kilometers of routes, ensuring safe travel for civilians and security forces. Soldiers from the 4–2 also captured more than 1,700 detainees and 220 high-value targets during combat operations.

In tribute to their brave service, three members of the Brigade were awarded the Silver Star, the United States' third highest award for combat valor. Their valorous service was not without cost, however. In the course of their deployment, the Dragoon Raiders lost 54 of their comrades, with another 424 wounded.

I want to express my deep condolences to the 4–2 Brigade and to the families of those fallen soldiers. Their contributions and sacrifices will not be forgotten.

The men and women of the 4–2 have done everything their country has asked of them and more. We all should have the utmost respect and admiration for their service and sacrifice.

## FAIR OR FREE

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

Mr. POE. Madam Speaker, the speech police are at it again. This time they want to police and control the radio airwaves. I'm not talking about the former Soviet Union that controlled what Russians listened to on the radio, I'm talking about the American speech police.

Radio shows that air conservative ideas in the free enterprise market seem to be listened to by more Americans than those that listen to liberal ideas. I don't know why that is, but it happens. So some don't like that. They say it's just not fair. So they want to force the private radio stations, with the use of the government speech police, to air ideas that are liberal as well as conservative. They call this nonsense the ''fairness doctrine.''

It is actually totalitarian state control of speech. And what does ''fair'' mean? Fair means different things to different folks. In some places in the country like Texas, fair is where you take your chickens to. That's why the word ''fair'' is not in the Constitution. The Constitution protects free speech, not fair speech. It says Congress—that's us, folks—shall make no law abridging the freedom of speech. And the Constitution applies to the thieves of free speech and the government's speech police whether they like it or not.

And that's just the way it is.

## USE IT OR LOSE IT

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

Mr. WALZ of Minnesota. Madam Speaker, Americans continue to suffer the pain at the pump due to 7 years of missed opportunities and outdated policies. President Bush's energy plan was literally written by the oil companies, giving more public resources and billions in subsidies to the same companies that are raking in record billions in profits while Americans are reeling. That was the plan then; that's the plan now.

Every day, we hear our friends on the other side of the aisle demanding that we need to drill more holes. What we don't hear is anyone demanding that they drill on the 68 million acres they have. Legislation on the floor today will force those companies to produce oil and gas diligently on the 68 million acres of the public land, your land, that they already have. Experts say there are 4.8 million barrels of oil which would nearly double total U.S. production.

Madam Speaker, drilling has been the Republican slogan for years, and it will be so today. Today is finally their chance to put that slogan to the test, to tell Big Oil to drill now and to use it, or lose it.

## JOURNEY FOR 9/11

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Madam Speaker, I rise to say ''thank you'' to the retired New York Giants' co-captain and Super Bowl champion, George Martin, for finishing his 3,200-mile trek across America to raise money and awareness for the sick men and women, heroes and heroines of 9/11 who are still suffering.

His cross-country journey started in New York just after the sixth anniversary of 9/11. It continued through Washington, DC, in early October where he met with Members of Congress about legislation that is pending here. We met, and he continued on his journey.

He finished in California last Saturday, and is now having a well-deserved rest. George is an inspiration to those of us in Congress who are working hard to pass H.R. 3543. We have over 115 cosponsors. It is the 9/11 Health and Compensation Act, and it is for the heroes and heroines of 9/11. It would treat and monitor all of those who were exposed to the deadly toxins, and it would treat those who are sick. It is the least we can do for these heroes and heroines. We should pass it before the seventh anniversary of 9/11.

## DOMESTIC EXPLORATION

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Madam Speaker, I got a call yesterday from a constituent in my district who said he saw me speaking on the floor about domestic energy, and he was relieved. He was relieved because someone in Congress understood the effects that high gas prices are having on real families all over this country, because he didn't think anybody was paying attention. Well, guess what? Some people are paying attention.

We need to be looking at resources here at home to solve our energy problems. The United States Minerals Management Service found out that, out of our 1.76-billion-acre Outer Continental Shelf, only 3 percent is leased to oil and gas exploration, and nearly 85 percent of the lower 48 OCS remains untapped.

Madam Speaker, we can explore our domestic resources safely and effectively so we will not harm our environment.

I and my Republican colleagues will continue to talk about domestic exploration because we do have solutions, and somebody is listening.

## HUMAN RIGHTS IN VIETNAM

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to discuss human rights in Vietnam and the Vietnamese Prime Minister Nguyen Tan Dung's visit to the United States.

I understand that, when President Bush and Prime Minister Dung met, they discussed the importance of promoting human rights in Vietnam and that Prime Minister Dung told President Bush that the Vietnamese Government has made efforts and is committed to further promoting and improving human rights in Vietnam.

Now, as a long-time advocate of human rights in Vietnam and as a representative of one of the largest Vietnamese-American communities, we know that human rights in Vietnam have only been getting worse. The Government of Vietnam has continued to harass, arrest and to sentence peaceful democracy advocates to prison—oh, and by the way, also United States citizens of Vietnamese descent.

If there is any evidence of Prime Minister Dung's claim that human

rights in Vietnam are improving, I urge him to show it to this Congress, but I doubt that he is telling the truth.

## EXPANDING ENERGY HORIZON

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

Mr. SMITH of Nebraska. Madam Speaker, recently, I took part in a House Natural Resources subcommittee hearing concerning hydropower and exploring its role as a continued source of clean, renewable energy for the future.

In Nebraska, we have benefited from clean, inexpensive and renewable hydropower. These projects in Nebraska's third district serve irrigation, flood control, and recreation activities. Demand for fuel and power continues to grow, giving all sources of domestic resources, including offshore oil fields and ANWR, solar, nuclear, wind, and hydropower, an increasingly important role for the future.

Unfortunately, so many special interest groups have said ''no'' to virtually every solution, including clean, renewable hydropower, non-emitting nuclear power, clean coal technology, wind power, and certainly responsible domestic exploration.

Madam Speaker, we can do better. We must do better.

## NEW ENERGY SOLUTIONS

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

Mr. YARMUTH. Madam Speaker, the Democratic-led Congress is working for consumers to lower gas prices and to launch a cleaner and more cost-effective energy future that creates new green jobs and that reduces global warming.

For 7 years, Washington Republicans allowed Big Oil to run our Nation's energy policy. The result, high gas prices and continued dependence on oil.

Democrats believe we must diversify our energy sources with bold investments in renewable energy and more efficient technology. Last year, for the first time in three decades, this Congress passed a landmark law that increases fuel efficiency to 35 miles per gallon and that will save American families at least $700 a year when it takes effect.

We have also passed legislation that repeals billions of dollars in corporate welfare to big oil companies that are currently seeing record profits. Instead, we invest these funds in the renewable energy solutions of the future.

Madam Speaker, the energy policies of the past are not working. It is time that we look for new solutions.

## DEVELOP AMERICAN ENERGY

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

Mr. AKIN. Madam Speaker, America has a problem because we have not been developing our American energy. The tip of the iceberg is particularly obvious now at $4 a gallon, but there were warning signs—nuclear reactors, 1960s vintage technology, no new refineries sited in 30 years. That's going back to the Vietnam era. We have not been developing American energy. Why? It is not because we don't have American energy. We have plenty of varieties of American energy that we could be developing, and it is not because we don't have the technology or the innovation to be able to develop American energy.

No. Unfortunately, this is strictly a matter of will. It is a decision, and it is strictly a party-line decision.

Over the last 8 years, Democrats on all kinds of votes on energy have voted 90 percent of the time not to develop American energy. Republicans have voted 90 percent too. Whether it is recycling nuclear fuel, drilling in ANWR or in the Outer Continental Shelf, we need to agree that the time has come to develop American energy.

## END OIL'S MONOPOLY

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

Mr. MURPHY of Connecticut. Madam Speaker, if I had a monopoly on apple pies because the law said that my backyard was the only place in town where you could grow apple trees, I would charge whatever I wanted for those apple pies. I would be even more excited when I would start jacking the price way, way up for those apple pies and would make huge, record apple pie profits.

If the government decided that the way to fix that problem would be to give me, and only me, permission to grow one more apple tree in my backyard 10 years from now, well, it would sound pretty ridiculous, right?

Unfortunately, even though the analogy is a little bit simple, that is basically the Republican's plan for high gas prices. Instead of actually creating competition for the oil industry by concentrating on growing renewable energy sources, they just call for a little bit more drilling, giving their friends in the oil industry even more profit.

Well, we shouldn't fall for it. With 2 percent of the world's oil reserves here in the United States, the only way to bring gas prices down is to end oil's monopoly and to start growing apple trees in other people's backyards.

## CONGRATULATING FRESNO BULLDOGS

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

Mr. RADANOVICH. Madam Speaker, today, I rise to congratulate Fresno State University men's baseball team as the national champions of the College World Series.

This is the first college baseball national championship win for Fresno State University, and it is, indeed, a Cinderella story for the Bulldogs. Their record was 47 wins and 31 losses. No other college baseball team in the Nation has had 31 losses in the season and has still been able to overcome the odds and win the college baseball national championship.

The outstanding leadership of coach Mike Batesole and the hard work and determination of all of the players, including the College World Series' Most Outstanding Player, Tommy Mendonca, led to this unlikely but well-deserved victory.

I urge my colleagues to join me in congratulating the Fresno State Bulldogs who went from underdogs to wonder dogs. Go Dogs.

## MESSAGE FROM THE PRESIDENT

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

## PROVIDING FOR CONSIDERATION OF H.R. 6052, SAVING ENERGY THROUGH PUBLIC TRANSPORTATION ACT OF 2008

Ms. CASTOR. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1304 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1304

*Resolved,* That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 6052) to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except

those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 6052 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 3. It shall be in order at any time on the legislative day of Thursday, June 26, 2008, for the Speaker to entertain motions that the House suspend the rules relating to:

(a) a measure concerning the Commodity Exchange Act and energy markets; and

(b) a measure concerning the issuance of oil and gas leases on Federal lands or waters.

□ 1030

The SPEAKER pro tempore. The gentlewoman from Florida is recognized for 1 hour.

Ms. CASTOR. Thank you, Madam Speaker.

For the purpose of debate only, I yield the customary 30 minutes to my friend and colleague from the Rules Committee, Mr. DIAZ-BALART of Florida. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. CASTOR. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CASTOR. I yield myself such time as I may consume.

Madam Speaker, House Resolution 1304 provides a structured rule for consideration of H.R. 6052, the Saving Energy Through Public Transportation Act of 2008. The resolution provides for 1 hour of general debate controlled by the Committee on Transportation and Infrastructure and makes in order five amendments submitted for consideration.

The rule also permits the Speaker to entertain motions to suspend the rules relating to two important measures: one, a measure concerning the Commodity Exchange Act and energy markets; and two, a measure concerning the issuance of oil and gas leases on Federal lands or waters. This authority is needed because House rules allow for bills to be considered under suspension only on Mondays, Tuesdays, and Wednesdays. In order for the House to consider the bill today on Thursday or on any other day, the House must adopt a rule granting specific permission.

Madam Speaker, hardworking Americans all across this great country are being squeezed by this painful Bush economy that has brought on increased costs for housing and for health care. My colleague from Florida can attest to the rising costs of property insurance for Floridians and other Americans, and of course, gas prices are socking it to our neighbors back home.

Now, many of the reformers here in Congress have been standing up to the White House and have been urging them for years to change direction and to focus on long-term solutions to our energy challenges. But the oil men at the other end of Pennsylvania Avenue and their Big Oil allies have had a stranglehold over our country's energy policy, and unfortunately, families and businesses across America are paying the price.

Now, some bipartisan progress has been made here in our new-direction Congress over the past year and a half. One of Speaker NANCY PELOSI's first initiatives was to establish a new bipartisan Select Committee on Energy Independence and Climate Change, which has been extremely productive. Democratic reformers also pushed through a historic increase in the required gas mileage of 35 miles per gallon for our cars. Now, better gas mileage for our cars alone should save families from $700 to $1,000 per year at the pump and should slash consumption in America by 4 million gallons per day, but it cannot happen soon enough. The sad thing is this technology has existed for years. Cars in Japan travel almost twice as far on a gallon of gas.

What has been missing here in our country is the political leadership to make these necessary changes. So many of the changes we have been fighting for have been blocked by the White House and by their Big Oil allies.

Remember, just 7 years ago, the administration's Energy Task Force met behind closed doors, and it consisted of former oil company executives and of other oil executives, like Ken Lay of Enron. The administration also fought to keep the other identities secret. Saving American families money through innovation was not a priority. Conservation was not a priority—the Vice President made that clear—and public transit and public transportation were not priorities. They were stuck in the past then, and they still are today because what has been their answer to high gas prices? Their recommendations today are the same as they were 7 years ago: More drilling; more of the same.

Now, as the reformers in this Congress continue to fight for a new direction in energy policy, inexplicably, the White House announced yesterday that it opposes today's public transit bill, the Saving Energy Through Public Transportation Act. What a shame on the White House, because expanding public transportation use is one of the most promising ways to reduce energy consumption and reliance on foreign oil.

Now, with the White House's $4-per-gallon premium, even more commuters are choosing to ride the train and to bus to work rather than to ride alone in their cars. According to two recent studies, America already saves up to 1½ to 4 billion gallons of gasoline annually. That's more than 11 million gallons of gasoline per day due to public transit.

Ridership across America is way up. 2007 was the highest ridership in public transportation in 50 years. Light rail riders are way up in Denver, Seattle, Portland, Dallas, Fort Worth, San Francisco, Charlotte, and in many other communities. And my colleague from Miami will be pleased to hear that South Florida posted a 20 percent increase over last year in ridership in March and April. Transit agencies are also using more alternative fuels and clean energy technologies that improve the air we breathe and that aid America's energy independence.

Our transit bill on the floor today and under this rule will lower fares and will expand routes and frequency so public transit is an even more attractive alternative during this time of high gas prices.

So I urge my colleagues to continue to stand up to the White House, to support this rule and our first bill today, the Saving Energy Through Public Transportation Act.

Madam Speaker, our second bill today under this rule is entitled ''Use It or Lose It.'' In the bill, we are calling the bluff of the White House, of Big Oil, and of other prominent Republicans who claim that oil companies are being blocked from drilling for oil and gas and that that is somehow related to gas prices. Well, after the White House announced that policy last week, one commentator called it a massive fraudulent and pathetic excuse for an energy policy.

You see, 68 million acres are already leased and have the potential to produce an additional 4.8 million barrels of oil and 4.7 billion cubic feet of natural gas each day. Now, if 68 million acres are already open to drilling, please do not insult the intelligence of the American people by claiming that the oil companies need more.

The truth about America's energy policy and the White House policy is that Big Oil has stockpiled supplies and has pocketed profits. A report has been generated by the Committee on Natural Resources, entitled ''The Truth About America's Energy: Big Oil Stockpiles Supplies and Pockets Profits'' of June 2008. If American families and businesses are interested, they can obtain this report on the Internet at resourcescommittee.house.gov.

The chairman of the Natural Resources Committee is NICK RAHALL of West Virginia. It's his bill. The bill forces oil and gas companies to either produce, to use it or to release the leases, to lose them, the leases they've been stockpiling. These companies can't obtain new ones unless they can demonstrate that they are diligently using the ones that they already have.

Now, what was particularly interesting, Madam Speaker, is that, last

year, the administration's own energy department, the Energy Information Administration, issued a report that determined that opening more areas would not have a significant impact on gas prices. The 2007 report of the administration's Energy Information Administration, titled ''Annual Energy Outlook 2007, with Projections to 2030'' can be found at www.eia.doe.gov/oaif/aeo/.

In fact, Madam Speaker, just yesterday, the director of the EIA reconfirmed the 2007 report and noted that expanded offshore drilling in the U.S. will not affect oil and natural gas prices very much at all.

I would like to submit yesterday's reconfirmation by the EIA director of the 2007 report.

[From Bloomberg.com, June 25, 2008]

OFFSHORE DRILLING WON'T AFFECT PRICES MUCH, EIA SAYS

(By Tina Seeley)

Expanded offshore drilling in the U.S. won't affect oil and natural-gas prices much, the head of the Energy Information Administration said.

Guy Caruso, speaking today at a press conference in Washington, said his agency had considered the effect of more drilling in a 2007 report. Higher energy prices this year might change the results, although the time needed for resource development would damp any outcome, he said.

''It does take a long time to develop those resources,'' Caruso said. ''Therefore the price impact is muted by that.''

President George W. Bush last week proposed expanded drilling in the Outer Continental Shelf and development of energy sources in Alaska's Arctic National Wildlife Refuge as a response to record prices. Crude-oil futures hit a record $139.89 a barrel on the New York Mercantile Exchange on June 16.

Senator John McCain of Arizona, the presumptive Republican presidential nominee, has expressed support for more drilling. His potential Democratic opponent, Senator Barack Obama of Illinois, opposes more drilling.

''The projections in the OCS access case indicate that access to the Pacific, Atlantic, and eastern Gulf regions would not have a significant impact on domestic crude oil and natural gas production or prices before 2030,'' the agency said in its 2007 report.

The Energy Information Administration is the statistical arm of the U.S. Energy Department.

Madam Speaker, this sounds all too familiar: the Bush administration ignoring information generated by its own agencies. They've been downplaying, ignoring climate change, possibly intelligence, and now it comes as no surprise that they're playing games on energy policy as well. Thanks to the administration's years of inaction and incompetence, America is left with record prices for consumers and with record profits for oil companies with disastrous national security consequences.

Now, the third bill we will consider today as part of our energy package is a direction to the administration, encouragement, as we continue to stand up to the misguided policies of this White House.

Our third bill today encourages the White House to take more aggressive action in regulating the energy futures market. This is our first step in tackling the outrageous speculation that is occurring that many experts have noted could help reduce the price of gas at the pump.

This is our package today. We look forward to the debate.

At this time, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I would like to thank my friend from Florida (Ms. CASTOR) for the time, and I yield myself such time as I may consume.

With gas prices averaging over $4 a gallon, more and more Americans are using public transportation for their commuting needs. Reports from Metropolitan transit systems throughout the country are showing a significant increase in ridership, in some cases as much as 15 percent—and perhaps even higher—over last year's figures. At the same time, highway vehicle miles traveled declined by 2 percent.

□ 1045

Meeting this increased demand for public transportation is causing a burden on local transit agencies which, just like commuters, must pay record fuel prices to pay for buses and subway trains and light rail.

To help meet this increased demand for public transportation, the underlying legislation, the Saving Energy Through Public Transportation Act, would provide $1.7 billion in funding to increase public transportation use across the United States. Transit agencies would be able to use those funds to reduce transit fares or expand transit services.

I think this funding is important for communities throughout the country, certainly the community I'm honored to represent. Recently, Miami-Dade County, the 12th largest public transit agency in the country, announced that bus routes would be cut and others adjusted due to the rising cost of fuel. So this at a time when more and more commuters are looking to use public transportation, but public transportation systems are definitely being affected by the rise in energy costs. So it is my hope that the $36 million this legislation would provide South Florida would help reestablish some of the routes that were cut and would expand others so that commuters would have a more reliable public transportation system.

To further promote the use of public transportation, the legislation establishes a nationwide Federal transit pass benefits program and requires all Federal agencies to offer transit passes to Federal employees working in urbanized areas with fixed route transit systems.

To help alleviate the reliance on gasoline to power our transit systems, the bill will increase the Federal share for clean and alternative fuel transit projects. This will also have the beneficial effect of reducing transportation-related emissions.

I would like to congratulate Chairman OBERSTAR and Ranking Member MICA for working together to draft a bipartisan bill that both sides of the aisle can support. This legislation, the underlying legislation, will be a great benefit to transit systems throughout the country at a time when they are needing additional funding.

Madam Speaker, once again, the bipartisan spirit of the bill, the underlying legislation, never made it past the doors of the Rules Committee. Yesterday, the majority in the Rules Committee only allowed one minority amendment to be debated today, while allowing three amendments from the majority.

Before the new majority took control of the House in January of 2007, they published a document called ''A New Direction for America,'' which set out their promises to the American people. Page 24 of that document says, ''Bills should generally come to the floor under a procedure that allows open, full and fair debate consisting of a full amendment process that grants the minority the right to offer its alternative, including a substitute.''

Yet here we are today with a process that, contrary to their promise to the American people, blocks a full and fair debate and allows only one minority amendment. Actually, this one minority amendment is the only one the majority has allowed the minority to offer all week. Four bills, one amendment.

Actually, it is more like six bills, one amendment, because this rule will allow the House to debate two additional bills under suspension of the rules, one against speculation in the oil market, and we have to speculate on what it says because we haven't seen it. And the majority's bringing those bills to floor without allowing the minority to offer any amendments or a motion to recommit.

So, at a time when gas prices are hitting almost daily records, the majority should be offering a ''full and fair debate'' on this critical issue, a debate that considers ideas from both sides of the aisle, of all Members of this House, to help reduce gasoline prices.

Polls across the country are consistent with a recent poll that I saw that said 71 percent want their elected leaders in Washington to focus on ''increasing the energy supplies of the United States and lowering the cost of gasoline and electricity.'' But instead, the majority is offering no-new-energy legislation, obstructing debate, and impeding solutions to the energy crisis, contrary to what the American people wish.

I urge all of my colleagues to vote against this unfair rule, which continues to block the minority from offering more than one amendment and blocks a thorough debate on the critical energy situation facing the Nation.

At this time, I reserve.

Ms. CASTOR. Madam Speaker, at this time, I'm very happy to yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I appreciate the gentlewoman's courtesy in permitting me to speak on this rule as I rise in support of this integral part of a comprehensive approach that has been offered by the majority party to deal with the energy challenges we face today.

It is important that we think of this in a comprehensive fashion because there isn't one silver bullet that's going to solve America's energy challenges, especially when it has taken years to paint us into this corner.

It should be made clear that, first and foremost, this is not just more about increasing supply, not just more drilling. Some of my Republican friends are talking about draining America dry and turning the rest of our energy future over to large oil companies who already, as the gentlewoman from Florida points out, control 68 million acres of land that is available for exploitation. Just ExxonMobil alone had $40 billion of profit. Were they spending it on existing leases to increase supply? They spent $36 billion buying back their stock and found, what was it, $10 million to invest in alternative energy. Significant irony here, I think.

One of the items that we've been involved with in the last 18 months is to work to give Americans more choices for their energy, to beef up opportunities for wind, solar, and tidal, in addition to those 68 million acres already available.

We're working on new technology. Three times the House has passed legislation, I'm pleased to say, that has included my provision to close the Hummer loophole that actually subsidizes the purchase of the largest, most energy inefficient, expensive vehicles like the Hummer and, instead, would spend that money to encourage alternatives like hybrid technology.

We need to be serious about not wasting more oil than any country in the world. You know, it's ironic, after the Democrats seized control of Congress we had to fight with this administration and our friends on the other side of the aisle to just increase fuel efficiency standards to 35 miles a gallon, that basically remained unchanged for 35 years. Our Republican friends, when they were in control, actually made it illegal to even study increasing fuel efficiency standards. It is stunning when we think today of the price Americans are paying at $4 a gallon that they refused to allow us to even study making cars more gasoline efficient.

Well, we broke through that. The irony is now George Bush is claiming credit for something that he resisted, but even if we give George Bush credit for what we forced him to do, it took George Bush longer to get to 35 miles to a gallon than it took Jack Kennedy to get Americans to the moon.

We hear about now, all of the sudden, they're flip-flopping and interested in more offshore drilling. This is interesting. George Bush, the first, put in place an executive order that prohibited it. George Bush, the second, reaffirmed it at the insistence of his brother, Jeb Bush, as my friend from Florida well knows. The President could now overturn that executive order if he wished. The Governor of Florida, since Florida controls the first three miles of State land, could start drilling 3 miles off the Florida coast if they were really excited about doing it.

Well, it's important that we've got this legislation today about using or losing oil leases. I strongly support the part of the puzzle that deals with conservation, because with less than 3 percent of the world's oil reserves we'll never be able to drill our way out of this. The irony is that even if we started drilling more today, every expert, every expert agrees that it will take 7 to 10 years for any of this oil to trickle into the system.

In this legislation, we are putting more resources to help mass transit, putting more resources to give consumers choices.

The SPEAKER pro tempore. The gentleman's time has expired.

Ms. CASTOR. I yield the gentleman an additional 30 seconds.

Mr. BLUMENAUER. This is part of a comprehensive approach. Democrats have been working since we returned to power to increase fuel efficiency and with other alternatives for energy.

I welcome a broad, far-ranging debate about what Republicans did when they were in control for a dozen years in the House, especially the 6 years of the Bush administration, they were in complete control, their energy bill of 2005 when they were running the show, in contrast with what we've already been able to accomplish with just the last 18 months and what we propose to do in the future.

Support the rule. Support the underlying bill. I look forward to that debate.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 3 minutes to my good friend from California (Mr. NUNES).

Mr. NUNES. I thank the gentleman from Florida.

CONGRATULATING THE FRESNO STATE BULLDOGS

I'd like to rise in opposition to this rule, but before I do that, I'd like to take just a moment to recognize the accomplishments of the Diamond Dogs of Fresno State. The Central Valley's own Fresno State Bulldogs entered the College World Series and left as world champions.

The Bulldogs, who barreled into the College World Series with nothing more than the burden of proof on their side, showed not only that they belonged in the series but that they were nothing less than the best team in the Nation.

The Fresno State Bulldogs have triumphed in the face of adversity and have achieved the greatest victory in College World Series history. Their achievement has spoken louder than words and will become a testament to all those who seek to be better, to reach further, and to soar higher than ever before.

I share this, not only because of the great sense of pride I feel from the Fresno State Bulldogs' outstanding accomplishment, but because I believe their story is truly an inspiration for all. Our Fresno State Bulldogs' story is not one of miracles. It is a testimony of the strength of the human spirit. It is a force that can overcome any obstacle, even when faced with seemingly insurmountable odds.

Congratulations to the Fresno State Bulldogs.

Now, Madam Speaker, I was sitting here, waiting to congratulate the Fresno State Bulldogs, and unfortunately, we ran out of time on that. But I had the opportunity to be able to listen to the other side of the aisle's arguments, and I can't help but think back to 2006, because there's a lot of hot air here in Washington, as we know, but in 2006 the Democrats said, if you put us in power, we're going to get our troops out of Iraq, we're going to surrender in Iraq, and we're going to just turn it over to the terrorists in Iraq.

Two years later, we're still in Iraq, Madam Speaker, because the Republicans stood up to the Democrat majority and said we're going to try to win and achieve victory in Iraq. We're still trying to do that, and it's very difficult.

The other thing that the Democrats also promised in 2006 is that they had a real plan to lower gas prices. Well, in 2 years, we have managed to double the price of gasoline, and in California, we're getting close to paying $5 a gallon. So I'm assuming that today's rule is the unveiling of this plan to lower gas prices.

However, the plan that you have before us and all that we continue to hear is that we blame the Texas oil men in the White House. Give me a break. You must have better legislation than that today. If this is your plan, to blame the White House, to blame oil speculators, to blame oil companies, American oil companies don't control the world's oil supply. The world's oil supply is controlled by foreign governments that, for the most part, are hostile towards us.

□ 1100

So if you have a plan to deal with these foreign governments, hopefully, we can see it today. If you have a plan that's going to somehow miraculously lower oil prices, maybe we're going to see that today because, right now, your plan is not working real well.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

The time of the gentleman from California has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman 2 additional minutes.

Mr. NUNES. Madam Speaker, today, the price of gas is $5 a gallon, and we would like to see the plan today, Madam Speaker. I hope that this rule will unveil this plan, but unfortunately, the legislation that's before us today is a scam. It's a complete and total scam.

The longer that we continue to blame the White House, the longer that we continue to blame the oil companies, the longer that we continue to blame everyone else but ourselves—we ourselves are to blame; we should look in the mirror. This Congress should take dramatic steps to open up supply that would bridge ourselves to the next generation of energy, Madam Speaker. That's what we should be doing here today.

The American people aren't going to buy these arguments, but they are going to continue to be buying $5 gas until we decide, as a Congress, to do something about it.

With that, I would like to thank the gentleman from Florida for yielding me the time.

Ms. CASTOR. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Maryland, a leader on the Transportation and Infrastructure Committee, Mr. CUMMINGS.

Mr. CUMMINGS. I thank the gentlelady for yielding.

I just want to take a moment to make it clear that I support H. Res. 1304. It provides for a structured rule, and I fully support the rule.

As I was sitting here, I had to change my remarks in my head because, as I was listening to Mr. NUNES, I could not help but think about the people in my district of Baltimore, only 40 miles away from here, who aren't worried about whose fault it is. What they are concerned about are solutions to their problems so they can get back and forth to work, so that they can go shopping, so that they can do the things that they would normally do. I think that this rule and then this bill are a major step in the right direction in trying to help them.

In a sense, I kind of agree with Mr. NUNES. I'm not anxious to do a lot of blaming because the people I represent get tired of watching C–SPAN; they get tired of the back and forth, and they simply want the Congress to come together to find solutions to their problems.

Yes, it is true that gas prices have risen to more than $4 per gallon. The Joint Economic Committee, on which I also serve, has reported that households can expect to spend as much as 25 percent more on gasoline this year than last year. This is a tremendous burden for the many households that I represent, and they simply cannot bear it. If, as I fear, these prices represent a new paradigm, we, as a nation, must urgently assess how we can adjust to ensure our economy can continue to grow while we conserve energy.

I believe that one of the best adjustments we can make is to support the increased use of public transit, which already saves the United States the equivalent of 4.2 billion gallons of gasoline per year. Unfortunately, in many areas, such as my hometown of Baltimore where public transportation already provides more than 93 million annual trips, transit agencies face budget constraints that are limiting their ability to grow to meet the new demand.

According to the Congressional Research Service, the Federal contribution to public transit services totals less than 20 percent of all revenue accruing to these services. Local governments contribute nearly half of the revenue needed to provide public transit, but these governments are facing funding constraints.

H.R. 6052 would provide an additional $1.7 billion in Federal funding for public transportation in fiscal years 2008 and 2009, funding that is essential to ensure that we can keep our Nation moving while conserving fuel.

I urge my colleagues to support the rule and the underlying bill that increases Federal investments in public transit.

Mr. LINCOLN DIAZ-BALART of Florida. It is my privilege to yield 2 minutes to the distinguished lady from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Madam Speaker, today, the national average for a gallon of gas has reached $4.07. With your average vehicle tank holding 18 gallons, that translates to $75 to fill your tank. This is on top of skyrocketing food costs and, now, increases in both our natural gas and electricity bills at home.

Many American families simply cannot afford these prices. Yet we stand on this floor without allowing debate on a comprehensive solution for the American people. This country is tired of partisan maneuvering and is tired of Congress just saying ''no.''

Madam Speaker, Americans are downright mad. Some may argue that high gas prices are an incentive to make Americans drive less or that high energy costs are an incentive for businesses and homeowners to utilize more green practices. High energy and gas prices also cause businesses and jobs to move offshore where natural gas is cheaper.

I firmly believe in investing in technology that will move us away from our Nation's dependence on petroleum, but during this transitional period, we must also increase our domestic supply and fuel our economy. No one can deny that energy is something that we all use and need. Americans expect this Congress to do everything within our power to address these high gas and energy prices.

Madam Speaker, we should not leave here for the Fourth of July recess without increasing our own natural resources. Bring relief to the American people. Keep our Nation competitive and open for business.

Ms. CASTOR. Madam Speaker, I yield 5 minutes to my good friend, the gentleman from Vermont, a member of the powerful Rules Committee, Mr. WELCH.

Mr. WELCH of Vermont. I thank my colleague from Florida, and I admire her leadership on energy issues, among many other issues.

Madam Speaker, I would like to speak about two things. One is an amendment that I offered to this bill that's been incorporated into the manager's amendment.

This bill recognizes that one of the steps that we have to take, long overdue, is to build up our public transportation system. It's going to provide relief to commuters; it's going to help our environment; it's going to create jobs.

The amendment that I offered and that Mr. OBERSTAR incorporated into the manager's amendment would allow funds to be used by local transportation authorities, like the Chittenden County Transportation Authority, to retrofit their equipment and facilities in order to improve energy efficiency and to reduce carbon dioxide emissions. Those would be specific purposes for which authorized funds may be used.

Specifically, it means that an organization like the Chittenden County Transit Authority in the Burlington area could retrofit their buses and be more fuel efficient. They've been trying to do that. A shortage of funds has kept them from achieving all of their goals. It would also allow the transportation authority in that State and in other States to build a natural gas pump station locally. This, we believe, is a very important part of the legislation presented to you.

Second, we're having, in the process of this debate, an ongoing discussion about energy. The fact is—and I think we all know this—in the past when we've had crises around energy, it has never produced a lasting and durable response. There has been an immediate response but nothing lasting, whether it was after the OPEC organization in the early '70s, after the Gulf war or after Katrina. Usually, a crisis does produce a response. It hasn't. We know the time has passed as to when we can look the other way.

What accounts for the high cost of energy? The reality is there are a number of factors. The weak dollar is one, because of our current account deficit. Speculation is another. There has been a massive increase in speculation in the commodities markets in general, in oil in particular, where it's gone from folks who are delivering the product or who are receiving the product, to financial speculators who see that there is money in playing that game.

There has also been an increased demand with globalization. China and India are building their economies. They're using more energy. But there has also been a significant failure of leadership to move us away from an oil-dependent economy. The reality is, what we need to be doing here in Congress is addressing both the short-term

steps that we can take as well as the long-term need for a new energy policy.

So what are the specific things that we can do in the short term? One, we can stop filling up the Strategic Petroleum Reserve and diminish demand. We've done that. That will have a positive impact in reducing demand. Second, we can limit speculation. We should be putting limits on how much the speculative players can influence price, not only because there is significant expert testimony that that is adding a premium to the cost of a gallon of gas or to a gallon of home heating fuel, but that it also is creating a potential bubble where innocent participants and pension funds may see the value of their assets suddenly diminish when the market goes south. So we will be considering later anti-speculation legislation that will be helpful as well.

Third, the ''Use It or Lose It'' legislation. Our friends on the other side have been making a big argument about the need to increase production. You know, there is not any disagreement here that part of our transition from an oil-based economy to a carbon-free economy has to include the continued production and use of carbon-based fuels, including oil. No question about it. The issue here is whether or not we need to increase lands that are available when we have 68 million acres already under lease, permitted, where all the oil companies need to do in order to produce more oil is to put metal to the Earth. This is 68 million acres, Madam Speaker, as you know, that is both onshore and offshore.

So the argument is that we need to be opening up a national park and starting to drill there or into other coastal areas when we have 68 million acres already available, but for reasons that only the oil companies—the leaseholders—are aware, those are not producing needed oil and natural gas for our citizens. It's estimated that the amount of oil that's available under those 68 million acres is 4.8 million barrels.

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

Ms. CASTOR. I yield the gentleman 1 additional minute.

Mr. WELCH of Vermont. So what we need to do that also is a long-term energy policy is to increase mileage standards and take away the tax breaks that are going to the oil companies and steer them to alternative agency. Incidentally, ExxonMobil, which made $40 billion this year, spent $32 billion buying its stock back rather than producing oil on these leaseholds.

We also have to have a new energy policy so we can keep our money at home. We're sending $1 trillion to the oil-producing states like Russia, Saudi Arabia and Venezuela, not particularly our friends. If we keep that money at home, we're going to strengthen our economy.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 4 minutes to my friend from Oklahoma (Mr. LUCAS).

Mr. LUCAS. Madam Speaker, due to higher fuel costs, the two largest utility companies in Oklahoma recently announced a monthly rate increase of $16 on average, with more increases expected this fall. This is just the latest example of how the pain at the pump is spreading to the other necessities of life. This added expense for fuel in business is being passed along to consumers, who are now being hit with a double dose of soaring prices.

However, when given the opportunity to pass meaningful energy legislation, this majority has chosen to introduce the ''Bus Fares for Bureaucrats'' bill, which will spend $1.7 billion in tax revenues to reduce fares in public transportation systems. While I'm sure this will benefit the bureaucrats in D.C. who write these laws, I'm more concerned about the farmers in western Oklahoma, where there is no public transportation system to speak of.

As of today, my constituents are paying upwards of $4 a gallon for gasoline to fill their cars and $4.66 a gallon for diesel to fill their tractors and trucks. Are we to tell them that they not only have to pay higher prices for gas and electricity but that now they have to subsidize people in big cities with the luxury of access to public transportation?

As long as demand continues to rise, the price for oil will continue to climb without increasing supply. The answer to this problem is clear: We must increase our domestic supply of oil by allowing the exploration of new oil reserves and by increasing the capacity of our refineries.

A recent Los Angeles Times Bloomberg poll stated that 68 percent of registered voters support opening up more land for oil and gas drilling, including off the Nation's coast. It's time for this majority to start listening to the demands of the American people and to open up more land for oil exploration.

It's also necessary to encourage the development of alternative energy, such as wind or nuclear power. Oklahoma is currently the number nine generator of wind power in this country, producing 689 megawatts per year. There are other States that have the potential to produce more wind power than that but that choose not to install wind turbines because they consider them unsightly.

However, I guarantee you that any Oklahoma wheat farmer who earns money from both his crops and the wind turbines on his land will tell you his wind turbines are beautiful.

□ 1115

Right now, America produces 20 percent of its energy needs from nuclear power while France produces 78 percent, 78 percent. That's 78 percent less energy they need to import from other countries. So, not only are they able to produce more than three-quarters of their electricity needs in France, they are able to do so in a clean, efficient manner with minimal harmful emissions.

This leads me to my most important point. If electricity that lights your house or the gas that powers your car is produced in America, new jobs are created, and we are becoming less dependent on foreign oil. It's time for America to get back in the business of energy production. I urge my colleagues to sign the discharge petition on H.R. 5656, ''To Repeal the Ban on Acquiring Alternative Fuels Act,'' so we can bring this essential piece of legislation to the House floor for a vote. The rising cost of gasoline is the single biggest challenge we face in this country, as every American who has been to the pump in the last few months knows, and it's time for Congress to rise to the challenge to come up with real solutions.

Ms. CASTOR. Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 3 minutes to my friend from Tennessee (Mr. DAVID DAVIS).

Mr. DAVID DAVIS of Tennessee. Thank you for yielding time.

It's interesting that we stand here and talk about public transportation. I represent northeast Tennessee, a rural area, and I tell you the people who live in northeast Tennessee don't have access to public transportation.

People in rural America are hurting. Young families are hurting. Senior adults are hurting. Small businesses are hurting. Sheriffs' departments and police departments are hurting.

Let me tell you about two groups. The first is Vern Long. Vern lives in Jefferson County, Tennessee. I met with him last Saturday when I was back home in the district. Vern is an Iraqi war veteran. He has a wife and a child. He lives in Jefferson County and drives to Knoxville, Tennessee to work every day. He makes $8 an hour. He's an apprentice electrician. He wants to go on to be an electrician. He has to drive into Knoxville, and it costs him $90 a week, $90 a week to fill up his tank. He told me, ''Congressman, if the Congress doesn't pass an energy bill to bring these gas prices down, I may have to go on welfare and quit my job. And I want to protect my family. I want to be there to protect my future.''

Let me tell you about Sheriff Steve Burns. Sheriff Burns is from Greene County, Tennessee. I met with him last Saturday. He told me he put his budget together for Greene County this past February and March. He said, if it passes in the county commission as he presented it, he will be $50,000 in the hole because of high gas prices.

Public transportation bills to send bureaucrats to work in Washington will not help rural America. America is hurting. We need an energy policy. We don't need more excuses, and we don't need more bills that make it sound good and look like we're trying to do something here. We need an energy that actually uses American oil, natural gas, coal-to-liquid technology,

clean coal technology. We need to use nuclear power. Yes, we need green energy. We need all of the above. The American people are demanding action, real action, not excuses from Washington.

Please, I beg the majority. Let's take this burden of high gas prices off of people like Vern Long and off of sheriffs' departments like Sheriff Steve Burns'. Let's pass some real energy legislation. No more excuses.

Ms. CASTOR. Madam Speaker, I would like to point out that, under the underlying bill, we provide extensive assistance to rural America. It is clear that folks in rural America oftentimes bear the brunt of high gas prices brought on by this unfortunate Bush economy and by the failure of leadership over the past 6 to 8 years. The underlying bill provides over $100 million for rural America to expand the alternative use through public transportation.

Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield myself the balance of my time.

I thank again my distinguished friend for having yielded me the time this morning, and I thank all of those who have come to debate on this important legislation.

Madam Speaker, the problem is, when the process by which legislation is brought to the floor is unfair, especially when the issue being dealt with by the legislation is as important as is the issue today, many Members' ideas are shut out, oftentimes ideas on which they have worked for months or years, and in this instance, they are ideas and proposals to bring down the cost of energy and the cost of gasoline. That's why process, something that may sound often theoretical, can have a significant impact on policy. In this instance, an unfair process is denying Members the opportunity to bring concrete ideas to the floor, for debate, to lower the price of energy. That's one of the reasons we are so disturbed, why we think it's so unfortunate that the process on an issue as important as this that the majority has chosen to utilize to bring this legislation to the floor is so unfair.

On almost a daily basis, Madam Speaker, the cost of gasoline is breaking new records. Americans are now paying over $4 a gallon for gasoline. Yet the majority fails to bring legislation to the floor that will actually lower gas prices or decrease our dependence on foreign sources of energy.

We believe it's time for the House to debate ideas for lowering prices at the pump and for addressing the skyrocketing cost of gasoline. So, today, I urge my colleagues to vote with me to defeat the previous question so this House can finally consider real solutions to rising energy costs. If the previous question is defeated, I will move to amend the rule to allow for consideration of H.R. 5656, which would repeal the ban on acquiring advanced alternatives fuels, introduced by Mr. HENSARLING of Texas. This legislation would reduce the price of gasoline by allowing the Federal Government to procure advanced alternative fuels derived from diverse sources like oil shale, tar sands, and coal-to-liquid technology.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, by voting ''no'' on the previous question, Members can take a stand against high fuel prices and in favor of debating legislation to actually deal with that crisis. I encourage a ''no'' vote on this previous question.

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

Ms. CASTOR. Madam Speaker, I yield myself the balance of my time.

The reformers in this Congress are working for solutions and are casting aside the politics of the past, and for the first time in a decade, they are setting the right priorities for American families. See, American families are caught in this very unfortunate Bush economy that is squeezing them, whether it's health care, the rising cost of housing, and, of course, gas prices.

This New Direction Congress, led by Democrats, is on the side of middle class families, and we are responding to their call for change in the direction of this country. But, Madam Speaker, it has not been easy. It has not been easy in these final years of the Bush administration. A number of times we have stood up to the administration to repeal the massive subsidies to the big oil companies and instead take that money and invest it in new renewable energies and biofuel technologies because one of the most promising ways to end our dependence on foreign oil is in the creation of renewable energy sources. But we were blocked by the White House and Big Oil.

But we are not going to give up. If we had given up, the reformers in this Congress would not have been able to push through the first increase in fuel economy standards in over 30 years. The increase of 35 miles per gallon for each automobile will save American families $700 to $1,000 at the pump when fully implemented.

American families are clamoring for a bold, new direction in energy policy. It is vital to their family budgets, and we know now, as, unfortunately, the leaders of the country have had to traipse over to Saudi Arabia and ask for more oil, that this is vital to our national security. So the contrast between the policies of the past and our forward-looking efforts could not be more clear.

But, Madam Speaker, it is so easy to be frustrated by the misguided policies of this administration over the past 8 years and by their political gimmicks where they pretend that drilling for oil in new areas is the answer to high gas prices when their very own Energy Department dismisses the idea as untrue. After all, there are 68 million acres already open and currently leased to oil and gas companies. So why here at the end of this administration would we give Big Oil even more?

Madam Speaker, American families are counting on us. So I ask my colleagues on both sides of the aisle to back up your rhetoric with support for our bipartisan bills today, to provide American families with greater opportunities to use public transit by lowering fares and by increasing the frequency of buses and trains in their neighborhoods. Reject the oil drilling gimmick for what it is, and urge this President to address the oil speculators that are causing a run-up in high gas prices. My colleagues, stand up to the powerful interests, and end the practice of using energy policy as a way to support Big Oil. Instead, help our families; help our communities; enable researchers and innovators to lead us to a cleaner, safer, and more affordable future.

I urge my colleagues to vote in favor of the rule and of the underlying legislation. Chart a new direction for America on energy. I urge a ''yes'' vote on the previous question and on the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1304 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 4. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 5656) to repeal a requirement with respect to the procurement and acquisition of alternative fuels. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking member of the Committee on House Oversight and Government Reform; and (2) an amendment in the nature of a substitute if offered by Representative WAXMAN, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

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The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It

is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. CASTOR. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting the resolution, if ordered, and suspending the rules with regard to H. Res. 1291.

The vote was taken by electronic device, and there were—yeas 228, nays 198, not voting 8, as follows:

[Roll No. 462]

YEAS—228

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Speier
Spratt
Stark
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
Yarmuth

NAYS—198

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

NOT VOTING—8

Burgess
Cannon
Davis, Lincoln
Forbes
McDermott
Rush
Space
Stupak

□ 1152

Messrs. ADERHOLT, BONNER and DONNELLY changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 230, nays 196, not voting 8, as follows:

[Roll No. 463]

YEAS—230

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin

Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
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
Yarmuth

NAYS—196

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

NOT VOTING—8

Cannon
Forbes
McDermott
Price (GA)
Rangel
Rush
Space
Taylor

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining on this vote.

□ 1202

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. McDERMOTT. Madam Speaker, on roll-call Nos. 462 and 463, I was unavoidably detained on legislative business away from the Capitol. Had I been present, I would have voted "yea" on both.

## EXPRESSING GRATITUDE FOR THE CONTRIBUTIONS OF THE AMERICAN GI FORUM ON ITS 60TH ANNIVERSARY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1291, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 1291.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 13, as follows:

[Roll No. 464]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
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)
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
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
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
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary

Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
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 (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—13

Boucher
Cannon
Cramer
Forbes
Frelinghuysen
Gutierrez
Murtha
Price (GA)
Rush
Solis
Space
Taylor
Velázquez

□ 1208

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## 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. 6327. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

## CONTINUING CERTAIN RESTRICTIONS WITH RESPECT TO NORTH KOREA AND NORTH KOREAN NATIONALS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–128)

The SPEAKER pro tempore (Mr. ROSS) 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:*

Pursuant to the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order continuing certain restrictions on North Korea and North Korean nationals imposed pursuant to the exercise of authorities under the Trading With the Enemy Act (50 U.S.C. App. 1 et seq.) (TWEA). In the order, I declared a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the current existence and risk of the proliferation of weapons-usable fissile material on the Korean Peninsula. I ordered the continuation of certain restrictions on North Korea and North Korean nationals as we deal with that threat through multilateral diplomacy.

These restrictions were first imposed pursuant to authorities found in section 5(b) of TWEA, following the declaration of a national emergency in 1950 in Proclamation 2914 (15 FR 9029), and continued annually, after the enactment of IEEPA in 1977, in accordance with section 101(b) of Public Law 95–223 (91 Stat. 1625; 50 U.S.C. App. 5(b) note). The most recent continuation of such TWEA authorities is found in Presidential Determination 2007–32 of September 13, 2007. In a proclamation, which I signed the same day as the order, I terminated, effective the following day, the exercise of TWEA authorities with respect to North Korea.

The order I have issued continues the blocking of certain property and interests in property of North Korea or a North Korean national that were blocked as of June 16, 2000, and that remained blocked immediately prior to the date of my order. Absent this order, my proclamation terminating the exercise of TWEA authorities with respect to North Korea would have resulted in the unblocking of that property.

The order also continues restrictions relating to North Korea-flagged vessels that would otherwise have been terminated by my proclamation. These restrictions prohibit United States persons from owning, leasing, operating, or insuring any vessel flagged by North Korea and from registering vessels in North Korea or otherwise obtaining authorization for a vessel to fly the North Korean flag. For the reasons set forth above, I found that it was necessary to continue these restrictions.

I delegated to the Secretary of the Treasury, after consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of my order.

I am enclosing a copy of the Executive Order and proclamation I have issued.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 26, 2008*.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 6264

Mrs. BOYDA of Kansas. Mr. Speaker, I rise to respectfully request unanimous consent to be removed as a cosponsor from H.R. 6264.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Kansas?

There was no objection.

## 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 today.

## ENERGY MARKETS EMERGENCY ACT OF 2008

Mr. PETERSON of Minnesota. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6377) to direct the Commodity Futures Trading Commission to utilize all its authority, including its emergency powers, to curb immediately the role of excessive speculation in any contract market within the jurisdiction and control of the Commodity Futures Trading Commission, on or through which energy futures or swaps are traded, and to eliminate excessive speculation, price distortion, sudden or unreasonable fluctuations or unwarranted changes in prices, or other unlawful activity that is causing major market disturbances that prevent the market from accurately reflecting the forces of supply and demand for energy commodities.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6377

*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 ''Energy Markets Emergency Act of 2008''.

**SEC. 2. ENERGY MARKETS.**

(a) FINDINGS.—The Congress finds as follows:

(1) The Commodity Futures Trading Commission was created as an independent agency, in 1974, with the mandate to enforce and administer the Commodity Exchange Act, to ensure market integrity, to protect market users from fraud and abusive trading practices, and to prevent and prosecute manipulation of the price of any commodity in interstate commerce.

(2) Congress has given the Commodity Futures Trading Commission authority under the Commodity Exchange Act to take necessary actions to address market emergencies.

(3) The Commodity Futures Trading Commission may use its emergency authority with respect to any major market disturbance which prevents the market from accurately reflecting the forces of supply and demand for a commodity.

(4) Congress has declared, in section 4a of the Commodity Exchange Act, that excessive speculation imposes an undue and unnecessary burden on interstate commerce.

(5) On June 6, 2008, the price of crude oil traded on the New York Mercantile Exchange hit an all-time record of $139.12 per barrel.

(6) The average price of a barrel of crude oil in 2007 was $72, and the average price of a barrel of crude oil to date in 2008 is $109.

(7) Heating oil futures contracts have risen in price from $2.97 to $3.81 during the March through May contract months.

(8) United States airlines are forecast to spend $61,200,000,000 on jet fuel in 2008, which is $20,000,000,000 more than they spent for jet fuel in 2007.

(9) According to the American Automobile Association—

(A) families and businesses are paying an average of $4.07 per gallon for regular gasoline, which is near the all-time high and is more than double the price in 2001; and

(B) truckers and farmers are paying an average of $4.77 per gallon for diesel fuel, which is near the all-time high and triple the price in 2001.

(10) During this decade, energy demand has been steadily on the rise in nations such as China and other Asian exporting nations.

(11) In a May 2008 report, the International Monetary Fund raised the possibility that speculation has played a significant role in the run-up of oil prices, and stated ''It is hard to explain current oil prices in terms of fundamentals alone. The recent surge in the oil price seems to go well beyond what would be indicated by the growth of the world economy.''.

(b) DIRECTION FROM CONGRESS.—The Commodity Futures Trading Commission shall utilize all its authority, including its emergency powers, to—

(1) curb immediately the role of excessive speculation in any contract market within the jurisdiction and control of the Commodity Futures Trading Commission, on or through which energy futures or swaps are traded; and

(2) eliminate excessive speculation, price distortion, sudden or unreasonable fluctuations or unwarranted changes in prices, or other unlawful activity that is causing major market disturbances that prevent the market from accurately reflecting the forces of supply and demand for energy commodities.

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

The Chair recognizes the gentleman from Minnesota.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6377 directs the CFTC to utilize all of its authority, including its emergency powers, to immediately curb the role of excessive speculation, if any, in the energy and swaps futures market within its jurisdiction, and to eliminate any unlawful activity causing major market disturbances that prevent the market from accurately reflecting the forces of supply and demand of energy commodities.

Mr. Speaker, I don't think I would be covering any new ground in this Chamber if I were to speak about high prices of gasoline. Everybody in this chamber understands that problem. But, Mr. Speaker, a growing number of people believe a flood of speculative money into the energies futures is driving the increase in prices. The weak dollar and increased worldwide demand has led to a greater number of well capitalized investors into the commodities futures market, including the crude oil market, as these investors seek greater returns than they traditionally found in cash and securities.

□ 1215

It is undeniable that this group of institutional investors has a greater presence in futures markets than ever before.

So what we are doing here is asking the CFTC to look into this and use the powers that they have to look at this situation and determine and give us a report which they have done in the past. We are asking them to take one more look and make sure that these additional moneys that are coming into the futures market are not having any undo effect on prices that people are concerned about.

The CFTC is the chief regulator of the commodities futures and options market. It is their responsibility to identify, pursue and prosecute fraud in this area. I believe they are doing a good job in that regard. Chairman Lukken and his staff have testified repeatedly before our committee and others that at this point they can see no evidence of speculation causing problems in these markets. But there are a lot of folks who are concerned this is going on, and so we are asking them to take one more look.

Under current law, U.S. traders can execute transactions in West Texas Intermediate crude oil, which is the benchmark oil contract on NYMEX, a CFTC-regulated exchange, and on London's ICE exchange that is regulated by the United Kingdom's FSA. The CFTC, however, has information on the positions of traders on the NYMEX that they don't have on the traders on ICE, and this is part of the issue that has caused us to be concerned because we don't have complete information on exactly what is going on in all of these markets.

Mr. Speaker, CFTC right now is taking steps to gain more information. They have gone into an agreement with the FSA to expand trader data, and that is all good and we welcome these steps, but we believe more should be done. CFTC should immediately take these steps to utilize their authority to make sure that, as I said before, there is not excessive speculation in these markets.

We on the Agriculture Committee are going to work with the CFTC to try to acquire more information, and we will thoroughly examine all of the bills in July that have been introduced in this area in a methodical way, we will listen to all sides, and we are going to try to move ahead with a consensus bill if we can come to a consensus about what, if anything, should be done to move on this situation.

Mr. Speaker, I am here today to, we hope, provide a reasonable and useful voice to come to the right conclusion and get the right answers about what is going on in the futures market and what is going on with oil prices in this country.

I reserve the balance of my time.

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

Mr. Speaker, I want to commend the chairman of the committee, Mr. PETERSON, for his work in this area. We held a hearing on this issue on Tuesday of this week. In the farm bill which the Congress just passed overwhelmingly several times, we overrode the President's veto, it includes legislative language that takes further steps to complete the closure of the Enron loophole. In that testimony we received on Tuesday, we received assurance that between the language that was in the Commodity Futures Modernization Act passed in the aftermath of the Enron scandal, and in the language that was included in the farm bill, the Enron loophole is now closed.

I have no reason to oppose this legislation and I therefore will support it. It simply tells the Commodity Futures Trading Commission to do what it already has the authority to do, and based upon the testimony that we received on Tuesday is already doing to ensure that there is not excessive speculation in the energy futures markets. I have every confidence that they will do so, that they will heed this additional voice of support for their doing their jobs. But, quite frankly, this legislation does not do what needs to be done by this Congress.

The Democratic leadership in this Congress is continuing a pattern that the American people are increasingly concerned about, and that is to do everything they can to try to blame everyone but themselves for the problem that we face in this country of having years of neglect of not having a domestic energy policy dedicated toward increasing the supply, increasing the supply of oil, increasing the supply of natural gas, increasing the supply of clean-burning coal, increasing the supply of nuclear power, increasing the supply of alternative fuels, increasing efforts to bring about new technologies. This is the all-of-the-above approach that this Congress should be taking that our conference has taken. In fact, we have worked very hard to see that this policy be brought to the floor of the House.

Yes, I will support this bill telling the CFTC to use its authority to curb excessive speculation, but I think it appalling that we aren't doing the job that needs to be done. It is being blocked by the party that controls the access to the floor of this House.

H.R. 2279, to expedite the construction of new refining capacity on closed military installations in the United States, and for other purposes, sponsored by Representative PITTS of Pennsylvania with 55 cosponsors. From the House Energy and Commerce and Armed Services Committees, last major action taken, a motion to discharge petition filed by Mr. ENGLISH, petition 110–9. Why haven't we seen this bill brought to the floor of the House?

H.R. 3089, the No More Excuses Energy Act of 2007 sponsored by Representative THORNBERRY of Texas, 77 cosponsors, referred to the Committees on Natural Resources, House Ways and Means, and Energy and Commerce. Last major action, June 10, motion to discharge petition filed by Mr. WALBERG. A motion was filed to discharge the Natural Resources, Ways and Means, and Energy and Commerce Committees of this action. No action taken. Why hasn't that bill been brought to the floor of the House?

We have this week another discharge petition on H.R. 5656 which repeals the requirement with respect to the procurement and acquisition of alternative fuels, a discharge petition filed this week by Representative HENSARLING. Why hasn't this legislation been brought to the floor of this House?

There are scores of other bills sponsored by both Republicans and Democrats dedicated to relieving this energy crisis that have been bottled up by the Democratic majority.

When, Mr. Speaker, will we get the chance to vote on these very worthy bills? When will we get the chance to actually start offering relief from the outrageously high gas prices that American consumers are facing?

That's the problem we are confronting. That's the problem that the leadership in this Congress is not allowing us to address. That's what needs to be done, not telling the CFTC to do the job that they are already doing and already have the authority to do, but acting to make sure that we are increasing supply of all sources of energy, new sources of energy, traditional sources of energy, acting to make sure that the incentives are in place for Americans to conserve. My goodness, they are already doing that. We are seeing that reflected in their activities. This Congress could be helping them out. It is failing to do so. And that, Mr. Speaker, is why we are failing the American people when the leadership of this Congress does not allow us to have these votes.

I reserve the balance of my time.

Mr. PETERSON of Minnesota. I am pleased now to yield to the chairman of the subcommittee that has jurisdiction over this issue and has done outstanding work in leading his subcommittee to make sure we are on top of this issue, the gentleman from North Carolina (Mr. ETHERIDGE), for 2 minutes.

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

Mr. ETHERIDGE. I thank the gentleman for yielding.

I rise in support of the Energy Market Emergency Act of 2008.

I don't have to tell anyone that gas prices have skyrocketed over the last several months. We can all remember when we thought $2 a gallon gas was high. Now we would like to return to that. Now it is on average over $4.

On June 6, the price of crude oil hit an all-time record of $139 per barrel. American families are paying an average of $4.07 for gasoline, double the price from 2001 when President Bush took over. Truckers and farmers are paying an average of $4.77 per gallon for diesel, triple the price from 2001 when the President took office.

There is clearly not just one factor leading to these outrageous prices. However, there is a growing concern that excessive speculation by investors could be a significant cause of the prices we are experiencing. North Carolina families are struggling to make ends meet, as are families all across the country. Congress must act to ensure speculators are not artificially raising energy prices for their own gain while hardworking Americans are suffering.

This legislation tells the CFTC, which is responsible for overseeing our energy markets, to use all other authority to ensure that excessive speculation is not occurring.

I can't blame them. When the price of crude oil spikes $10, folks really believe something is wrong. The House Ag Committee will conduct hearings in July to examine all of the various pieces of legislation to address this issue, including legislation that I have introduced called the Increasing Transparency and Accountability Act of 2008.

I believe after a careful review we can craft responsible legislation that can improve the price discovery function of these commodity markets. But no amount of CFTC authority will make a difference if the agency doesn't have the resources to do their job.

Since 2002, trading on the commodity markets has increased six times.

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

Mr. PETERSON of Minnesota. I yield the gentleman an additional 30 seconds.

Mr. ETHERIDGE. While trading has increased six times, under the Bush administration, staff levels have fallen to the lowest level in the 33-year history of the exchange.

My legislation and others will increase it by 100 people. These are investigators. Let me just say for those who are listening, that means if you have a speed limit of 55 or 60 miles an hour, we are going to put more cops on the beat. That's what we need.

Mr. Speaker, I rise today in support the Energy Market Emergency Act of 2008.

I don't have to tell anyone here that gas prices have sky rocketed over the last several months. I remember a few years ago when two-dollar-a-gallon gas seemed outrageous. Now the national average is four dollars.

On June 6th, the price of crude oil hit an all time record of $139.12 per barrel.

American families are paying an average of $4.07 per gallon for regular gasoline, double the price from 2001 when President Bush took office.

Truckers and farmers are paying an average of $4.77 per gallon for diesel fuel; triple the price from 2001, again when the President took office.

There is clearly not just one factor leading to these outrageous prices. However, there is a growing concern that excessive speculation by investors could be a significant cause of the prices we are experiencing.

North Carolina's families are struggling to make ends meet while the cost of energy soars. Congress must ensure that investors are not artificially raising energy costs for their own gain while hard-working Americans are suffering.

This legislation tells the Commodity Futures Trading Commission, which is responsible for overseeing our energy markets, to use all of its authority to ensure that excessive speculation is not occurring.

I serve as chairman of the Subcommittee on General Farm Commodities and Risk Management, which has jurisdiction over the CFTC, and I'm here to tell you that people think something is not right.

And I cannot blame them. When the price of crude oil spikes $10.00 in one day, people think somebody is making some money, and it isn't them.

The House Agriculture Committee will conduct hearings in July to examine all of the various legislative proposals to address this issue, including legislation I have introduced, H.R. 6334, the Increasing Transparency and Accountability in Oil Prices Act of 2008.

I believe after a careful review, we can craft responsible legislation that can improve the price discovery function of these commodity markets.

No amount of additional CFTC authority will make a difference if the agency doesn't have the resources to do their job. Since 2000, trading on commodity markets has increased sixfold.

However, during that time, the Bush administration let staffing levels at the CFTC fall to their lowest level in the agency's 33-year history.

My legislation calls for 100 additional full-time positions at the CFTC, mostly for enforcement because they need the talent to keep an eye on these markets.

And I want to applaud Representative ROSA DELAURO for knowing this simple truth and providing more funding for the CFTC than the President requested in the Agriculture Appropriations bill.

Commodity markets are like highways in that both have limits. If drivers don't think there are any cops watching on the road, they are going to push past the speed limits. If the CFTC doesn't have enough staff to monitor an ever growing and changing marketplace, investors will push the limits there as well.

Today's directive to the CFTC will send a message to the administration that they must get serious about these sky rocketing costs

and will pave the way for more comprehensive legislation in the future. I urge my colleagues to support this legislation.

Mr. GOODLATTE. Mr. Speaker, at this time it is my pleasure to yield 3 minutes to the ranking member on the subcommittee with jurisdiction over the CFTC, the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I thank Mr. GOODLATTE for yielding me time to speak in support of a bill that has been developed in part by the House Agriculture Committee. I am glad to see that this issue, the issue of speculation in the futures industry, is being handled by the committee of jurisdiction, the Committee on Agriculture. I think it is important for us to continue our long-standing effort at oversight at CFTC and the futures industry that the Agriculture Committee has had now for many years.

This is an important issue. In fact, I don't think there is a more important issue that this Congress will face except for energy prices. It is a significant conversation, as we all know, and with dramatic consequences upon our constituents.

An e-mail from one of my constituents in Olpe, Kansas, ''What will it take to get beyond partisan politics and the blame game? Society expects children to get along, work together, but they have lousy role models when it comes to government. Many of us are losing hope of Congress ever getting beyond bickering—and in the meantime, our country's problems get worse and worse. It seems that most of our government officials are insulated from the reality that face middle and lower-income families day after day,'' talking about the cost of energy, the prices that Americans are encountering at the pump.

What concerns me, despite my support for this and a belief that CFTC ought to have every tool to discover manipulation, ought to have every tool to discover whatever ''excessive speculation'' means, and we ought to make certain that their enforcement capabilities are strong and beneficial on behalf of the consumer in this country, what concerns me most is that this issue has become the opportunity to do nothing on the underlying cause of why oil and gas prices are so high. And that is increasing demands at a time when we are doing little to increase supply.

And this Congress, we pass legislation dealing with the Strategic Petroleum Reserve, requiring that our government no longer fill the Strategic Petroleum Reserve.

□ 1230

Whether or not that's a good idea or bad idea, I think all of us would admit it's not going to solve our energy problem. We debated and passed legislation dealing with antitrust and OPEC, and whether that's a good idea or a bad idea, all of us would agree it's not going to solve the problem with the price of energy and the cost at the pump.

And today we're on the House floor talking about speculation. I agree with the gentleman from Virginia. It is time for this Congress to get to this underlying issue that we face in this country: increasing demand for energy and a lack of increase in the supply. The laws of supply and demand work. As much as we Members of Congress might want to pass a law to overcome supply and demand, it cannot be done. And so this Congress needs to adequately express the laws of supply and demand that this country needs.

Mr. PETERSON of Minnesota. Mr. Speaker, I am now pleased to yield to the gentleman from Maryland who has sponsored legislation in this area and has a passionate interest in this issue and has been very much involved, the gentleman from Maryland (Mr. VAN HOLLEN), for 3 minutes.

Mr. VAN HOLLEN. I thank my colleague and the chairman of the Agriculture Committee, Mr. PETERSON, for his leadership on this, along with our colleagues Ms. DELAURO, Mr. STUPAK, Mr. ETHERIDGE, Mr. LARSON, and many others who have moved quickly to address the problems of rampant speculation in the energy futures market.

The title of this legislation is the Energy Markets Emergency Act, and what it does is direct the Commodities Futures Trading Commission, the CFTC, to invoke its emergency powers to crack down on extreme speculation in the futures market. We all know that families across this country are facing emergencies in their family budgets, and it's time that the CFTC stepped forward and treated this like the emergency that it is.

Part of the rise in prices is of course due to supply and demand and the fact that China and India are boosting a demand. That's part of it. But the other part of it is in fact an increase in speculation, extreme speculation. There's been testimony before this Congress in front of the committee, subcommittee of Mr. STUPAK, and on the Senate side and the House side by Professor Greenberger from the University of Maryland School of Law and many others that make it absolutely clear that a component of the increase in price does not have to do solely with supply and demand.

And the CFTC has the authority under the statute to invoke its emergency powers if market prices do not adequately reflect the forces of supply and demand. And I must say, Mr. GOODLATTE, that it has not done that. This legislation does not say to the CFTC, Just keep doing what you're doing. The fact of the matter is, they haven't made that finding, they have not invoked their emergency powers, and there's some permanent issues we have to come back and fix. We have to finally close the Enron loophole. We need to deal with what's called the London loophole. We need to do some things on an emergency basis.

But if they invoke their emergency powers, they will have the authority to deal with those issues and close those loopholes on an emergency basis, and they have not done that. If they access and invoke these powers, they can put new position limits on, they can require greater margin requirements, they can even suspend tradings in certain funds.

So what this does is say to them, use the powers that you have; do not sit on your hands and do not stand by and refuse to enact your emergency powers because while they have taken certain steps, they have not made the finding that this bill essentially says which is that speculation is part of the problem. No one says it's all of the problem. But it is a part of the problem, and they therefore have the authority under existing law to invoke the emergency powers, and it opens up a whole set of new tools that they are not using.

So on this immediate basis, they can do everything necessary to address the problems of the Enron loophole, and they can do everything necessary to deal with the London loophole. They are not doing it today. We are directing them to treat this as the emergency it is.

Mr. GOODLATTE. Mr. Speaker, I yield myself 30 seconds to respond.

I support this resolution because it gives nothing new to the CFTC but it gives it encouragement to do its work. It does not make any finding that there is excessive speculation in the market, and if there is excessive speculation in the market, then I certainly expect and support action by the CFTC to exercise its emergency powers to do so.

But the gentleman is exactly right when he notes that India and China are increasing their consumption of all different types of sources of energy, and they're not the only ones. They're just the largest ones.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. GOODLATTE. I yield myself an additional 30 seconds to say further to the gentleman that when demand around the world, and not just in China and India, is increasing as steadily as it has in recent years and the United States sits back and waits for other countries to increase that supply and increases our dependence upon foreign oil from such unreliable sources as Venezuela and Nigeria and the Middle East, and we then think that simply asking the CFTC to do its job will solve this problem, that is a very serious problem.

At this time, it is my pleasure to yield 2 minutes to a member of the Agriculture Committee and the ranking member of our Department Operations and Oversight Subcommittee, the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. I thank my colleague for yielding time.

Mr. Speaker, I rise in support of this bill, but I want to restate that it's a redundancy. It's a restatement of CFTC's authority, and it does urge them to

move forward with haste, which I believe that they are doing. We heard testimony just yesterday, and the chairman of the CFTC pointed out a couple things: One, they're taking the lead in creating this interagency process working with all of the other agencies, the Department of Treasury, the SEC and others to really take a hard look at this issue of speculation.

Secondly, they've moved forward with haste to come up with a mutual recognition agreement with London and other jurisdictions to broaden their reach so that they can find out and get more transparency and more information as to what is really happening in these markets. The energy markets are a very complicated issue. And the danger is that Congress will take steps before we have adequate information that could truly be detrimental.

I fear that this debate today is taking valuable floor time away from bills that would really make a difference in working on our energy issues. We need a long-term strategy, a mid-term, and a short-term strategy clearly. And dealing with the issue of speculation is part of a short-term strategy.

But we cannot get away from the fact that we have very tight supply and demand. It is about evenly matched. And when you have a million barrels a day offline because of terrorist activity in Nigeria, when you have Venezuela's production declining because of aged technology and mismanagement, when you have Mexican production declining because of mismanagement and contract problems, these are all issues that are further putting stress on supply.

Finally, I would point out on the supply side that we have a shortage of rig materials around the world, actually. China is dealing with pulling in all kinds of commodities and it is adding costs to this. We have a workforce shortage in this oil and gas industry. There are major factors all coming into the supply side of this that are a problem.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. GOODLATTE. Mr. Speaker, I yield the gentleman an additional 1 minute.

Mr. BOUSTANY. I think it's important to recognize these factors. What is driving uncertainty is clearly the lack of a confidence of energy policy, and this House can take action. There are bills ready. This House could clearly take action. We've got a number of bills, as my colleague, the ranking member of this committee, outlined earlier.

Furthermore, the London loophole, CFTC has taken steps with their mutual recognition agreement. The farm bill provisions take substantive steps to close the Enron loophole.

And finally, if we move prematurely to impose artificial standards and limits to trading, we could definitely hurt our transportation companies, our truckers, our farmers who hedge on these high energy prices.

Furthermore, we may drive transactions into less transparent markets such as Dubai and other markets. This also denies a threat that the low value of the dollar, and there is a threat globally that we could be seeing a move in energy transaction, too. A different currency, the euro. And this is a further issue.

So we need to move forward and not delay any further.

Mr. PETERSON of Minnesota. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Minnesota has 10 minutes remaining. The gentleman from Virginia, 7½.

Mr. PETERSON of Minnesota. Mr. Speaker, I am now pleased to yield 3 minutes to the Chair of the House Agriculture appropriations committee who has been also very passionate in leading on this issue and also working in her committee to make sure that the CFTC has the resources they need to complete their task, the gentlelady from Connecticut (Ms. DELAURO) for 3 minutes.

Ms. DELAURO. Mr. Speaker, I rise in support of the legislation that we bring to the floor today along with my colleagues, Mr. PETERSON, I thank him for his leadership, Mr. VAN HOLLEN, Mr. ETHERIDGE, Mr. STUPAK, Mr. LARSON.

What is it about? It's about stopping the excessive energy commodity speculation that has driven up the price of gasoline by as much as 30 percent, according to independent economists.

Last October, the Government Accountability Office issued a report indicating that the Commodity Futures Trading Commission did not have the resources and the authority that it needed to protect the American people. When the report was issued, a gallon of gas cost on average $2.90. Today in my State of Connecticut, gas costs $4.37 a gallon. Commodity prices have skyrocketed in the past 5 years, but those unprecedented price spikes cannot be explained entirely by increased demand from China and India or the dollar's valuation.

So what is the cause? Independent economists point to one significant culprit: unregulated speculation in our futures markets. A May 2008 International Monetary Fund report agrees. Professional investors have purchased contracts for more than a billion barrels of petroleum essentially adding eight times as much demand for oil as the U.S. has added to its Strategic Petroleum Reserve over the last 5 years. The CFTC should be the cop on the beat protecting American consumers by putting a halt to out-of-control speculation. Unfortunately, the CFTC may be partly to blame for allowing loopholes and opening up exemptions.

The resolution before us today is simple. It directs the Commodity Futures Trading Commission to use its emergency powers granted by Congress under section 4a of the Commodity Exchange Act to investigate excessive speculation in any contract market within the CFTC's jurisdiction and take the necessary action to eliminate excessive speculation that is artificially inflating gas prices.

What the CFTC needs to do is to use its powers to close the Enron loophole, to end the London-Dubai foreign border trade loophole. I urge my colleagues to support this effort. What it essentially does is restore sanity to the markets, and it provides consumers with the relief that they need in order to be able to continue to lead their lives and not be forced to make choices of whether to not buy gasoline for their cars and put food on the table or other things to take care of their families.

Mr. GOODLATTE. Mr. Speaker, I would like to include in the RECORD a joint analysis prepared by the majority and minority staff of the Senate Permanent Subcommittee on Investigations of the testimony of Michael Greenberger before the Senate Committee on Commerce, Science, and Transportation on June 3, 2008. It responds to a number of assertions made about what might happen to the market. And while I certainly would hope that something could be found to lower gas prices by as much as Mr. Greenberger suggested in his testimony, here are several pages of reasons why that may indeed not be the case.

SELECT EXCERPTS OF THE UNITED STATES SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

8. STATEMENT: ''Overnight, [prohibiting the trading of energy commodities in Exempt Commercial Markets) will bring down the price of crude oil, I believe, by 25 percent.''

RESPONSE: According to recent market data, there is little to no trading of crude oil contracts on exempt commercial markets in the United States. Prohibiting the trading of energy commodities in a market in which no trading is currently taking place is, thus, unlikely to have an effect on the price of crude oil. Moreover, although there have never been any Exempt Commercial Markets for agricultural commodities, many agricultural commodities have recently experienced substantial price spikes. There is no credible evidence that simply amending the CEA to regulate energy commodities as if they were agricultural commodities will lead to lower energy prices.

19. STATEMENT (p. 8): ''The Senate Permanent Investigating Subcommittee has now issued two reports, one in June 2006 and one in June 2007, that make a very strong (if not irrefutable) case that trading on ICE has been used to manipulate or excessively speculate in U.S. delivered crude oil and natural gas contracts. The June 2006 report cited economists who then concluded that when a barrel of crude was @ $77 in June 2006, $20 to $30 of that cost was due to excessive speculation and/or manipulation on unregulated exchanges.''

RESPONSE: The 2006 and 2007 PSI reports focused on the role of excessive speculation in U.S. commodity markets; neither report contained any findings on whether traders manipulated crude oil or natural gas prices.

Mr. GOODLATTE. At this time, Mr. Speaker, I yield 1½ minutes to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. I thank the gentleman for yielding.

I support this bill, and if there is a problem with speculators, yes, we need to get to the bottom of it, but we also need to look at our supply and start using our own resources. Yes, it may be a stopgap to take us on to alternatives, which I totally support because there are a lot of things out there that will work and will stop our dependence on foreign oil. This is a national security issue, and that's what bothers me so much because right now, we are totally dependent on people who don't like us for our oil. And what that does is put money in their pocket that they are using against us to finance terrorism. It makes no sense. We have to look at supply, and we have to look at our own supply.

□ 1245

I have a bill that is the Deep Ocean Energy Resources Act, and very simply, it allows us to drill off the Outer Continental Shelf because it's estimated there is a lot of supply out there. And it lets the States decide if they want to do it, and they share in the revenue.

We have got to get serious about this, and we need to get moving now, not wait. There are a lot of bills out there that could be on the floor, but we need to ensure our energy and national security with serious bills. Supply, we need to look at nuclear, and expand that.

We need all the alternatives on the table because that's the only thing that's going to solve the problem. We can't just put band-aids on it. We have to address it in a serious manner.

Mr. PETERSON of Minnesota. Mr. Speaker, I'm now pleased to yield to my good friend and Blue Dog colleague from Utah (Mr. MATHESON) for 2 minutes.

Mr. MATHESON. Mr. Speaker, this is an important first step. This bill asks the CFTC to exercise its ability to determine if undue speculation is having an impact on oil prices in this country. We've heard witnesses before the House of Representatives testify before different committees that suggest this could be upwards of $50 of the price per barrel right now may be due to this type of activity. So I think it's important we take this first step.

But I call it a first step. I would encourage our colleagues to continue to work together in a consensus way to have a productive effort in closing what's called the London loophole.

I, along with many other Members in this body, have put forth legislation to stop unwarranted speculation in foreign financial markets. Such legislation may be the best available option we have got here in Congress to address oil prices in the short-term.

When we do address this issue more fully, however, though, I also want to offer a word of caution. We should be careful not to be too overzealous. While we need to address the London loophole, we must make sure we do not take action that would damage our market-based economy.

And finally, I will say this. While we do work on market manipulation, we also need to recognize Congress has other issues to deal with when it comes to the oil price issue. There is no one single factor. As much as folks come down on the floor of the House at times to talk about just one issue, this is a very complex issue that has many dynamics affecting the global price of oil.

I think market manipulation is an important one for us to consider, but we also need to look at a more comprehensive package of issues to try to fully address this issue.

Mr. GOODLATTE. Mr. Speaker, at this time, it's my pleasure to yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. There is a reason why there's so much speculation in the oil commodities market, and it is because supply is less than demand. This happens in any commodities market. Where demand is exceeding supply, the speculators dive in. And you can try to encourage the CFTC and you can pass new regulations on speculation, but as long as supply is less than demand, the speculators are going to move in.

And I will say further, that if you try to regulate this market so much that it becomes dysfunctional, it will just go overseas. And the reason the speculators are getting in is because they know that this Congress does not want to open up American sources of energy.

I sit on the Appropriations Committee, and outrageously, today, we had the Interior bill before us, and we had three amendments: one to open up ANWR, a huge source of oil; one to open up our offshore assets of natural gas and oil, which can be done safely with today's technology; and the third is to open up shale. We have more hydrocarbons in shale than the Saudis have oil, but amazingly, the Democratic leadership didn't want to vote on those things. They don't want to open up those sources.

That is the political position of the majority, the Democratic majority in this Congress, no increased domestic oil production, and that's why the speculators are pouring in. And there's going to be no relief for price at the pump, no matter what we do in this body, if we do not address the issue of supply.

We have domestic energy. We can access that domestic energy safely and cleanly, but people are standing in the way in this body and the Congress of the United States.

I predict that this bill is going to have absolutely no impact. We're going to do two more bills that probably will have no impact, and prices will probably continue to go up.

I thank the gentleman for yielding.

Mr. PETERSON of Minnesota. Mr. Speaker, I'm now pleased to yield 1 minute to my good friend from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. Mr. Speaker, as has been said, there's a number of causes for the high price in gasoline: a weak dollar, increasing demand from around the world, the failure of leadership to move into alternative energy policies. We have to focus on all of them.

But one of the reasons is rampant speculation, and the question is, will we try to squeeze the speculator or will we allow speculation to continue to squeeze the consumer?

This is a first step, where we're telling the Commodities Futures Trading Commission to do its job, determine the facts, make specific recommendations and actions on how to protect us, and incidentally, many innocent Americans have pension fund investments that are pouring into the speculative market.

Mr. GOODLATTE. Mr. Speaker, at this time, it's my pleasure to yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I'd just like to say to my colleagues who oppose drilling for oil and natural gas in the United States, go home this weekend, this next week during the recess and talk to your constituents. Go to the gas stations and ask them if they would rather have the price of gasoline be as high as it is or start drilling for oil in the United States.

We have the supply. We have the ability. And we're not doing a darn thing about it, and the American people and our economy is suffering. It is not just gas prices. Food prices and everything else is going to go up because it has to be transported across the roads.

We need to move toward energy independence. We talked about it back in the seventies during the Carter years. We haven't done a darn thing in 30 years. It's time we started drilling here in the United States. The minute we start doing that the price will drop. Mark my words.

I'd just like to say to my colleagues, use a little analogy. Nero started fiddling while Rome burned. We're fiddling right now with the energy of the United States and the economy of the United States. This body and the other body has the ability to do something about the prices of gas and other commodities in this country, and we're not doing anything about it.

Another week has gone by. We're going to go back home. We haven't done a darn thing, and the American people are suffering.

So, my colleagues on the other side of the aisle who have reservations about drilling here in the United States and give me all this environmental stuff, this is the time to do it. We want to move toward other forms of energy. We want to be concerned about the ecology of this country and other forms of transportation, but at the same time, it's going to take time for that to happen.

We have to start drilling now. We can't wait. The American people want

us to do it, and if you don't believe me, ask them when you go home this week. They're signing petitions by the thousands. The people of this country want to move toward energy independence. They want their gas prices to come down. They want other prices to come down, and they won't until this Congress and the other body starts moving toward energy independence by drilling here in the United States.

GENERAL LEAVE

Mr. PETERSON of Minnesota. 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. 6377.

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

There was no objection.

Mr. PETERSON of Minnesota. Mr. Speaker, I'm now pleased to yield to a leader on the Energy and Commerce Committee and energy issues in general, Mr. MARKEY from Massachusetts, 1½ minutes.

Mr. MARKEY. I thank the chairman so much, and I congratulate him on his superior work on this legislation.

In the year 2000, a new thing happened in regulation because of a Republican-controlled Congress. It passed a massive deregulatory bill into law. This bill included the so-called ''Enron loophole,'' named after the now-notorious energy trading firm that had lobbied for its creation. This loophole is being exploited. It has not been fixed. As a result, the bill that we are debating today directs the Commodities Futures Trading Commission to examine excessive oil speculation and use their emergency powers to take corrective action.

The CFTC simply has not been as aggressive as it should be in policing these markets. Part of the problem stems from the limited resources which the Bush administration have given them, but another part of the problem is that the CFTC has historically been a reluctant regulator. Instead of a commodities markets watchdog, it has been an industry lapdog, unwilling to use the full authorities that it does have to crack down on excessive speculation.

This bill tells them to use their authorities to more aggressively police the energy futures market from manipulation for fraud, for excessive speculation. This is a good step.

An ''aye'' vote on the Collin Peterson bill is essential to protecting the public from being tipped upside down and having money shaken out of their pocket.

Mr. GOODLATTE. Mr. Speaker, may I ask how much time is remaining on each side.

The SPEAKER pro tempore. The gentleman from Virginia has 2 minutes remaining. The gentleman from Minnesota has 3 minutes remaining.

Mr. GOODLATTE. Mr. Speaker, at this time, it is my pleasure to yield 1 minute to the gentleman from Texas (Mr. CONAWAY), a member of the committee.

Mr. CONAWAY. Mr. Speaker, I appreciate and thank the ranking member for recognizing me.

It's interesting that, if you look at this bill, which I intend to vote for, what it basically does is it points a finger in the face of the commodities future trading corporation and very sternly and mean-eyed says: Do your job. Great.

They're doing their job. As a matter of fact, I'm sure it's already been mentioned on the floor this afternoon that we had the acting chairman of the CFTC in front of the Ag Committee this week, and he reported that he is, in fact, doing his job, that he looks for every day manipulation in the oil market. He looks every day for undue impact by speculators on swaps in the market.

And to the best of their ability and their economists' estimation, the price of crude oil is currently fundamentally set by laws of supply and demand, and that while they are not able to find any evidence of it, they look for that evidence or look for manipulation and undue influence of speculators in the market every single day.

I want to thank the chairman for doing his good work on that committee. I know that he will take this stern advice to continue to do his job to heart.

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, when the Saudi Arabians tell you you have a problem in your oil speculation market, you've got a problem in your oil speculation market.

Now, some people have argued that a 100 percent increase in the amount of financial speculation in these markets is necessary to liquidity of the markets. Hogwash. We need more liquidity in these markets the way Iowans need more liquidity in the rivers right now. We are drowning in liquidity.

There has been over 100 percent increase of this speculation going into these markets, and we have now had clear, cogent and convincing testimony this is one of the reasons for 100 percent increase in prices of oil in the last year.

We have seen this movie before. It was called Enron. And my constituents saw their electrical bills go up 1,000 percent. Now, they're seeing their oil go up double per barrel in one year in this bad movie.

Pass this bill.

Mr. GOODLATTE. Mr. Speaker, I'd ask the chairman if he has additional speakers. I have only myself to close.

Mr. PETERSON of Minnesota. At this moment we have no additional speakers, so I probably can move to close.

Mr. GOODLATTE. That being the case, I will yield myself the balance of my time to say to the chairman again, I thank him for his work on this issue.

I support this measure. Certainly, I expect the Commodities Futures Trading Commission to address any problems with excessive speculation in the energies markets and to use their emergency powers to do so, if appropriate.

But I will tell you that this is a problem that's been going on a lot longer than recent speculation in this market. It's been going on for years because of a lack of increase of supplies of oil and natural gas and other basic sources of energy in this country.

All we ask of the Democratic leadership is to put the bills on the floor that get what the American people want, and that is a vote to open up America to increase domestic supply of energy. The Speaker of the House doesn't have to support the legislation. The majority leader doesn't have to support the legislation. All they have to do is let this happen on a bipartisan basis, and we will have a bipartisan vote to do what the American people want. Let us have that vote. Let us have that debate on the floor of this House, and we will do what the American people want.

□ 1300

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to say to my good friend, Mr. GOODLATTE, that I appreciate his support for this measure. And what we're trying to do in our committee is to develop a consensus as we move through this issue. And there are a lot of ideas, a lot of different opinions out there, a lot of bills that have been introduced.

This is a step that we can make today I think on a basis where we can come together and make sure that the CFTC is using the powers that they have to examine this market and make sure that the speculation, the extra money that's coming in is being done properly and is not affecting these markets in a way that is not appropriate. And I trust that they will do that job.

But moving forward, what we intend to do, as I said earlier, as soon as we come back here from the July recess, our committee will convene on Wednesday after we come back and we will examine all of the bills that have been introduced or are introduced in the meantime. And we will have a debate on all the different aspects and all the different positions. And what we will try to do on that committee is to sort through all of this and hopefully come to a consensus about what is the appropriate way for us to move ahead.

These are very complicated markets and issues, and I want to make sure that whatever we do is the appropriate response, and as somebody said earlier, we don't have unintended consequences because of the actions that we take here.

So I look forward to working with my colleagues on the other side of the aisle with my colleagues on this side of the aisle to find a consensus that can have bipartisan support like we achieved on the farm bill to move something ahead that makes sense for the American people and gets the right answer.

With that, I urge adoption of the bill.

Mr. SHAYS. Mr. Speaker, I rise today to support to H.R. 6377, the Energy Markets Emergency Act, because I believe the Commodity Futures Trading Commission, CFTC, must investigate speculation in the energy futures market and account for any manipulation and price distortion.

It is clear the increased positions of institutional investors, such as pension funds, endowments and sovereign funds, in the energy futures market are contributing to the escalating price of oil at an alarming rate. The CFTC should level the playing field and apply the 20 million barrel position limit to the institutional investors, the same limit that everyone else adheres to.

I also believe the CFTC must work with the British Financial Services Authority, FSA, to establish position limits on oil futures traded on the London Intercontinental Exchange, ICE, similar to those established by the CFTC for traders on the New York Mercantile Exchange, NYMEX.

In overseas markets, such as ICE, U.S. investors can buy as much oil as they want, driving up demand with little to no regulation.

It is essential the CFTC work with the FSA in London to limit positions and gather accurate information on the impact that speculation has on oil prices.

Rising gas prices are indicative of the United States need to affirm its commitment to renewable energy research and development, and focus on reducing our demand for oil by emphasizing conservation. In addition, however, transparency in the oil futures market is needed and appropriate.

Mr. HOLT. Mr. Speaker, I rise today in support of H.R. 6377, the Energy Markets Emergency Act of 2008.

This bill is an important first step in reaffirming the authority of the Commodity Futures Trading Commission to regulate excessive speculation in the energy futures market. There are many reasons that the cost of a barrel of oil has risen so dramatically in the last few years, including increased demand from developing nations, instability in oil-producing nations, the weakening of the dollar, and price gouging on the part of the oil companies. The recent surge in gasoline prices should serve as an urgent reminder that we immediately need to change the way that we produce and use energy.

Nonetheless, consumers should not suffer unnecessary increases in gasoline prices that don't reflect actual changes in supply and demand. I have heard from economists that excessive speculation has added anywhere between $20 and $60 to the price of a barrel of oil. The Bush administration has an appalling record on oversight, and they have allowed the CFTC to become powerless to regulate the commodities market. The CFTC has emergency powers at its disposal, and this bill mandates the use of this authority. In addition to curbing speculation, the CFTC must prohibit the outright fraud and abuse currently being perpetrated on the market.

Closing the loopholes that have allowed dark energy markets to flourish is just one step toward addressing our current energy crisis. I encourage my colleagues to join me in supporting this important bill.

Mr. PETERSON of Minnesota. 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 Minnesota (Mr. PETERSON) that the House suspend the rules and pass the bill, H.R. 6377.

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. GOODLATTE. 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.

## RESPONSIBLE FEDERAL OIL AND GAS LEASE ACT

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6251) to prohibit the Secretary of the Interior from issuing new Federal oil and gas leases to holders of existing leases who do not diligently develop the lands subject to such existing leases or relinquish such leases, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6251

*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 ''Responsible Federal Oil and Gas Lease Act''.

**SEC. 2. ISSUANCE OF NEW LEASES.**

(a) IN GENERAL.—After the date of the issuance of regulations under subsection (b), the Secretary of the Interior shall not issue any new lease that authorizes the exploration for or production of oil or natural gas, under section 17 of the Mineral Leasing Act (33 U.S.C. 226), the Mineral Leasing Act for Acquired Lands Act (30 U.S.C. 351 et seq.), the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), or any other law authorizing the issuance of oil and gas leases on Federal lands or submerged lands to a person, unless the person—

(1) certifies for each existing lease under such Acts for the production of oil or gas with respect to which the person is a lessee, that the person is diligently developing the Federal lands that are subject to the lease in order to produce oil or natural gas or is producing oil or natural gas from such lands; or

(2) has relinquished all ownership interest in all Federal oil and gas leases under which oil and gas is not being diligently developed.

(b) DILIGENT DEVELOPMENT.—The Secretary shall issue regulations within 180 days after the date of enactment of this Act that establish what constitutes ''diligently developing'' for purposes of this Act.

(c) FAILURE TO COMPLY WITH REQUIREMENTS.—Any person who fails to comply with the requirements of this section or any regulation or order issued to implement this section shall be liable for a civil penalty under section 109 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1719).

(d) LESSEE DEFINED.—In this section the term ''lessee''—

(1) includes any person or other entity that controls, is controlled by, or is in or under common control with, a lessee; and

(2) does not include any person who does not hold more than a minority ownership interest in a lease under an Act referred to in subsection (a) authorizing the exploration for or production of oil or natural gas.

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

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, today this body is considering responsible legislation aimed at compelling the oil industry to do what it should do best, drill for oil and bring relief to Americans at the pumps.

That may seem like an odd notion, and certainly we will hear criticism from our Republican colleagues who continue to coddle Big Oil and pander to the industry's political agenda. And there are many in the industry who will not want to hear this side of the aisle say we are for drilling for oil. My approach is slightly different. Big Oil does not need to be coddled, it needs a swift kick in the backside.

While Democrats in Congress know that we cannot drill our way to energy independence and continue to advocate for the development of alternative fuels and increased energy conservation, we also know that we must increase our supply of oil in the interim. I repeat; in this legislation we are not against drilling for oil. That is why today, with this legislation, we are saying ''Drill it or lose it.''

The Federal Government makes vast swaths of public lands, both onshore and underlying the Gulf of Mexico, available for oil and gas development. What we are finding, however, is that the industry is stockpiling these oil and gas leases. At present, 68 million acres of Federal lands are being held by oil and gas companies with no production occurring on these leases. That acreage is equal to the size of Colorado.

Considering today's oil prices, you would think that they would either diligently develop that acreage, bring any oil found into production, or relinquish the leases. The pending legislation would require this diligent development during the term of an oil and gas lease, and if it does not occur, the

leaseholder would not be allowed to lease even more Federal lands. It's simple, ''use it or lose it,'' and allow another company to make a go at that leased land.

Obviously, we have a much better chance to bring relief at the pump by producing oil on Federal lands already held by the oil companies much quicker than having to go through the environmental lawsuits of leasing and permitting required if we were to take the President's method and just open up OCS and ANWR immediately. We have a much better chance, Mr. Speaker, to help Americans grapple with the high cost of fuel by drilling in those Federal lands and waters already open to development.

Over 80 percent of estimated oil and gas resources on Federal lands, both onshore and offshore, are available for development or will be shortly, pending the completion of planning documents. The amount of oil which could be produced from these areas represents 14 years of current domestic oil consumption. Think about that, 14 years; yet President Bush and his Republican allies continue to rally behind the oil industry's political agenda, advocating opening more of America's Federal land, including coastal areas and pristine environmental areas, to drilling.

In response to this scheme I say to Big Oil and its allies, ''You've got 'em. Use 'em.''

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

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

Mr. Speaker, I rise in unhesitant opposition to this misguided and uninformed legislation. I hope today's debate will allow the American people to see this legislation for what it is, and that is, a sham, a shallow attempt of the majority to hide that they lack any solutions for the American energy crisis facing our Nation.

Let me start by just stating one simple fact: 97 percent of our Federal offshore areas and 94 percent of our Federal onshore areas are not leased. Now, let me just say that one more time. Ninety-seven percent of our Federal offshore areas and 94 percent of our Federal onshore areas are not even leased.

The Democrat leadership has done everything it could for the last several decades to stop the leasing in 97 percent of offshore areas and 94 percent of onshore areas since they think America's energy needs can be supplied by just 3 percent of offshore areas and 6 percent of the onshore areas. It is no wonder that America is facing an energy crisis.

Let's talk about the legislative process, too, that brings this issue to the floor today. We are debating legislation that hasn't had a hearing, it hasn't had a mark-up, no committee report, it hasn't even been opened up for an amendment, and no Member of this House but for its author has had more than 5 hours to consider this bill. The Rules Committee even had to pass a special rule to allow this bill to come to the floor today, a rule that effectively waives all points of order against the bill, including PAYGO and earmark bans.

The bill will also cost the American people not only additional energy domestic production, but reduces revenues to the Federal Government. Yes, America, in one fell swoop, Congress will increase energy costs for American consumers and steal from the pocketbooks of American taxpayers. Is this a way to go into Independence Day and to celebrate the birth of our country?

The legislation before us is based on the premise that American oil companies are sitting on resources that they should be developing. The majority will make claims that millions of acres are not being produced. However, the reality is that every leased acre is undergoing some form of exploration, is in the process of getting permits, facing a legal challenge, or in development. They are all going through those processes for every acre.

The supporters of this misguided legislation are not offering any solutions to these challenges. There is no proposal to speed up development by reducing the waiting times for permits, limiting public challenges of leases and applications for the permits to drill, or reducing the frivolous lawsuits. In fact, last year, the Natural Resources Committee was fighting against, and I quote the chairman, ''rapid oil and gas development that has taken place on our Nation's public lands in recent years,'' and focused on an agenda to slow, again quoting the chairman, ''the rampant, nearly unfettered energy development on Federal lands.''

Last year, oil companies were developing too fast. Today, Congress is attempting to punish any company that can't squeeze a 10-year exploration and permitting process into a time frame that suits the majority. We simply can't have it both ways.

One additional fact: Most of the majority leadership, including the chairman of the Natural Resources Committee, voted in 1992 to give oil companies more time to drill on onshore leases. That was done at a time when the industry actually had a higher percentage of leases in non-producing status. The majority didn't seem to mind and didn't seem to be interested in complaining about stockpiling then.

To the contrary, there was a bipartisan recognition that companies needed longer terms on their onshore leases to get more production. But these days, as production rates are higher, these same Members think that companies are stockpiling.

We have had a number of experts in this area come forward and present expertise on this issue. I would reference a letter from the Department of Interior which highlights the lengthy, complicated, and often unsuccessful process a company must undergo to develop oil and gas on Federal lands and waters.

In addition, I would like to submit for the RECORD a letter from the American Association of Petroleum Geologists, America's scientific experts on exploring for oil and gas. And their letter states, ''Policies that increase exploration costs, decrease the available time to properly evaluate leases, and restrict access to Federal lands and the Outer Continental Shelf do not provide the American people with short-term relief from high prices and undermine the goal of increasing stable long-term supplies.'' That policy to restrict development and reduce exploration is exactly what this legislation before us will do.

What America must realize is that the true source of most non-producing acres in America is the U.S. Congress, which restricts access to almost 600 million acres of the Outer Continental Shelf. We could produce more oil from opening up 2,000 acres in ANWR than would likely be produced from all the onshore acres currently leased but not producing today, especially when you understand that much of the onshore resources are natural gas and not crude oil. If we were to open but a fraction of these acres held up by the congressional majority, we could reduce our dependence on foreign oil and create jobs right here in America. However, the majority has decided time and time again that we should limit our access to our onshore and offshore domestic resources.

The American public is up in arms against the frivolous restrictions which Congress has placed on domestic energy production. People recognize the simple fact that opening up more Federal lands and waters could lead to lower gasoline prices and they're calling on us to lead America in this direction. Congress should open up this debate and this process today and allow each side to present their very best proposals. And that's what this debate is about today.

JUNE 23, 2008.

Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*Washington, DC.*
Hon. STENY HOYER,
*Majority Leader, House of Representatives,*
*Washington, DC.*
Hon. JOHN BOEHNER,
*Minority Leader, House of Representatives,*
*Washington, DC.*

DEAR SPEAKER PELOSI, MAJORITY LEADER HOYER, AND MINORITY LEADER BOEHNER: Given the on-going debate about access and leasing activity on Federal onshore lands and the Outer Continental Shelf, I would like to offer some perspective, on behalf of the American Association of Petroleum Geologists, AAPG, on the science and process of finding oil and natural gas.

AAPG, an international geoscience organization, is the world's largest professional geological society representing over 33,000 members. The purpose of AAPG is to advance the science of geology, foster scientific research, promote technology and advance the well-being of its members. With members in 116 countries, more than two-thirds of whom work and reside in the United States, AAPG serves as a voice for the shared interests of energy geologists and geophysicists in our profession worldwide.

AAPG strives to increase public awareness of the crucial role that the geosciences, and particularly petroleum and energy-related geology, play in our society.

Finding and developing oil and natural gas blends science, engineering, and economics. It has distinct phases: exploration, development, and production. And it is risky, because finding oil and natural gas traps, places where oil and natural gas migrate and concentrate, buried under thousands of feet of rock is like finding the proverbial needle in a haystack. Talent and technology increase our chances of a discovery, but there are no guarantees.

What is exploration? Well, the grid pattern on a block map makes it tempting to think of exploration as a process of simply drilling a well in each grid block to determine whether it contains oil. But because of the natural variation in regional geology, one cannot assume oil and natural gas are evenly distributed across a given lease or region. Rather, exploration is about unraveling the geologic history of the rock underneath that grid block, trying to understand where oil or natural gas may have formed and where it migrated. If the geology isn't right; you won't find oil or natural gas.

Legendary geologist Wallace Pratt once observed, ''Where oil is first found is in the minds of men.'' When preparing a lease bid, geologists use their knowledge to identify the specific areas in a region that they believe have the highest likelihood of containing oil and natural gas traps. Successful exploration begins with an idea—a hypothesis of where oil may be found.

Since exploration is about developing and testing ideas, some acreage available for leasing is never leased. That is because no one develops a compelling idea of why oil or natural gas should be there. Similarly, some acreage is leased and drilled repeatedly with no success. Then, one day, a geologist develops an idea that works, resulting in new oil or natural gas production from the same land that others dismissed as barren.

Once a lease is awarded, geologists begin an intensive assessment. They collect new geological, geophysical, and geochemical data to better understand the geology in their lease area. They use this data to construct a geological model that best explains where they think oil and natural gas were generated, where it may have been trapped, and whether the trap is big enough to warrant drilling.

If there is no evidence of a suitable trap, the explorer will relinquish the lease and walk away. If they see a trap that looks interesting, they schedule a drill rig to find out if they are right. Drilling is the true test of the geologists' model, and it isn't a decision to be made lightly. Drilling costs for a single well can range from $0.5 million for shallow onshore wells to over $25 million for tests in deep water offshore.

As the well is drilling, geologists continually collect and evaluate data to see whether it conforms to their expectations based on the geological model. Eventually, they reach the rock layer where they think the trap is located.

If there is no oil or natural gas when the drill reaches the trap they were targeting, they've drilled a dry hole. At this point the explorers will evaluate why the hole is dry: was there never oil and gas here; how was the geological model wrong; and can it be improved based on what they know from the drilled well? Depending on the results of this analysis, they may tweak the exploration idea and drill another well or decide the idea failed and relinquish the lease.

If there is oil and/or natural gas, they've drilled a discovery. Typically, they will test the well to see what volumes of oil and/or natural gas flow from it. Sometimes the flow rates do not justify further expenditures and the well is abandoned. If the results are promising, they will usually drill several additional wells to better define the size and shape of the trap. All of this data improves the geological model.

Based on this revised geological model, engineers plan how to develop the new field (e.g., number of production wells to drill, construction of oil field facilities and pipelines).

Using complex economic tools, they must decide whether the revenue from the oil and natural gas sales will exceed the past and continuing expenses to decide whether it is a commercial discovery.

The process of leasing, evaluating, drilling, and developing an oil or natural gas field typically takes five to ten years. Some fields come online sooner. Others are delayed by permitting or regulatory delays or constraints in the availability of data acquisition and drilling equipment and crews. Large projects and those in deep water may require a decade or more to ramp up to full production.

As you can see, oil and natural gas exploration is not simple and it is not easy. It requires geological ingenuity, advanced technologies, and the time to do the job right. It also requires access to areas where exploration ideas can be tested—the greater the number of areas available for exploration, the higher the chance of finding oil and natural gas traps.

U.S. consumers are burdened by high crude oil prices. Conservation and efficiency improvements are necessary responses, but equally important is increasing long-term supply from stable parts of the world, such as our very own federal lands and Outer Continental Shelf.

As Congress considers measures to deal with high crude oil prices, I urge caution. Policies that increase exploration costs, decrease the available time to properly evaluate leases, and restrict access to federal lands and the Outer Continental Shelf do not provide the American people with short-term relief from high prices and undermine the goal of increasing stable long-term supplies.

I am happy to further discuss these ideas. Please contact me through our Geoscience and Energy Office in Washington, DC.

Sincerely,

WILLARD R. (WILL) GREEN
*President,*
*American Association of Petroleum Geologists.*

Mr. Speaker, because we have so many other Members who would like to speak on this bill, I would like to ask unanimous consent that we extend the debate on H.R. 6251 to an additional 10 minutes, equally divided.

I reserve the balance of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Oklahoma?

Mr. RAHALL. Mr. Speaker, reserving the right to object, did she say 10 minutes on each side?

Ms. FALLIN. Equally divided.

Mr. RAHALL. I have no objection.

The SPEAKER pro tempore. Without objection, each side will control 5 additional minutes.

There was no objection.

□ 1315

Mr. RAHALL. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman from West Virginia, and I thank him for his extraordinary leadership on this issue and for the legislation he's bringing out here on the House floor, especially with the gentleman from Illinois (Mr. EMANUEL) for his work on this legislation.

Mr. Speaker, right now we are facing an energy crisis. The Bush administration and Republicans in Congress are perpetuating a myth that the oil companies don't have access to enough places to drill for oil. This story is nothing more than a drilling decoy. We might as well put an aquarium out here in the well, there are so many red herrings that the Republicans are throwing into this debate about our energy independence.

Roughly 80 percent of all of the oil and gas are located in areas where drilling is already allowed, 68 million acres, 80 percent of the resources in America. So ExxonMobil, everybody in America pulling into the ExxonMobil station. They made $40 billion last year. Do you know what they did with their $40 billion? They put $32 billion of it back into buying their own stock. They were drilling for profits in their own stock, not on the lands where America wants them to go to find the oil and gas, where they are already permitted.

Now, what did they do on renewables, ExxonMobil? They took $10 million, million dollars, just millions of dollars, 10 million, and put it into renewables. Do you know what else the oil industry is doing and the Bush administration and the Republican Congress? They're blocking the tax breaks still today for renewables, for solar, for wind, for geothermal, blocking them.

So there is their agenda: Tip the consumer upside down at the pump, keep the supply of oil down because they're not drilling on the 80 percent of the land where we say they could go, even offshore, and go and drill; pocket the profits for themselves; nickle and dime renewables; and then block the tax breaks for a renewable energy revolution in America. It's a recipe for disaster. But there is no mistake why we are here. You cannot have an oil and gas President and Vice President for 8 years and not have an oil and gas strategy for America. And the price that we are paying at the pump is the price we are paying for allowing that policy to be implemented for these 8 long years.

So, ladies and gentlemen, we have 2 percent of the world's oil reserves, 2 percent. We consume 25 percent of the oil, which we consume on a daily basis. Republicans are saying let's drill off the beaches, let's drill where the polar bear is, although they are not willing today to put a penalty for the oil industry for not drilling where the 80 percent of oil is. Ladies and gentlemen, this is a big mistake.

OPEC has two-thirds of the oil in the world. That's their strength. Rather than sending a message to OPEC, we are going to innovate our way out of this with wind and solar and renewable energy sources. The Republicans are

blocking the tax breaks for that and saying give bigger profits to oil and gas, don't penalize them for not drilling for the oil and gas here in America where we have access to it, and then go home on the 4th of July and pretend as though this 8 years of Republican rule where we have gone from $30 a barrel to $130 a barrel is not on their watch. It is, ladies and gentlemen. We have gone from 46 percent dependence on imported oil on the day the Republicans took over Congress to 61 percent dependence upon imported oil on the day they left office 1 year ago. That's why we are in the mess that we're in right now.

The American public needs help. We need to send a message to Big Oil, to Big Gas: Start drilling. Start drilling right now or lose the leases that the American people have given you. Do not warehouse these leases. Do not warehouse the oil and gas here in America. Let's put the penalty on them. Let us no longer have the policies set by Big Oil, by Big Gas, and OPEC. Let us today declare independence from them. Let us say we are taking those leases back from you. We are taking back the American land where oil and gas is. If you don't drill on it, you lose it, and we are going to penalize you for allowing this crisis to build to the point that it has today.

Ladies and gentlemen, support the Rahall bill. This is the day where we begin to break and create our own independence from Big Oil in our country.

Ms. FALLIN. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Alaska (Mr. YOUNG), our chairman.

Mr. YOUNG of Alaska. Mr. Speaker, I just witnessed one of the greatest displays of inaccuracies I have ever heard in my life.

It's too bad that the public doesn't understand that this whole bill is a charade, and I am disappointed in my chairman because there were no hearings on this. In fact, the testimony that I have heard from the majority is the reality is not real. The report is not real. And where he gets the figures about 68 million acres set aside and not utilized, I don't know. And where do they get the idea of getting 4 billion barrels?

I've just listened to the gentleman from Massachusetts' tirade. I have heard that same tirade for as long as he's been in Congress. He has never supported any energy at all, any development of energy, including nuclear. Now his people in Massachusetts are paying that price.

When I first came to Congress, we were in the minority, and the price of oil for a barrel was $8 a barrel, 39 cents at the pump. Yes, it's high today because the Trans-Alaska Pipeline was the last big development we ever had because this Congress would not allow us to develop any other oil fields. Now, we have a big oil field in Alaska called ANWR, which is 74 miles away from the existing pipeline that delivers 17 billion barrels to the American people, and we're not allowed to drill it because this Congress won't act.

And we have a tirade on this floor about blaming Big Oil. There's only one group that's to blame, and it's this Congress, both sides of the aisle, because it's easier to buy it from OPEC countries. And we stopped trying to figure out how we can get off the dependency. We have not done that.

Now, if we don't drill, we are going to be in trouble. I predict the price of oil, if we don't drill and start supply to this demand in the United States, the price of oil will probably go to $150 a barrel. And that's going to be under your watch.

Are you proud of what you've done? I say no. This bill is a charade. It should be voted down, and we should vote ''no, no, no, drill, drill, drill.''

Mr. RAHALL. Mr. Speaker, just to remind all of my colleagues, if this administration were not playing politics with oil, why does the President not just by one stroke of the pen sign an executive order lifting these lands that the other side claims should be open? That's all it takes, a stroke of the pen to lift the moratorium on these lands for drilling. Instead, he puts a political pointer at this body.

Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to avoid remarks in the second person.

Mr. DEFAZIO. Mr. Speaker, this is a little lesson about one of the largest finds of oil in the United States. We have known about it since 1923.

In 1923 this large area of Alaska was designated as Naval Petroleum Reserve Number 4. Why? Because we knew there was a huge pool of oil under it. Estimates are the current figure is up to 15, ''b,'' billion barrels of oil. That's a lot of oil. So the President, I believe it was President Harding at the time, designated that as a Naval Petroleum Reserve.

This little area over here, the one they don't want to talk about, was designated as a wildlife refuge. Why was that? Well, because we didn't know there was any oil under it. So the oil's here, make it an oil preserve. There's wildlife here, make it a wildlife preserve. Now they say they want to drill in the wildlife preserve, but they're kind of neglecting this one over here.

Now, it was a Naval Petroleum Reserve until 1996. In 1996 the Republican Congress voted to open it up to drilling by the oil industry. Bill Clinton signed the bill, and, in fact, the Clinton administration let the first 3 million acres of leases in the year 2000. Eight years ago the industry got 3 million acres of land leased over a pool of 15 billion barrels of oil. They have drilled 25 wells and capped them. That's it. The Bush administration is going to lease another 4 million this next year.

If we don't have this bill, maybe they'll drill some more wells and cap them. They have no plans. Now, they say they want to drill over here. You will notice actually this area is closer to the existing pipeline than this area over here, but they want to debate this area over here with no known oil reserves and no pipeline and neglect this area over here with massive reserves and no pipeline and apparently no plans to build a pipeline.

If we pass this bill today, that will all change. They won't be able to sit on the largest single pool of oil in the United States territory anymore. They will have to begin in good faith to develop it. But guess what. The industry really doesn't want to do that because they're making a bucket of money the way it is now by pretending there's a shortage and not drilling.

Now, that's just the Alaska issue. If we go offshore and look elsewhere, as Mr. MARKEY said earlier, 80 percent, according to the United States Minerals Management Service, 80 percent of the oil and gas that's known to exist off of the Continental United States is accessible from existing leases. Unfortunately, 6,491 of those leases are sitting idle. On different days you get different excuses: ''Oh, it takes a really long time.'' Well, if it takes a really long time, why do we want to let new leases when it's taken a really long time to develop the old leases that they're sitting on, that have known pools of oil under them? They're taking a bucket of money now. They don't want things to change; we do.

Produce American oil for America.

Ms. FALLIN. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Idaho (Mr. SALI).

Mr. SALI. Mr. Speaker, I would like to include in the RECORD the letter from Assistant Secretary Allred relating to this bill that my colleague from Oklahoma referenced in her remarks.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
*Washington, DC, June 25, 2008.*

Hon. DON YOUNG,
*Ranking Republican Member, Committee on Natural Resources, House of Representatives, Washington, DC.*

DEAR MR. YOUNG: Thank you for your letter of June 19, 2008, to Secretary Kempthorne regarding a recent report on oil and gas by the House Committee on Natural Resources. Secretary Kempthorne has asked me to reply.

In your letter you asked that the Department of the Interior (Department) address the report's claim that oil companies hold non-producing leases on 68 million acres which could produce 4.8 million barrels of oil and 44.7 of natural gas each day.

The report does not reference specific locations for much of the data and therefore we cannot ascertain where each of the numbers was derived. It appears the report took raw data, some of which can be found on the Department websites, and then used various formulas to reach certain conclusions. The report does not disclose the assumptions or formulas used.

The views contained in the report are based on a misunderstanding of the very lengthy regulatory process. The existence of a lease does not guarantee the discovery of, or any particular quantity of oil and gas. To

truly determine this, lessees must develop data and eventually explore their leases which requires numerous permits involving compliance with various environmental laws and regulations. This process often takes months or years. In addition, lessees undertake a vast array of business steps prior to making a decision to move a lease into production, and must obtain another set of Federal and State permits to do so. I would like to provide some background on both points.

Obtaining a lease is just the first step. The lessee must first obtain the myriad of permits and approvals for exploration activities and development plans that are required before production can occur. Exploration, which occurs after the issuance of the lease, is critical. For example, after an operator acquires an onshore lease they must obtain Geophysical Permits, Permits to Drill, Sundry Notices, and permits that may be required by State government. In addition to all necessary permits being obtained, an operator must also file a plan of development.

Development offshore is equally complex. An operator must obtain Geological and Geophysical Exploration Permits, Environmental Protection Agency National Pollutant Discharge Elimination System Permits, an Army Corps of Engineers Permit, Permits to Drill, and Marine Mammals/Endangered Species Permits. If a lessee makes the decision to move to development, in addition to the myriad of required permits, an operator must file numerous plans, including Deepwater Operations Plans, Oil Spill Response Plans, Hydrogen Sulfide Plans, Development Plans or Development Operations Coordination Documents.

While these lists are not exhaustive, they illustrate the efforts that must be undertaken before a lease can be explored and developed and production comes online. A more comprehensive list of the various permits, approvals, and other legal and regulatory prerequisites that may be required based on site specifics for both onshore and offshore production is attached for your information.

In addition to the processes mentioned above, other factors affect potential development and subsequent production. These factors include capital investments and equipment such as drilling rigs and platforms.

In shallow water, approximately one in three wells results in a discovery of a quantity of oil and/or natural gas sufficient to produce economically In deeper water, one well in five is economical. Shallow wells cost approximately $200,000 for just the drilling. In deepwater, the drilling of one well may cost $100 million to $200 million. A full development project, including a platform or floater, involves multiple blocks and has cost as much as $3.5 billion. Onshore development is less expensive. A well cost 10,000 feet or deeper well will $2 million to $3 million. A shallow well runs about $200,000.

To illustrate further that a lease does not mean the discovery of oil and gas, it is important to look at the well success rates. For onshore leases, the well success rate is about 10 percent for new areas. For areas already developed, it is much higher—about 95%. For offshore, in shallow water, the success rate is about 33 percent. In deepwater it is about 20 percent.

In the Gulf of Mexico, 1132 new deep water exploration wells have been drilled since 1995, with over 170 new discoveries. While the government does conduct activities to determine resource availability, it is the private sector that funds exploration activities for more refined data and analysis on a site specific basis that can lead to production. The lengthy processes we have in place can lead to more production but it takes time to find the exact location of those resources.

In today's market, it does not make business sense for lease holders to defer or forgo pursuing production and continue to pay rental fees. In addition to the bonus bid paid at the time of a lease being issued, lessees are required to pay rentals for leases. In Fiscal Year 2007, $267.2 million in rental fees was collected as rent for oil and gas, coal, and other mineral leases.

If a lessee determines that leased acreage does not contain sufficient resources to produce economically, it will typically relinquish the lease, and the Federal Government is free to offer the tract at a subsequent lease sale. However, only after numerous steps are taken, and leased acreage is determined to contain economically and technologically producible oil and gas, can a lessee justify the significant investment required to bring leased acreage into producing status.

While increasing the productivity of already leased land is important, to ensure our country's future security and economic well being we need to open new areas for development. The lengthy processes we have in place, which can lead to more production, means that we need to look to new areas. We cannot ignore that the world's demand for oil has grown dramatically. Meanwhile, the supply of oil has grown much more slowly. As a result, oil prices have risen sharply, and that increase has been reflected at American gasoline pumps.

Sincerely,

C. STEPHEN ALLRED,
*Assistant Secretary,*
*Land and Minerals Management.*

Attachments.

PLANS AND PERMITS REQUIRED ON OCS

The number of required plan and permit approvals is on the order of 25 to 30. The reason for a range is that the specific lease holder may not file for certain permits on their own. For example, they may not file for a G&G (geological/geophysical) permit but it is certain that no lease holder will move forward without geophysical data to guide them. They may obtain sufficient data from a third party that acquired under their own speculative permit with the intention to sell the information to successful lease bidders. Additionally, there may be supplemental plans filed to cover changes in assumptions based on newer information and other steps that not all lessees will need to file. The overview of MMS regulations is at http://www.gomr.mms.gov/homepg/regulate/regs/reg_sum.html with a discussion of the plans and permits at http://www.gomr.mms.gov/homepg/regulate/regs/laws/env safe.html_#perapp. Following is a fairly complete list of the plans and permits that a lessee may have to file to bring a lease to production:

LIST OF TYPICAL PLANS AND PERMITS REQUIRED TO BRING A LEASE TO PRODUCTION

Oil and Gas Lease.

Geological and Geophysical Exploration permit.

Exploration Plan.

Coast Guard Compliance review for mobile drilling units.

Oil Spill Response Plan.

Oil Spill Financial Responsibility.

Hydrogen Sulfide Plan (some locations).

Coastal Zone Management Consistency Determination (Exploration).

Army Corps of Engineers Permit (Navigation and National Security).

EPA National Pollutant Discharge Elimination System Permit.

EPA Air Emissions Permit (some locations).

Marine Mammals/Endangered Species permits from NOAA or FWS (some locations).

Application for Permit to Drill (exploratory wells).

Application for Permit to Modify (any changes in drilling program).

Application for Permit to Modify (to plug and abandon exploration wells).

Deepwater Operations Plan (for some locations).

Conservation Information Document (for some locations).

Coast Guard Structural Review (for floating production systems).

Certified Verification Agent Review (for some locations).

Development Plan or Development Operations Coordination Document (depending on location).

Pipeline Right-of-Way. Coastal Zone Management Consistency Determination (Development).

Application for Permit to Drill (development wells).

Application for Permit to Modify (any changes in development drilling program).

Application for Permit to Modify (to plug and abandon development wells).

Platform Removal Application.

Pipeline Decommissioning Application.

PERMITS, PLANS, AND SURVEYS FOR DEVELOPMENT OF AN OIL AND GAS LEASE ON-SHORE

BLM PERMITS, PLANS, AND SURVEYS

Geophysical Exploration Permit—Notice of Intent; Notice of Completion—(Required if the operator chooses to conduct this optional activity) Purpose: Allows exploration for oil and gas resources on Federal lands.

National Environmental Policy Act (NEPA) Review—Environmental review may consist of review and documentation through a Determination of NEPA Adequacy (DNA), Categorical Exclusion (CX), Environmental Assessment (EA), or Environmental Impact Statement (EIS). (May be completed by the BLM or the Operator to BLM standards. The BLM signs the Decision).

Land Use Plan Conformance—Project evaluated to ensure it is in conformance with the BLM's land use plan.

Surveys—(Completed by the BLM or the Operator.)

Cultural Survey—Almost always required. Almost always completed through an operator-funded contract with a cultural survey contractor that has been approved by the BLM. May involve consultation with the State Historic Preservation Officer.

Wildlife Surveys—Frequently required. May be completed by the BLM or the operator to BLM standards.

Endangered Species Act Consultation—only required when endangered species may be affected by the project.

Tribal Consultation—May occur at the Planning or Permitting stage in areas where Indian tribes have historically used an area or have expressed an interest in proposed projects.

Oil and Gas Lease—(Required) Conveys a basic right to develop oil and gas from Federal Mineral estate pending approval of additional site-specific permits.

Land Use Plan Conformance—The proposed lease is evaluated to ensure it is in conformance with the BLM's land use plan.

Tribal Consultation—May occur at the leasing stage if not current in the land use plan.

Endangered Species Act Consultation—May occur at the leasing stage if not current in the land use plan and there are endangered species present.

Communitization/Unitization Approval—(Some Locations) Creates management units to improve development efficiency.

Plan of Developent—(If operations are located within a unit agreement) Creates a development management plan for the Unit.

Application for Permit to Drill (APD)—(Required) Contains the operator's proposed

drilling and surface use plans and any additional permit requirements added by the BLM. The BLM may also require Cultural and Wildlife surveys.

National Environmental Policy Act (NEPA) Review—Environmental review may consist of review and documentation through a Determination of NEPA Adequacy (DNA), Categorical Exclusion (CX), Environmental Assessment (EA), or Environmental Impact Statement (EIS). (May be completed by the BLM or the Operator to BLM standards. The BLM signs the Decision.)

Land Use Plan Conformance—Project evaluated to ensure it is in conformance with the BLM's land use plan.

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Wildlife Surveys—Frequently required. May be completed by the BLM or the operator to BLM standards.

Endangered Species Act Consultation—only required when endangered species may be affected by the project.

Tribal Consultation—May occur at the Planning or Permitting stage in areas where Indian tribes have historically used an area or have expressed an interest in proposed projects.

Sundry Notice—(Required) Notifies the BLM of the operator's proposed changes to the APD.

Approval and/or Review—In limited cases may involve NEPA, Cultural, Wildlife, ESA reviews and consultation.

Hydrogen Sulfide Plan—(Required if the poison gas may be encountered) Plans for protection of public health land safety in the event of a hydrogen sulfide leak.

Right-of-Way Grant—(Required for any development that occurs off the lease area.) Provides legal access for roads, pipelines, and powerlines.

National Environmental Policy Act (NEPA) Review—Environmental review may consist of review and documentation through a Determination of NEPA Adequacy (DNA), Categorical Exclusion (CX), Environmental Assessment (EA), or Environmental Impact Statement (EIS). (May be completed by the BLM or the Operator to BLM standards. The BLM signs the Decision.) Usually completed in conjunction with the APD NEPA analysis.

Land Use Plan Conformance—Project evaluated to ensure it is in conformance with the BLM's land use plan.

Surveys—(Completed by the BLM or the Operator.)

Cultural Survey—Almost always required. Almost always completed through an operator-funded contract with a cultural survey contractor that has been approved by the BLM. May involve consultation with the State Historic Preservation Officer.

Wildlife Surveys—Frequently required. May be completed by the BLM or the operator to BLM standards.

Endangered Species Act Consultation—only required when endangered species may be affected by the project.

Tribal Consultation—May occur at the Planning or Permitting stage in areas where Indian tribes have historically used an area or have expressed an interest in proposed projects.

OTHER FEDERAL. STATE. OR LOCAL PERMITS AND PLANS

Air Emission Permit—(May be required by State).

National Pollutant Discharge Elimination System Permit—(May be required by the State or EPA).

Section 404 Permit—(May be required by the Army Corp of Engineers if the project would potentially dredge or fill waters of the U.S.).

Storm Water Prevention Plan—(Required in some States).

UIC Permit—(Required for Class II wells—water disposal or reinjection).

Spill Prevention Countermeasure Control Plan—This is a permit required by EPA when oil and gas activities have the potential to impact waters of the United States.

Mr. Speaker, the justification for this legislation is a report from Democrats on the Natural Resources Committee, and in that report the conclusion is reached: ''We can estimate that the 68 million acres of leased but currently inactive Federal land and waters could produce an additional 4.8 million barrels of oil and 44.7 billion cubic feet of natural gas each day.''

Mr. Speaker, may I ask that the gentleman controlling the time on the other side be yielded time to respond to a question?

Mr. RAHALL. Sure. If the gentleman will yield, I will be happy to answer the question.

Mr. SALI. I understand that the Department of the Interior has issued a letter saying that they don't agree with the assumptions of your report.

Can you name a single professional organization or government agency that has told you that they agree with the assumptions or calculations used to reach the conclusion that I have just read from the report?

Mr. RAHALL. Our Committee on Natural Resources has extrapolated out the figures from current production on Federal lands, those figures coming from the Energy Administration, the same department that the administration uses.

Mr. SALI. Reclaiming my time, Mr. Speaker, the answer to that question is ''no.'' There is no professional group or government agency that agrees with those assumptions.

In his opening remarks, the good chairman said we must ''increase our supply'' of crude oil and that the answer to our energy needs in the short term is to increase American production.

Then why aren't we voting on that today? The fact is that the assumptions that this bill is premised on are false and that there will be no increased production from this bill.

Congress is to blame for the shortage of American production today, and this is having a real impact on people. There's a gal who is a certified nursing assistant in Boise, Idaho, who's taking care of my mother and my younger sister in a nursing home.

The SPEAKER pro tempore. The gentleman's time has expired.

□ 1330

Ms. FALLIN. I yield the gentleman 30 seconds.

Mr. SALI. Mr. Speaker, this young lady, who's a CNA, last week took her husband's bicycle and a few other items to a pawn shop to get $37 so she could put gas in her car to go to work at this nursing home to take care of my mother and my sister. This is having a horrendous impact on real life people.

Mr. Speaker, it's time for partisanship to be put aside. It's time for Congress to get to the real answer, which is increasing American production.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentlelady from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague for yielding.

I rise in strong support of this legislation. The oil and gas companies, awash in profits, would have us believe they have nowhere to drill. That's just plain wrong. It is the Bush administration which acknowledges that 80 percent of our oil and gas reserves are in areas where drilling is already allowed. The industry is sitting on nearly 70 million acres of public lands where it could be drilling, but isn't. The oil and gas industry already owns drilling rights to more than 6,000 untapped leases in the Gulf of Mexico.

If the industry is so eager to produce more oil and gas, it should get to it. We don't need to open more lands to drilling, when industry is dragging its feet on producing where it already could.

Mr. Speaker, this recent push by President Bush and Senator MCCAIN to open up the rest of our coast to offshore drilling is a ruse. It's not about lowering gas prices today, or even in the future.

In response to the previous statement, yesterday Guy Caruso, head of the Bush administration's Energy Information Agency, said the following about the impact of new drilling, and I quote, ''It would be a relatively small effect because it would take such a long time to bring those supplies on. It doesn't affect prices that much.''

This push for new coastal drilling is really just a last-ditch effort to get rid of barriers to drilling everywhere before the Bush administration leaves office. It's an attempt for favored special interest to oil companies to get one more favor from its friends. And the high gas prices Americans are now paying offers the perfect cover.

I urge my colleagues to call this industry's bluff. If Big Oil wants to drill on public lands, it can do so now. Please vote for this legislation that tells the industry to use it or lose it.

Ms. FALLIN. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. My first reaction to reading this bill was how could 236 Members of Congress on the Democratic side, their legions of staff, and their hired guns, know so little about a fundamental industry like we've got that they would think that these exploration companies would invest millions and, in some instances, billions of dollars of shareholder equity and debt and lease bonus payments, regulatory compliance and bureaucratic compliance costs, geological and geophysical

costs, drilling and exploration expenditures, production facilities, to then sit on these generally unsalvageable investments and not produce oil and natural gas, which is the only way to recover these investments and make a profit.

This chart, Mr. Speaker, shows a 14-year timeline of the typical exploration in the Gulf of Mexico. It is a difficult process to get through. There are some 27 bureaucratic steps that we go through. This legislation today will add another ongoing step that these companies will have to comply with.

My colleagues here on the other side of the aisle know this discourages exploration. It fits in with their overall attempt to continue to keep gasoline prices high. It is one more dagger in the heart of the American lifestyle that has been developed since World War II that has centered on reasonable gasoline.

Defeat this bill.

Mr. RAHALL. Mr. Speaker, the gentleman has not even read the bill. If everything he says on that chart is true, that is due diligence. The companies get to hold their lease, under this legislation.

I am very glad to yield 2 minutes to a member of our Appropriations Committee, the distinguished gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Anyone who thinks back just a few years would remember how this administration and the Members of the Congress who were so complicit with them has been able to falsify information and get this country into such deep trouble. The situation in Iraq has got to come to mind. All of the deep problems we have there, based upon the falsification of information. That is what we are seeing here again, falsification of information.

The Republicans are alleging that no one wants the oil companies to be able to drill for oil offshore when the fact of the matter is that the oil companies already have leases on 68 million acres, half offshore, half on the dry land of this country, and they are not using those 68 million acres.

So what the Republicans want to do, at the request of this White House, is to continue to do what this administration has been doing since the meeting of Dick Cheney with the heads of the big oil companies in this country to continue to have an energy policy that is not in the interest of America but in the interest of the big oil companies.

What they want them to do is to be able to get more land, more land, more public land, and hang on to that public land and not produce anything on it.

What we are saying in this bill is use it or lose it. You already have the leases on 68 million acres of public land. Start using it. You want to drill, start drilling. We want you to drill. Drill on the leases that you already have. Don't pretend that you have nothing on which you can drill. You have 68 million acres.

What the Republicans want to do is just put more public land in the hands of the oil companies so that they can more completely and over a longer period of time control all of the energy resources, oil and natural gas, that the people of our country own and possess. They want the oil companies to possess them for long periods of time, not to use them. They are not drilling on what they have.

So pay attention to this bill, and vote for it. Use it or lose it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Ms. FALLIN. Mr. Speaker, I'd like to yield 1 minute to the gentlelady from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Today, we are considering a bill to make something the law that is already the law. The majority claims it is necessary to force energy exploration companies to either use or lose leases they hold. However, use it or lose it is already the law. The Secretary of the Interior can already cancel a lease if the lessee fails to comply with the terms. Federal leaseholders are already required to produce oil and/or natural gas within 5 to 10 years of beginning the lease.

By blocking some firms from competing for new leases, this legislation could further increase gas prices that are already exceeding $4 per gallon. This is frustrating because I believe West Virginians would rather see us take up legislation that will actually lead to a new and more forward-thinking energy policy rather than waste time passing legislation that is already on the books. That means new exploration, coal-to-liquids, and renewables.

If this is the best the majority can do, is to restate current law, that's fine. But I think most Americans and West Virginians understand that the time has come for a more serious and comprehensive debate on this issue. That's what they deserve.

Mr. RAHALL. I'm glad my colleague from West Virginia answered the previous speaker on the Republican side and explained the bill. But let me further clarify what the bill does and does not do, and current law.

Currently, the law allows leaseholders 10 years to develop oil or gas. Our bill used to cut it down to 5 years. We have now upped it back up to the 10 years to try to satisfy some of the critics concerned with this legislation. Yet, they are still not pleased, of course.

Existing leases can be cancelled if leaseholders fail to comply with lease provisions, such as public safety and environmental requirements. Yet, there's no law or regulation that requires diligent development on Federal oil and gas leases. That is what we are doing here, is requiring this due diligence. As long as the leaseholders paid the required annual rental fee, the government cannot compel diligent development of the leased lands.

Our bill requires oil and gas operators to diligently develop oil and gas leases, as is currently required of coal leaseholders, I might remind my colleague from West Virginia. We had this same regime in place for Federal coal leasing. It was put in place when coal was in its boom days.

What we are doing for oil and gas now is what we have done with coal and other commodities that are produced on the land that the people of the United States own.

Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. I thank my colleague.

Mr. Speaker, I rise today in favor of legislation that would pressure the oil companies to drill, and drill now. In my hometown of Louisville, people are struggling to pay more than $4.20 for a gallon of gas. While they search for a way to make ends meet, a few multinational corporations hold the answers: Permits to drill over 60 million acres of oil and gas reserves today.

These existing leases could double U.S. oil production. But the oil companies don't want more land to drill, they want more land to control, which keeps oil off the market and gas prices high. After all, high gas prices have made them the richest companies in the history of the world.

Instead, they demand the Arctic National Wildlife Refuge, presumably so they cannot drill there too. Even this oil-friendly White House admits that drilling the wildlife refuge won't affect the price of gas for more than 20 years, and then, only by a couple of pennies.

Mr. Speaker, the American people's problems are measured in dollars, not pennies, and they can't wait until 2030. I urge my colleagues to pass this legislation and get American oil into the market as soon as possible.

Ms. FALLIN. Mr. Speaker, what time remains for each side?

The SPEAKER pro tempore. The gentlewoman from Oklahoma has 11½ minutes remaining. The gentleman from West Virginia, 6½.

Ms. FALLIN. Mr. Speaker, I'd like to yield 1 minute to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. The Democrats claim there's 68 million acres of energy-rich lands that companies are refusing to explore. Sixty-eight million acres. Really. So name one. Name an acre of land where vast reserves of oil are underground and a company refuses to explore.

I will open the mike. One acre. Any takers?

Mr. RAHALL. If the gentleman will yield.

Mr. BRADY of Texas. Absolutely.

Mr. RAHALL. We have these maps that are identified, that we have shown.

Mr. BRADY of Texas. Well, bring down the map and identify an acre and tell us how much oil is underground and who has refused to drill.

Mr. RAHALL. Would the gentleman tell us the same about the OCS, where

the President is proposing to lift this moratorium?

Mr. BRADY of Texas. Do you have an acre you can point to?

Mr. RAHALL. Yes, we do. We will bring it in. Right here.

Mr. BRADY of Texas. That's what I thought. This bill is a shame and an insult to families who are trying to pay their gas bills.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank my friend from West Virginia.

Mr. Speaker, if I were a football coach and I had been calling a play for 7 years and I actually lost yardage, I'd change the play.

Our friends on the other side, Mr. Speaker, they don't want to change the play. They want to keep the same plays that have been losing yards and money for the American people for the past 7 years.

In the spring of 2001, Vice President CHENEY had this meeting with the oil and gas industry to create a new energy policy for America. Then, the cost of a barrel of oil was $23. Now the cost of a barrel of oil is $139. The policy did not work.

Then, the average price of gasoline was $1.46 a gallon. Today, the average price of a gallon of gasoline on Long Island is $4.31 a gallon. It tripled.

The policy didn't work. In all that time, oil and gas companies could have drilled on the properties which they have leases to. They didn't do it.

Mr. BOUSTANY. Will the gentleman yield?

Mr. ISRAEL. I will not yield. I only have a little bit of time.

They did not do it. Now what we're saying is we have got to try something new because what was tried before, didn't work. We need a change in policy. So what we are saying to the oil companies is use it or lose it. Drill what you have the right to drill, explore where you have the right to explore, and if you're not willing to do that, we will find somebody who can.

It's time to put the sound bites aside and give real relief to the American people. The fact of the matter is that the policies that have been tried, have failed. I am not saying that anybody has committed wrongdoing, I am just saying that they have pursued the wrong policies.

The right policy is to put the American people's pocketbooks ahead of the oil company profits. Use it or lose it. That's what we are doing today.

Ms. FALLIN. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, nobody likes these high prices, and I think most folks understand the law of supply and demand. Worldwide, this last year, we pumped 126,000 fewer barrels of oil and we used a million barrels more each day.

We have said no to ANWR, we have said no to tar sands, we've said no to oil shale, we've said no to nuclear. Sierra Club, I'm told, has opposed solar in California. This Congress has not extended R&D for renewables. Yet, 85 percent of our offshore sites are off-limits.

□ 1345

I would like to put a letter that I received a copy of from the American Association of Petroleum Geologists into the RECORD that was sent to the Speaker. They conclude that policies that increase exploration costs, decrease the available time to properly evaluate leases and restrict access to Federal lands in the OCS do not provide the American people with short-term relief from high prices and undermine the goal of increasing stable long-term surpluses.

We can't waive a magic wand and say here it is. If you say 5 years, but you still require some 27 different environmentally-mandated permits that are required, with no shortening of the time that it takes to get those permits approved, you are not succeeding. In effect, what you are doing is telling the companies to go look someplace else. They are not going to look in America. They are going to look someplace else, because they may not have to comply with these same 25 different regulations that you have to comply with in this country. You can't just say 5 years, without shortening that process.

Now, I am sorry that I didn't talk to Mr. DEFAZIO before I used that chart, but he cited I think a Shell development in Alaska that doesn't have access yet to the pipeline that takes that oil down through to the bottom of Alaska. Without the pipeline permits, they have to cap the wells.

AMERICAN ASSOCIATION OF PETROLEUM GEOLOGISTS,
*June 23, 2008.*

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

Hon. STENY HOYER,
*Majority Leader, House of Representatives, Washington, DC.*

Hon. JOHN BOEHNER,
*Minority Leader, House of Representatives, Washington, DC.*

DEAR SPEAKER PELOSI, MAJORITY LEADER HOYER, AND MINORITY LEADER BOEHNER: Given the on-going debate about access and leasing activity on federal onshore lands and the Outer Continental Shelf, I would like to offer some perspective, on behalf of the American Association of Petroleum Geologists (AAPG), on the science and process of finding oil and natural gas.

AAPG, an international geoscience organization, is the world's largest professional geological society representing over 33,000 members. The purpose of AAPG is to advance the science of geology, foster scientific research, promote technology and advance the well-being of its members. With members in 116 countries, more than two-thirds of whom work and reside in the United States, AAPG serves as a voice for the shared interests of energy geologists and geophysicists in our profession worldwide.

AAPG strives to increase public awareness of the crucial role that the geosciences, and particularly petroleum and energy-related geology, play in our society.

Finding and developing oil and natural gas blends science, engineering, and economics. It has distinct phases: exploration, development, and production. And it is risky, because finding oil and natural gas traps, places where oil and natural gas migrate and concentrate, buried under thousands of feet of rock is like finding the proverbial needle in a haystack. Talent and technology increase our chances of a discovery, but there are no guarantees.

What is exploration? Well, the grid pattern on a block map makes it tempting to think of exploration as a process of simply drilling a well in each grid block to determine whether it contains oil. But because of the natural variation in regional geology, one cannot assume oil and natural gas are evenly distributed across a given lease or region. Rather, exploration is about unraveling the geologic history of the rock underneath that grid block, trying to understand where oil or natural gas may have formed and where it migrated. If the geology isn't right, you won't find oil or natural gas.

Legendary geologist Wallace Pratt once observed, ''Where oil is first found is in the minds of men.'' When preparing a lease bid, geologists use their knowledge to identify the specific areas in a region that they believe have the highest likelihood of containing oil and natural gas traps. Successful exploration begins with an idea—a hypothesis of where oil may be found.

Since exploration is about developing and testing ideas, some acreage available for leasing is never leased. That is because no one develops a compelling idea of why oil or natural gas should be there. Similarly, some acreage is leased and drilled repeatedly with no success. Then, one day, a geologist develops an idea that works, resulting in new oil or natural gas production from the same land that others dismissed as barren.

Once a lease is awarded, geologists begin an intensive assessment. They collect new geological, geophysical, and geochemical data to better understand the geology in their lease area. They use this data to construct a geological model that best explains where they think oil and natural gas were generated, where it may have been trapped, and whether the trap is big enough to warrant drilling.

If there is no evidence of a suitable trap, the explorer will relinquish the lease and walk away. If they see a trap that looks interesting, they schedule a drill rig to find out if they are right. Drilling is the true test of the geologists' model, and it isn't a decision to be made lightly. Drilling costs for a single well can range from $0.5 million for shallow onshore wells to over $25 million for tests in deep water offshore.

As the well is drilling, geologists continually collect and evaluate data to see whether it conforms to their expectations based on the geological model. Eventually, they reach the rock layer where they think the trap is located.

If there is no oil or natural gas when the drill reaches the trap they were targeting, they've drilled a dry hole. At this point the explorers will evaluate why the hole is dry: was there never oil and gas here; how was the geological model wrong; and can it be improved based on what they know from the drilled well? Depending on the results of this analysis, they may tweak the exploration idea and drill another well or decide the idea failed and relinquish the lease.

If there is oil and/or natural gas, they've drilled a discovery. Typically, they will test the well to see what volumes of oil and/or natural gas flow from it. Sometimes the flow rates do not justify further expenditures and the well is abandoned. If the results are promising, they will usually drill several additional wells to better define the size and shape of the trap. All of this data improves the geological model.

Based on this revised geological model, engineers plan how to develop the new field (e.g., number of production wells to drill, construction of oil field facilities and pipelines).

Using complex economic tools, they must decide whether the revenue from the oil and natural gas sales will exceed the past and continuing expenses to decide whether it is a commercial discovery.

The process of leasing, evaluating, drilling, and developing an oil or natural gas field typically takes five to ten years. Some fields come online sooner. Others are delayed by permitting or regulatory delays or constraints in the availability of data acquisition and drilling equipment and crews. Large projects and those in deep water may require a decade or more to ramp up to full production.

As you can see, oil and natural gas exploration is not simple and it is not easy. It requires geological ingenuity, advanced technologies, and the time to do the job right. It also requires access to areas where exploration ideas can be tested—the greater the number of areas available for exploration, the higher the chance of finding oil and natural gas traps.

U.S. consumers are burdened by high crude oil prices. Conservation and efficiency improvements are necessary responses, but equally important is increasing long-term supply from stable parts of the world, such as our very own federal lands and Outer Continental Shelf.

As Congress considers measures to deal with high crude oil prices, I urge caution. Policies that increase exploration costs, decrease the available time to properly evaluate leases, and restrict access to federal lands and the Outer Continental Shelf do not provide the American people with short-term relief from high prices and undermine the goal of increasing stable long-term supplies.

I am happy to further discuss these ideas. Please contact me through our Geoscience & Energy Office in Washington, D.C. at 202–684–8225 or 202–355–3415.

Sincerely,

WILLARD R. (WILL) GREEN,
*President.*

Mr. RAHALL. Mr. Speaker, I yield 30 seconds to the gentleman from Oregon (Mr. DEFAZIO) to reply.

Mr. DEFAZIO. The former Naval Petroleum Reserve has 15 billion barrels of oil under it. It was leased by President Bill Clinton in 1998. There is no pending lengthy application process for the pipeline. They have no plans to connect to the pipeline.

Mr. UPTON. Mr. Speaker, would the gentleman yield?

Mr. DEFAZIO. Certainly, whatever time I have left.

Mr. UPTON. If the gentleman would yield, it is my understanding that they haven't been able to conclude the permits that would link those oil discoveries.

Ms. FALLIN. Mr. Speaker, I would like to yield 2½ minutes to the gentleman from Texas (Mr. GENE GREEN) in bipartisan opposition to the bill.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise not necessarily in opposition to H.R. 6251. It is difficult to support or oppose something that is already current law. We already have use-it-or-lose-it. We have 10-year leases in this bill. That is what the law is.

Americans need Congress to look at real solutions in addressing energy needs, especially when we have $4 a gallon gas. We need answers, and not just slogans. We cannot drill our way to energy independence, we can't conserve our way, and we surely can't use alternatives to have energy independence. We need to do it all.

The legislation before us today was introduced a week ago with no committee hearings, no markups. And they raise a valid question: Are people really sitting on oil leases and not producing?

Now, there may be reasons for it, like there are not permits allowed to get it from the Navy Petroleum Reserve. I know in the Outer Continental Shelf, which I am real familiar with because it is off of Texas, a lot of those leases can't produce because there are no resources on it, but they still have that lease for 10 years.

Let me tell you, with $140 a barrel oil, everybody wants to drill everywhere that you can. But we already have 10-year leases. In fact, I would like to include for the RECORD a copy of a current lease that is from Minerals Management on section 4, diligence and rate of development. We already have a diligence requirement in the 10 year leases that are there.

What we need to do is actually do everything we can. We need to drill the leases we have, but we do need to get additional leases available in some of the most productive areas of the Outer Continental Shelf and make it available, because we need to make sure that our country is going to be energy independent and not dependent on Venezuela or Saudi Arabia or any other country. And we can do it. We have Senators going to Saudi Arabia begging for them to increase their production, but we won't increase ours in some of the most potential productive areas.

That is why we need solutions instead of slogans. That is why I have a hesitation to support the bill or oppose it, because it is already current law.

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

Mr. GENE GREEN of Texas. I will be glad to yield.

Mr. RAHALL. I appreciate my friend from Texas yielding.

The due diligence requirements or timeline that you asked for submission into the RECORD, that is perfectly allowed under my bill. We would not grab a lease. If a company is showing due diligence, if a company is moving toward production of oil or gas on Federal leases, we don't touch them.

Mr. GENE GREEN of Texas. I would be glad to read part of the lease for you, the fact that they can already take that lease back now under current law, if they want to.

Mr. Speaker, I include the lease section referred to earlier for the RECORD.

Sec. 4. Diligence, rate of development, unitization, and drainage—Lessee must exercise reasonable diligence in developing and producing, and must prevent unnecessary damage to, loss of, or waste of leased resources. Lessor reserves right to specify rates of development and production in the public interest and to require lessee to subscribe to a cooperative or unit plan, within 30 days of notice, if deemed necessary for proper development and operation of area, field, or pool embracing these leased lands. Lessee must drill and produce wells necessary to protect leased lands from drainage or compensatory royalty for drainage in amount determined by lessor.

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

Ms. FALLIN. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER), our minority leader.

Mr. BOEHNER. Let me thank my colleague for yielding and tell my colleagues that in 1992 I voted for this bill. In 1992, the chairman of the committee voted for the bill. In 1992, Mr. HOYER, the majority leader, and Ms. PELOSI, the Speaker of the House, voted for the same bill. This is already the current law.

All this is is another excuse put up by the majority to not go after more American energy. That is all this is. And we have had more excuses. We going to blame it on speculators, we are going to blame it on the oil companies, we are going to blame it on OPEC, when there is only one group, only one group in this Chamber we ought to blame, and that is all the liberals in this House who have voted on for no energy each and every time over the last 18 years that I have been here.

Forty-six votes. Forty-six votes have been brought to this floor over the last 18 years that I have been here to produce more American-made energy. I voted yes 46 times out of 46. Ms. PELOSI, as an example, voted yes twice. Just twice. And how many times did the gentleman from West Virginia vote to bring more American-made energy to the market?

We are giving $600 billion a year to people in the Middle East, money that could be spent here in America if we were willing to bring more oil out of our ground in an environmentally safe way.

Republicans have put forward an all-of-the-above strategy. We need to conserve more of our energy, we need to develop biofuels, we need to develop alternative fuels, we need to have nuclear energy, and, yes, we need to produce more oil and gas here in America in an environmentally safe way. But all we get from the other side each and every time are excuses. ''Let's blame somebody else.''

We are about to go home for our Independence Day district work period. We should not leave here until we take steps that will help us move our country toward more energy independence. Not more excuses, not more posing for ''holy pictures,'' as the chairman of the Appropriations Committee would say. We need to bring bills to the floor that will actually put Members on record whether they are for more American-made energy or not.

I am willing to show my constituents how I will vote. Let's let all of America

see how our colleagues will vote, for more American made energy, which is what we need to do to bring gas prices down in America.

Mr. RAHALL. Mr. Speaker, I would simply remind the distinguished minority leader, if my memory serves me correctly, the minority party was in control of both ends of Pennsylvania Avenue for some 6 years, both Houses of Congress. I don't recall this legislation or any serious energy policy being adopted during that time period.

Mr. Speaker, I fully agree with the minority leader about developing all of our domestic reserves. Coming from a coal area, certainly I agree with that scenario, that we need to develop all of our domestic resources, and in a nonpartisan fashion as well.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, July 28, 2005. The House of Representatives, one month from now will be the 3-year anniversary of the House Republican Congress passing their energy bill. The minority leader, who was just here, said at that time when gas was $2.29 a gallon, ''It will ultimately lead to lower energy prices for the consumer and will spur our economy.''

President Bush when it was signed: ''I am confident that one day Americans will look back on this bill as a vital step toward a more secure and more prosperous Nation that is less dependent on foreign sources of energy.''

We have had 3 years of your energy policy, 3 years where you promised lower prices and a spur to the economy. By any standard of the imagination, it is a failure. Not because you want it to be. You thought it was the right policy. But it was a failure.

We have today a policy, because we do not believe this is an either-or choice, between more drilling or more conservation. We think it takes both. That is why we passed the standards, which you did not after 12 years in control, to increase the fuel efficiency standards for our cars. The first time in 30 years that was done. You all voted against that in your leadership.

Second, when it comes to drilling, we do believe as it relates to the oil and gas companies who are having record profits, use it or lose it. We gave you 68 million acres of public land. I have 3 children, 11, 9 and 8. My middle one, she loves chocolate, really loves chocolate. But we have a rule in the house: You don't get your desert until you finish everything on your plate. And to the oil and gas companies that want those leases in other areas, you don't get those leases until you finish what is on your plate.

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

Mr. RAHALL. I yield the gentleman 30 additional seconds

Mr. EMANUEL. So see what we have done here. Not only have we given them 68 million acres with record supplies of oil and gas, you, the taxpayers, because they refused to agree to this, give them $14 billion, that is the oil companies, to drill, out of your money. $14 billion. They all vote against rescinding that and putting it towards alternatives. You give them $14 billion. You give them 68 million of acres of public land. And what is the policy? $4.08 a gallon for gas.

I say it is time for a new direction: More conservation, more drilling, use it or lose it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Ms. FALLIN. I would like to ask how much time remains.

The SPEAKER pro tempore. The gentlewoman from Oklahoma has 5 minutes remaining. The gentleman from West Virginia has 1 minute remaining.

Ms. FALLIN. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Missouri (Mr. BLUNT), the minority whip.

Mr. BLUNT. Mr. Speaker, I thank the gentlewoman for recognizing me.

I would point out to my good friend the conference chairman on the now majority side that we often passed pieces of legislation from this House that are already available to pass again today. Certainly there is no question that on the other side of this building, that legislation was often blocked. But we would like to see a comprehensive solution.

My littlest boy and my grandchildren all love Band-aids. In fact, sometimes my little boy, Charlie, will fall and bump his head, and he feels better if we put a band-aid on his arm.

I think that is kind of what we are doing here this week. We are bringing band-aids to the floor, rather than dealing with the real problem. We have got bills on the floor that say it is the people who run the service stations, and maybe there is price gouging; or it is the people who participate in the market; or it is the people who look for oil and gas.

I would suggest it may very well be the people that don't bring the legislation to the floor that would do the things that my friend from Illinois just said he was for: Production. Those bills are there. We would like to see them discharged.

We have got the No More Excuses Energy Act that the gentleman from Texas, Mr. THORNBERRY, has proposed, that would allow the kinds of production that the majority has just said they are for.

We have got a refinery siting bill that Mr. PITTS from Pennsylvania has that would allow more refinery capacity.

We have a repeal on a ban that won't let the government buy any of these alternative fuels that we are hearing are such a good idea. The very best way you can get a loan and go to the bank is if you had a government contract for coal-to-liquid jet fuel or oil shale or the tar sands. We have a Coal-to-Liquid Fuel Act that we will be trying to discharge in the future. We would like to see the real solutions come to the floor.

And on-use-it-or-lose-it, absolutely you do lose it when the lease is up. Less than 10 percent of the available land is being used now.

□ 1400

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

Ms. FALLIN. Mr. Speaker, I yield 1½ minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I thank the gentlewoman from Oklahoma.

Mr. Speaker, I rise in strong opposition to this misguided bill. Rather than allowing us to bring forth legislation that will allow us to increase the supply of oil and gas, allow us to lower the price of gas at the pump, the Democratic leadership brings us this bill that could now halt leases for up to 3 years.

Section 2(b) of this Act would require that the Department of Interior publish within 180 days major regulations dealing with development on Federal lands. If you go look, regulations associated with the EPA Act of 2005 are still not in place, and that has been 3 years.

Furthermore, with at least two agencies, both the Minerals Management Service and the Bureau of Land Management, having to conduct separate rulemaking, I find it hard to believe that with all the public comment and lawsuits that would be associated with this, it would be impossible to meet that timetable; and that would mean a delay of 2 years or 3 years in leases.

In Louisiana, the heart of our coast relies heavily on revenues we receive from offshore activities. We have dedicated in Louisiana that revenue to restore our vanishing coast. We have lost thousands of miles of land and acres of our coast to coastal restoration, and we have dedicated our revenues from leases to coastal restoration. Those funds are desperately needed.

We cannot afford to wait to lose 3 years to have more leases. Our Nation cannot afford to lose 3 years of offshore leasing just because the Democratic leadership is trying to push legislation based on false assumptions.

We need to defeat this legislation. We need to bring forth a real plan to increase supply and lower gas prices.

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

Ms. FALLIN. Mr. Speaker, I yield the remainder of our time to the gentleman from Utah (Mr. BISHOP).

The SPEAKER pro tempore. The gentleman from Utah is recognized for 90 seconds.

Mr. BISHOP of Utah. Mr. Speaker, we have heard before that Big Oil is trying to gouge the consumer, and now Big Oil is down there trying to hide this stuff, in an effort to find another scapegoat or say there is a big conspiracy that is causing our problems,

rather than 30 years of failed policies on behalf of this Congress. And now we are doing this on a suspension where we have half the time to debate, no amendments are possible in an effort to stop discussion.

The fact of the matter is 68 percent of all oil leases and 87 percent of all natural gas leases are done by small companies, small companies who need to produce to put food on the table. Is it logical that they are actually part of a conspiracy to hide the oil beneath the ground? This bill is nothing more than another law with a layer of bureaucracy put on it than we already have.

But maybe, for the gentlelady of Oklahoma, maybe the Democrats have something here. Maybe we should be looking at this tactic for other areas. Like we all know 18-year-olds and women have the right to vote. Maybe we can pass another law to let them vote; this time, they can use it or lose it.

Or I know free speech is in the Constitution. Maybe we can say we all have free speech, unless we use it or lose it. I think there are some Members of this body who would never lose it. Or faith, use it or lose it. Or maybe a brain. You can use it, or you can become a Member of Congress.

What we need to do right now is to stop finding scapegoats and find solutions. This bill is not a solution.

Mr. RAHALL. Madam Speaker, I have said this in my opening comments and I will say it again. We on the Democratic side are not opposed to drilling. We are for drilling on leases that oil companies currently already have in hand. We are for a comprehensive energy policy, including using all of our domestic resources and our domestic willpower as an American people.

A comprehensive energy policy is something that this Congress will address using in a bipartisan fashion the talents of this body and the talents of American ingenuity and willpower.

This pending legislation is a responsible bill that seeks to say to the oil companies: Use what you already have or show where you are moving toward producing that oil; otherwise, give somebody else a chance that may want to competitively bid on that same lease.

This is a use it or lose it. And I urge a ''yes'' vote for this responsible piece of legislation.

Mr. YOUNG of Alaska. Madam Speaker, I think it would be instructive for Members to see this letter from the national organizations representing the oil producers, oil and gas supply industries and the off shore oil and gas infrastructure supply industry; the organizations that supply domestic energy for the American consumer.

Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*Washington, DC.*
Hon. JOHN BOEHNER,
*Minority Leader, House of Representatives,*
*Washington, DC.*

DEAR SPEAKER PELOSI: We write today in opposition of HR 6251, the so-called ''use it or lose it'' legislation under consideration in the House today. As Americans cope with $4 a gallon gasoline, it is regrettable that some in Congress choose to propose diversionary legislation, not based on facts, instead of focusing on the real issue—the need for additional energy supplies to meet growing world energy demand.

Over the past few weeks, rhetoric surrounding our nation's lack of a coherent energy policy has reached an apex. Unfortunately, policy proposals like the ''use it or lose it'' legislation ignore fundamental facts about the oil and gas industry and jeopardize the long-term energy security of our nation.

Every energy forecast has predicted that oil and natural gas will be a critical component of America's growing energy demands. The federal Energy Information Administration (EIA) estimates 88% of our nation's energy needs will be met by oil, natural gas, coal, and nuclear power in the year 2030. This fact is being lost in the proposals of some members of Congress. While political candidates talk of energy independence, some in Congress are offering proposals that will lead our nation in the opposite direction. These members ignore the challenges of domestic production, and make unfounded accusations such as the latest charge that non-producing leases are the same as inactive leases. This couldn't be further from the truth.

The U.S. oil and natural gas industry is in the business of supplying energy, not sitting on it. The industry has reliably supplied our nation with the necessary energy to move our cars and fuel our homes and will continue to do so for decades to come. The industry buys leases with the intent to produce all commercially viable reserves of oil and natural gas. Unfortunately, not every acre of land under lease contains oil or natural gas. In fact, many leases do not contain any commercially recoverable oil or natural gas resources.

But these non-commercial leases continue to provide rental payments for the federal government, on top of bonus bids paid for the right to explore this land. In fact, the federal government received more than $9 billion in bonus bids from the last four offshore lease sales alone.

For the acreage that does include promising reserve prospects, it can take years and millions, or even billions, of dollars to develop this resource. The exploration process, which precedes production, necessarily takes time. Seismic surveys must be undertaken, delineation wells must be drilled, government permits must be obtained, environmental regulations must be adhered to, and complex production facilities must be engineered and installed.

Oil and gas development is an extensive, expensive and time-consuming process, even with advances in technology. As an example, in the U.S. ultra deepwater (greater than 5000 ft) in the Gulf of Mexico—where some of our nation's most promising new discoveries have been made—only 21% of wells drilled have resulted in a discovery of oil or natural gas. However, as a result of this industry's willingness to invest billions of dollars despite these odds—and because of what has historically been a stable domestic oil and natural gas regulatory regime—the U.S. oil and gas industry has continued to explore the Gulf of Mexico. This exploration has resulted in an 820% increase in deepwater oil production and a roughly 1,155% increase in deepwater natural gas production from 1992 to 2006, while adding billions of dollars in revenue to the federal treasury.

In fact, royalty payments provide the second-largest revenue stream to the federal government, behind only federal taxes administered by the IRS.

The ability to explore in Gulf Coast waters has resulted in not only a steady stream of major discoveries since the mid 1990s, but also a tripling of estimated undiscovered potential from 1995 to 2003. Similarly, Prudhoe Bay, Alaska was initially thought to contain 9 billion barrels of oil, but the industry has already produced about 12 billion barrels and it still is estimated to contain reserves of another 6 billion barrels. Imagine what American industrial ingenuity could find through environmentally responsible exploration and development of 85% of Lower 48 Outer Continental Shelf and 83% of onshore federal lands that are currently off-limits or facing significant restrictions to development.

The Outer Continental Shelf Lands Act, the Mineral Leasing Act, and the Mineral Leasing Act for Acquired Lands already establish a regulatory system that sets time limits on lease terms, establishes annual rental payments for leases that are not yet in production, and requires diligent development of all available resources. The current debate does not acknowledge these facts. The American public deserves a policy discussion grounded in market fundamentals.

Sincerely,

AMERICAN PETROLEUM INSTITUTE.
AMERICAN EXPLORATION AND PRODUCTION COUNCIL.
INTERNATIONAL ASSOCIATION OF DRILLING CONTRACTORS.
INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA.
INDEPENDENT PETROLEUM ASSOCIATION OF MOUNTAIN STATES.
NATIONAL OCEAN INDUSTRIES ASSOCIATION.
U.S. OIL AND GAS ASSOCIATION.

Mrs. MALONEY of New York. Madam Speaker, the administration's answer to record gas prices today is to allow drilling in Alaska's pristine wilderness and off our shorelines for little payoff a decade from now.

What they don't tell you is that big oil companies already lease 68 million acres of public lands that they are not developing. Big oil companies are sitting on 81 percent of America's Federal oil and gas reserves, but all they are producing are complaints that it's not enough.

I urge my colleagues to support H.R. 6251—the ''use it or lose it'' bill. This legislation would compel the oil industry to start drilling on the acreage they already lease before obtaining any new leases.

Madam Speaker, if domestic drilling can bring relief to American families, what are the oil companies waiting for?

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today in opposition to H.R. 6251, the Democrat ''use it or lose it'' plan.

Leases and drilling permits are not awarded with any certainty that oil or gas will be found. Just because my Democrat colleagues say oil and gas is there, does not necessarily make it so. The Democrats in the majority need to stop playing geologist and start representing the American people.

Seventy-six percent of the American people believe Congress should expand domestic production. Gas prices are high because demand is greater than supply. In fact, U.S. oil production has steadily decreased since 1970.

Reports by the Bureau of Land Management and the Minerals Management Service place potential federally managed areas for oil

and gas exploration at 1.3 billion acres. Currently, only 68 million acres of Federal land are being explored for oil and gas.

This Congress should be more concerned with opening up Federal land to energy production than wasting time arguing over the 5 percent of land that is currently available.

Democrats have pushed for higher gas prices for decades. Now that they have finally succeeded, Democrats seem determined to keep them that way.

Madam Speaker, we know increasing supply will lower the price of gasoline and we have the means to do so. Drill here, drill now, pay less.

Mr. HOLT. Madam Speaker, I rise today in support of H.R. 6251, the Responsible Federal Oil and Gas Lease Act.

Over the last few months we have frequently heard claims from our colleagues on the other side of the aisle that we need to open up more Federal lands to oil and gas drilling, the magic bullet that will solve our energy crisis. They have told the American people that Democrats and environmentalists are protecting our Nation's most sensitive and special environments at the expense of the American people. They have claimed that opening up land in the Arctic National Wildlife Refuge (ANWR) and on the Outer Continental Shelf (OCS) would quickly help bring down the price of gas. Not only are these claims misleading American families desperately seeking help with skyrocketing gas prices, they are completely false.

Currently 81 percent of our Nation's Federal lands are available to be leased for the purpose of oil and gas drilling. Sixty-eight million acres of the lands open for drilling both onshore and offshore currently are leased by oil companies who are not using them for production. It is estimated that these leased but unused lands could produce an additional 4.8 million barrels of oil and 44.7 billion cubic feet of natural gas each day, nearly doubling U.S. oil production and cutting oil imports by a third. Existing leases can also come online much faster than any newly leased lands, which would save only pennies per gallon, more than a decade down the road.

I would like to commend my colleague from West Virginia, Representative NICK RAHALL, for introducing H.R. 6251, the Responsible Federal Oil and Gas Lease Act. This legislation would require oil companies to certify to the Department of the Interior that they are actively developing on the lands that they have already leased. If these oil companies are not producing on these lands, they either would have to relinquish these leases or start producing on them before they could apply to lease additional lands. Also my colleagues who say ''drill, drill, drill'' should support this legislation and they should stop talking about drilling on our environmentally sensitive coastlines and wildlife refuges until oil companies have gone as far as they can towards on these currently leased lands.

This legislation is common sense and I urge my colleagues to support it. There is no logic to opening up more land to oil and gas drilling when we are not utilizing the leases we already have. Of course this legislation is not a long term solution to America's energy needs. Currently we produce 3 percent of the world's oil and consume 25 percent. Unless we find a way to dramatically reduce our consumption we will never be able to drill our way to energy independence. I look forward to working with my colleagues on both sides of the aisle to develop a long term solution to this crisis.

Mr. UDALL of Colorado. Madam Speaker, I will vote for this bill.

In recent days, discussion of the bill has included statements—by some supporters and some opponents alike—that I found exaggerated in their descriptions of the likely effect of its enactment. I regret that, and think it would be better to avoid the ''use it or lose it'' rhetoric that oversimplifies the issue and fails to reflect the reality that oil and gas exploration is a complicated commercial and scientific enterprise involving efforts not easily fitting within strict regulatory timelines.

But while the bill may not be as far-reaching as some have claimed, I think it is a reasonable response to current conditions and should be passed.

In essence, the bill would bar the current holders of Federal mineral leases—whether for onshore or offshore areas—from obtaining additional leases unless they are able to show that they are ''diligently developing'' the leases they already hold. The Secretary of the Interior would be responsible for spelling out in regulations exactly what would be needed to show such ''due diligence.''

Current Interior Department regulations include provisions addressing due diligence requirements, so this is not a new concept. But I think giving it greater emphasis is appropriate in view of the continuing importance of oil even as we work to increase the availability and use of alternative energy sources.

More useful in terms of energy policy, this bill will reinforce the provisions of current law that aim to prevent hoarding of leases, and by providing an incentive for relinquishment of some leases may increase the opportunity for others to seek and obtain the right to explore for and perhaps produce oil or gas from those lands.

This approach is similar to that taken when Congress amended the coal-leasing laws by passing the Coal Leasing Act Amendments of 1976 over President Ford's veto. That 1976 legislation provided for a due-diligence requirement as part of a comprehensive overhaul of the laws governing leasing and development of federally owned coal resources—a provision that some analysts have said had the most immediate practical effect of any of the legislation's various provisions.

As a result, for several decades the holders of Federal coal leases have been required by law to diligently develop their leases, which has aided in the orderly and efficient development of the Nation's coal. I think a similar reinforcement of existing law for leasing of other Federal energy resources makes sense.

This bill alone is certainly not all that needs to be done to improve our energy policies. But I think it can make at least a modest contribution to achieving that, and so I will support it.

The SPEAKER pro tempore (Ms. DEGETTE). The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 6251, 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.

Ms. FALLIN. 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.

## PERMISSION TO CONSIDER AS ADOPTED MOTIONS TO SUSPEND THE RULES

Mr. OBERSTAR. Madam Speaker, I ask unanimous consent that the motions to suspend the rules relating to the following measures be considered as adopted in the form considered by the House on Tuesday June 24, 2008:

House Resolution 1294, House Concurrent Resolution 163, House Resolution 353, House Resolution 1231, H.R. 2245, H.R. 4264, H.R. 4918, House Resolution 1271, House Concurrent Resolution 370, House Concurrent Resolution 195, House Resolution 970, House Concurrent Resolution 365.

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

There was no objection.

The SPEAKER pro tempore. Without objection, sundry motions to reconsider are laid on the table and titles are amended as applicable.

There was no objection.

## CONDITIONAL ADJOURNMENT TO MONDAY, JUNE 30, 2008

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that when the House adjourns today on a motion offered pursuant to this order, it adjourn to meet at 10 a.m. on Monday, June 30, 2008, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 379, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

## PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING PROCEEDINGS TODAY

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that, during proceedings today in the House and in the Committee of the Whole, the Chair may be authorized to reduce to 2 minutes the minimum time for electronic voting on any question that otherwise could be subjected to 5-minute voting under clause 8 or 9 of rule XX or under clause 6 of rule XVIII.

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

There was no objection.

## GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks, and include extraneous material on H.R. 6052.

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

There was no objection.

## SAVING ENERGY THROUGH PUBLIC TRANSPORTATION ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1304 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 6052.

□ 1408

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6052) to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes, with Ms. DEGETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Madam Chairman, I rise in support of H.R. 6052, the Saving Energy Through Public Transportation Act of 2008.

The purpose of the bill, very simply stated, is to promote energy savings for all Americans by increasing use of public transportation throughout this country, a fact that has been a need, let us say, that has been driven home dramatically by $4 a gallon oil and gasoline prices since Memorial Day, and I thank the Speaker and majority leader for making time for us to bring this bill to the House Floor.

Basic law of economics is that the price of gas is a two-part equation: Supply and demand. Demand is a critical factor in the cost of oil, and decreasing demand is one of the most immediate ways we can attack the high cost of gasoline prices. And our fellow citizens understand this. They are making choices. They have been making choices for several years.

Over the last 3 years, in particular, there has been growth of 1 million new riders a day on public transportation systems across America, for 375 million new transit trips nationwide last year, a total of 10.3 billion transit trips throughout the country.

There was a time when New York City accounted for 60 percent of all transit trips in the United States, but no longer. In the last 3 years, New York's share of transit ridership nationwide has slipped to 38 percent, not because New Yorkers are riding transit less; they are riding more. But more Americans have found their way to public transportation, and increasingly in droves since the skyrocketing price of gasoline.

Transit systems throughout the United States have found every new transit project, every new light rail project has more than tripled its original projections of ridership nationwide.

Innovative cities like Denver under then-Mayor Wellington Webb, said: Ride our transit system free in the center city. Keep your pollution out of the center city. Ride the transit system free. And it has been an enormous boost and benefit to the city of Denver.

I can and I will cite some very specific ridership improvements in my own State. In Minneapolis, the Hiawatha light rail, 20 years in the waiting, finally was constructed; ridership opened, and 9 months later, 10 months ahead of schedule, they achieved their 10 millionth rider. Dramatic improvements.

Seattle, Dallas-Fort Worth, San Francisco all have similar increases in transit ridership. The Charlotte Area Transit System recently opened a new light rail line. They have increased ridership 34 percent from February of last year to February of this year.

CalTran, the commuter rail line that serves the San Francisco Peninsula and Santa Clara Valley, set a record for average weekday ridership in February of this year with a 9.3 percent increase over last year.

The South Florida Regional Transportation Authority, my good friend, the ranking member, the gentleman from Florida (Mr. MICA) knows well, posted a rise of more than 20 percent ridership from Miami, Fort Lauderdale, West Palm Beach in March and April of this year as compared to last year.

Americans are making the choice. They have decided. We need to help them with that choice. And the bill before us will make a huge step in that direction.

This legislation provides substantial support for States and public transportation agencies increasing incentives for computers to make their choice to ride transit: 1.7 billion, 2 years for transit agencies that are reducing transit fares or expanding the services to meet the needs of growing transit commuters. We increase the Federal share for clean fuel and alternative fuel transit bus, ferry, and locomotive related equipment or facilities, helping transit agencies become more fuel efficient.

□ 1415

In fiscal years 2008 and 2009, the increased Federal share for these activities will go from 90 percent to 100 percent of the net capital cost of the project.

We also provide authority to extend the Federal transit pass benefit program which has operated over the past few years on a pilot basis in the National Capital Region and in a few selected areas throughout the country. After evaluating the transit pass program, the U.S. Department of Transportation recommended that it be expanded nationwide. We do that in this legislation. There was an executive order signed by President Clinton in 2000 that launched this initiative. It was supported in the SAFETEA legislation. The 3-year pilot program under our legislation would be substantially expanded nationwide.

The Department of Transportation says that expanding this program will implement their own department recommendation by giving more Federal employees incentives to choose transit options. And we also create a pilot program to allow the funding expended by private providers of public transportation for van pools to acquire the vans to be used as their non-Federal share for matching Federal transit funds in five community pilot projects. Under current law, only public funds can be used as the local match. This pilot program will induce private funds to participate in the van pooling initiative.

I would observe we had a very successful van pooling program in the Minneapolis-St. Paul area in the mid-1980s when companies like 3M, Control Data, and Minneapolis Honeywell bought the vans for their employees and provided a fuel subsidy and encouraged their employees to join together. The vans were full. The program was successful. It cut down on congestion in the greater metropolitan Twin City area, and reduced cost for all of the riders. We should do that nationally, and we provide further authority to make that change and to take that initiative.

There are other provisions in this bill that are important, and I will submit those for the RECORD, but I want to close this part of my remarks with an observation by Paul Weyrich in a very thoughtful publication, Free Congress Foundation. ''Does Transit Work: A Conservative Reappraisal.'' It begins, ''The first recorded example of mass transportation was the movement of Adam and Eve from the Garden of Eden. At that time, 100 percent of the population was moved at once in a single trip; a record never equaled since.'' Then he says, ''According to most studies of mass transit, it has gone straight downhill from there.''

Well, we are on the way up and we are going to lift mass transit and speed its acceptance and its use by the public with the legislation that we bring before you today.

Toward that purpose, I express my great appreciation to the gentleman from Florida, the ranking member, Mr. MICA, for the partnership he has engaged in with us and for the thoughtful, constructive suggestions he has made every step of the way. I appreciate very much the gentleman's participation.

Madam Chairman, I rise today in strong support of H.R. 6052, the "Saving Energy

Through Public Transportation Act of 2008''. This bill promotes energy savings for all Americans by increasing public transportation use in the United States.

As gas prices have skyrocketed past $4 per gallon since Memorial Day, everyone is talking about how we need more oil. I thank the Speaker and the Majority Leader for scheduling today's bill, H.R. 6052, so that we can also talk about using less.

Let us all remember the basic law of economics that the price of gas is a two-part equation: supply and demand. Demand is a critical factor in the cost of oil, and decreasing demand is one of the most immediate ways that we can tackle the high cost of gas.

Americans understand this. They are making choices today that are decreasing our global demand for oil. We're seeing record ridership on public transportation all across the country, as well as decreases in the number of miles traveled in cars, SUVs, and pickup trucks. Without doubt, many Americans are making these choices based on the economic hardship caused by the high price of gas. However, in my discussions with constituents in my district and people across the country, Americans are also considering transit alternatives because they're sick and tired of knowing that our great nation imports 60 percent of its oil, much of it from the Persian Gulf.

As a result, across America, public transportation has experienced a renaissance in big cities, suburban communities, and small towns. In 2007, Americans took more than 10.3 billion trips on public transportation, the highest level in 50 years. In the first quarter of 2008, commuters took more than 2.6 billion transit trips nationwide, an increase of 3.3 percent over the first quarter of 2007.

Now that the price of gas has surpassed $4 a gallon, even more commuters are choosing to ride the train or the bus to work rather than drive alone in their cars. Public transit systems in metropolitan areas are reporting increases in ridership of five, ten, and even 15 percent over last year's figures. Light rails saw the largest jump in ridership with a 10 percent increase to 110 million trips in the first quarter. Some of the biggest increases in ridership are occurring in many areas in the South and West where new bus and light rail lines have been built in the last few years.

In Denver, for example, ridership was up eight percent in the first three months of 2008 compared with last year, and Minneapolis, Seattle, Dallas-Fort Worth, and San Francisco all reported similar increases. The Charlotte Area Transit System, which recently opened a new light rail line, has increased ridership more than 34 percent from February 2007 to February 2008. Caltrain, the commuter rail line that serves the San Francisco Peninsula and the Santa Clara Valley, set a record for average weekday ridership in February with a 9.3 percent increase over 2007. The South Florida Regional Transportation Authority, which operates a commuter rail system from Miami to Fort Lauderdale and West Palm Beach, posted a rise of more than 20 percent in ridership in March and April as compared to the same time last year.

Madam Chairman, Americans are proving that riding transit is an easy, immediate, and important part of the solution to decreasing our demand for foreign oil. However, meeting this impressive new demand for public transportation services is no small task for our transit agencies. With these record-breaking numbers of commuters riding transit, many of our nation's transit systems are busting at the seams. In addition, the cost of fuel and power for public transportation providers has sharply increased, compounding costs of serving all of these new transit riders.

Currently, public transportation reduces gas consumption by 1.4 billion gallons a year (3.9 million gallons per day), which equates to more than 33 million barrels of oil. It's equal to 108 million fewer cars filling up year.

Although those fuel savings are incredible, we can do better, and we must.

H.R. 6052 provides much needed support to states and public transportation agencies and also increases incentives for commuters to choose transit options, thereby reducing their transportation-related energy consumption and our nation's reliance on foreign oil.

To increase public transportation use across the United States, H.R. 6052 authorizes $1.7 billion in funding over two years for transit agencies nationwide that are temporarily reducing transit fares or expanding transit services to meet the needs of the growing number of transit commuters. It is important to note that the funds authorized by this bill will be distributed to States and local communities in the same manner as they currently receive Federal transit urban and rural formula funds. However, in an effort to provide transit choices to smaller urban and rural areas, which may not currently have any transit service, this bill specifically increases the relative share of the transit funds that will be going to the rural areas.

H.R. 6052 also increases the Federal share for clean fuel and alternative fuel transit bus, ferry, or locomotive-related equipment or facilities, thereby assisting transit agencies in becoming more fuel efficient. In fiscal years 2008 and 2009, the increased Federal share for these activities is 100 percent of the net capital cost of the project.

H.R. 6052 also extends the Federal transit pass benefits program to require that all Federal agencies offer transit passes to Federal employees throughout the United States. Current law requires that all Federal agencies within the National Capital Region implement a transit pass fringe benefits program and offer employees transit passes.

Data from the Washington Metropolitan Area Transportation Authority covering the first three years of the National Capital Region transit pass program show that more than 15,500 automobiles were eliminated from roads in the Washington, DC area as a result of Federal employees shifting their travel mode away from single occupancy vehicle (''SOV'') use to public transportation use for commuting to work. DOT estimated the energy savings from this mode shift included the reduction of more than eight million gallons of gasoline for each of the three years that they studied. DOT also studied the results of a nationwide pilot program and found that, within the three agencies, 11 percent of the participants shifted their travel mode away from SOV use to public transportation use for commuting to work, again producing marked energy savings.

The Department of Transportation has determined that both the National Capital Region transit benefits program and the nationwide pilot program produce marked energy and emissions savings, congestion reductions, and cleaner air, and recommends that the transit pass benefits program be extended to Federal employees nationwide. This provision will implement the Department's recommendation by providing more Federal employees the incentives to choose transit options, thereby reducing their transportation-related energy consumption and reliance on foreign oil.

H.R. 6052 also creates a pilot program to allow the amount expended by private providers of public transportation by vanpool for the acquisition of vans to be used as the non-Federal share for matching Federal transit funds in five communities. Under current law, only local public funds may be used as local match; this pilot program would allow private funds to be used in limited circumstances. The Department of Transportation will implement and oversee the vanpool pilot projects, and will report back to Congress on the costs, benefits, and efficiencies of the vanpool projects.

Finally, H.R. 6052 increases the Federal share for additional parking facilities at end-of-line fixed guideway stations. This provision increases the total number of transit commuters who will have access to those facilities.

Public transportation use in all of its forms—bus, rail, vanpool, ferry, streetcar, and subways to name a few—saves fuel and reduces our dependence on foreign oil. As such, increasing public transportation use by providing incentives for commuters to choose transit options is a priority of this Congress.

Given the price of gas, Americans are more focused on the costs of commuting than at any time in recent history. And they want choices. We need to provide them. With passage of this bill, we have an opportunity to provide transit choices that will change the way that Americans travel.

The impact of such changes on our nation's dependence on foreign oil would be extraordinary. According to a recent study, if Americans used public transit at the same rate as Europeans—for roughly 10 percent of their daily travel needs—the United States could reduce its dependence on imported oil by more than 40 percent, nearly equal to the 550 million barrels of crude oil that we import from Saudi Arabia each year.

That's the difference this bill can help make.

I strongly support H.R. 6052, the ''Saving Energy Through Public Transportation Act of 2008'', and urge my colleagues to do the same.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
*Washington, DC, June 3, 2008.*

Hon. JAMES L. OBERSTAR,
*Chairman, Committee on Transportaiton and Infrastructure, House of Representatives, Washington, DC.*

DEAR CHAIRMAN OBERSTAR: I am writing to confirm our mutual understanding with respect to the consideration of H.R. 6052, the Saving Energy Through Public Transportation Act of 2008, which was referred to the Committee on Oversight and Government Reform on May 14, 2008.

In the interest of expediting consideration of H.R. 6052, the Oversight Committee will not separately consider this legislation. The Oversight Committee does so, however, with the understanding that this does not prejudice the Committee's jurisdictional interests and prerogatives regarding this bill or similar legislation.

I respectfully request your support for the appointment of outside conferees from the

Oversight Committee should H.R. 6052 or a similar Senate bill be considered in conference with the Senate. I also request that you include our exchange of letters on this matter in the Committee on Transportation and Infrastructure Report on H.R. 6052 or in the Congressional Record during consideration of this legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

HENRY A. WAXMAN,
*Chairman.*

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
*Washington, DC, June 3, 2008.*

Hon. HENRY A. WAXMAN,
*Chairman, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.*

DEAR CHAIRMAN WAXMAN: I write to you regarding H.R. 6052, the ''Saving Energy through Public Transportation Act of 2008''.

I appreciate your willingness to waive rights to further consideration of H.R. 6052, notwithstanding the jurisdictional interest of the Committee on Oversight and Government Reform. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this legislation or similar language. Furthermore, I agree to support your request for appointment of conferees from the Committee on Oversight and Government Reform if a conference is held on this matter.

This exchange of letters will be placed in the Committee report and inserted in the Congressional Record as part of the consideration of H.R. 6052 on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

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

Sincerely,

JAMES L. OBERSTAR, M.C.
*Chairman.*

I reserve the balance of my time.

Mr. MICA. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I want to thank our chair of the Transportation and Infrastructure Committee, my Democrat counterpart, Mr. OBERSTAR, for his work on this piece of legislation that does deal with some of the issues that we are facing right now and follows some of the discussions that we have had on the floor relating to energy and energy conservation.

The Transportation and Infrastructure Committee has a very small piece of the puzzle, but it is nonetheless an important piece and we have tried to exercise our jurisdictional responsibility in coming forth with this, again, small piece of the puzzle.

This bill does provide for expansion of some of the transit grants around the country, and I think that there are some beneficial provisions for those in rural areas, suburban areas, and for much of the public that relies on public transportation.

This bill further does allow sort of an unprecedented ability to use some of the money traditionally used for projects to assist some of the local transit authorities that are suffering now with high fuel costs. Just like the average family is suffering with high fuel costs, transit agencies have also experienced the same problem. They are cutting back on services, sometimes when people really need to have an option and don't have that option, by cutting out routes, and that has been announced even in my area. So I think we are doing a responsible thing.

This is a 2-year authorization. It is an expansion of the authorization of $1.7 billion that does give some of the folks on my side some hiccups, but it is authorization, it is not appropriation and each Member is going to have to judge their support or opposition based on the final product. But I have joined Chairman OBERSTAR in support of this authorizing bill. I think again it fills our small piece of the puzzle.

I did want to take just a minute or two, I didn't get a chance to speak on the rule or on the energy legislation that was before the House earlier, and there was quite a bit of banter. And some people were bashing the President and this administration for not having a plan. In fact, someone said he didn't recall a plan, which is kind of funny.

I am very fortunate to have outstanding staff, but this summer I also have some outstanding interns. They come from all over the country to Congress, and I have gotten some from my district and elsewhere. So you have a little more staff to do research rather than just keep on the track that we are on here every day. I said wasn't there a Bush plan? And all be darned, there was a Bush energy plan. So I had a little research done on that.

Lo and behold, very shortly into his term, it was May 17, 2001, the President of the United States, George Bush, just a few months into office, he set two major priorities, one being education. You remember on 9/11 he was in a Florida classroom talking about his plan to improve education. But even before that, in May as one of his first priorities, he announced his plan. He announced his plan actually in the home State of the chairman, in St. Paul, Minnesota. On that day when he announced it he said, ''If we fail to act, our country will become more reliant on foreign crude oil, putting our national energy security into the hands of foreign nations, some of whom do not share our interests.''

On that same day when he announced his plan, he said regarding part of his plan, ''We will underwrite research and development into energy-saving technology. It'll require manufacturers to build more energy-efficient appliances. We will review and remove obstacles that prevent business from investing in energy-efficient technologies.''

Furthermore, President Bush said, ''The second part of our energy plan will be to expand and diversify our Nation's energy supplies. America today imports,'' and now this is May of 2001, ''America today imports 52 percent of all of our oil. If we don't take action, those imports will only grow. As long as cars and trucks run on gasoline, we will need oil, and we should produce more of it at home.''

The President called for burning coal more cleanly, expanding nuclear power, and drilling for new oil in new places, that included the Arctic area in Alaska. The President said that is banned now, but the President said it can be done safely.

Listen to this one. This is the President in St. Paul. ''ANWR can produce 600,000 barrels of oil a day for the next 40 years. What difference does 600,000 barrels a day make? Well, that happens to be exactly the amount we import from Saddam Hussein's Iraq. We're not just short of oil; we're short of the refineries that turn oil into fuel. So while the rest of our economy is functioning at 82 percent of capacity, our refineries are gasping at 96 percent of capacity.''

That was part of the President's plan, and how prophetic could you be. This was before 9/11. This was in May of 2001, announcing his plan.

I can't take up all of the time, but I have Mr. Gephardt's response: Congress will take action to stop them. Mr. KERRY vowed to filibuster, and the Sierra Club is already running ads against it. Those were some of the responses.

It is interesting how quickly we forget that there have been plans, and those plans could have made a big difference.

Here today we are trying in a bipartisan fashion to make a small difference to give some of our Federal employees outside the Capital Beltway the opportunity to have the same transit advantages and payments that we give within the Beltway to Federal employees outside, expand some of the grants for transit, and also help some of those transit operations that are suffering like the American family is with cutbacks because of high fuel costs.

I reserve the balance of my time.

Mr. OBERSTAR. Madam Chairman, I yield myself 15 seconds to just remind my good friend that the bill before us is not ANWR or the other subjects. It is about moving people more efficiently with lower costs and lower energy consumption. I think we do ourselves service by sticking to the subject matter at hand.

I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO) who as chair of the Surface Subcommittee has held 22 hearings on the future of transportation in America and has done a superb service for the Nation.

Mr. DEFAZIO. I thank the gentleman of the full committee for his outstanding work over the many years for transit. How prophetic many of his positions have been. I remember during the last reauthorization fighting to just get a tiny bit more for transit. We didn't get what we wanted and said we would need, but we did get a little more, despite a particular opposition from a number of Republican Senators.

We are loving our transit systems to death today. Americans of necessity, or with changes in life-style, are flocking

onto mass transit at record rates, rates not seen in half a century in the United States of America. That's the good news.

The bad news is so many Americans are flooding onto our transit systems, the most in 50 years, that our transit systems are having to curtail service and cut routes. There is something very wrong with this picture.

At the very time that the American people are demanding an alternative because they can't afford the $4.50 a gallon for their car or they are tired of the congestion and commute, which have not yet been effectively dealt with because of our lack of investment in other infrastructure, they are turning to transit as an alternative.

But transit is confronted with, if it is a bus, a doubling of the cost of diesel. And other modes that are electrically driven have seen their energy costs go up. But beyond that, the rate of utilization, the people crushing on, are wearing the equipment out even faster and we haven't been keeping up with the replacement cycle because of the under-investment in the system.

I was talking to someone who came in from Rockville today. They said you wouldn't believe how packed it was. I said I think we are going to have to adopt the Japanese system where we hire little guys with white gloves to start pushing people onto our Metro cars, or our MAX cars in Oregon, because there are so many people who want to get on, we have to utilize what isn't enough capacity.

So this bill is the first, little, baby, incremental step to giving some assistance to those transit agencies who want to give assistance to an American public that is hurting because of failed energy policies.

I am not going to re-debate the energy policies with the gentleman from Florida, but that was an incredibly creative recapitulation of the failed energy policies of the Bush-Cheney administration over the last 6 years.

□ 1430

So we need now to deal with some of the results of those failures.

And we've debated other bills to help provide relief to the American consumers there. But here we have to provide relief and help to our transit agencies who are going to extend a hand to our American commuters and families. Unfortunately, this is, as yet, only a promise. It's an authorization. And the budget is a little tight around here unless you're one to fund a war with emergency funding. The President won't declare a transit emergency, I don't think. Maybe we can get him to do that. But we need to get some funding and flesh out the bones of this bill.

Mr. MICA. Madam Speaker, I would like to yield to the distinguished gentleman from Indiana (Mr. BURTON) 2½ minutes.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

I have been sitting down here and listening for about a couple of hours to the debate on the whole question of energy, and I would like to, from my perspective, tell you what I have gleaned from this debate.

First of all, Americans are suffering. That is a fact. The price of gasoline is too high. Another fact is that everything that is associated or has anything to do with transportation is being affected, and the prices are going up for groceries, for everything. And the American people are suffering.

I'm very concerned about the future of our economy if we don't get more oil and gas to market.

Now, a while ago, the chairman of the previous committee said that we're importing 61 percent of our oil, up from about 48 percent some time ago. This was the chairman on the Democrat side. I would agree with that. We are importing 61 percent, up about 13 percent from what we did a couple of years ago. The reason is we're not drilling enough here in America. We're not producing enough in America, and we're buying it from Saudi Arabia, from Venezuela and other parts of the world.

We need to move towards energy independence, and if we don't, I predict we're going to have severe, severe economic problems over the next few years. We could have a major economic recession or depression if we don't get control of our energy prices because it's going to spread into every other area of our lives. And the American people, I think, sense that. And that's why I said to my colleagues, Go home and talk to your friends and neighbors at the gas station and ask them, Do you want to get the gas prices down, or do you want to make sure that we don't drill in America, that we're more concerned about environmental concerns than we are of taking care of our economy?

Obviously we want a better economy or better environmental situation. We want to go to alternative fuels. We want to do all of those things. Clean air, clean water. But at the same time, we don't want the entire economy of the United States to go down the tubes. And unless we get that energy independence by drilling here at home, that's a very real risk. We could have a real severe economic downturn.

Fact: Prices are too high. Fact: It's hurting our entire economy. Fact: We have enough oil and gas in oil shale to make us energy independent if we get it out of the ground and out of the ocean into the market. Fact: 68 percent of oil well explorers are small companies. That's been brought out here today. And 87 percent of gas producers are small businesses. We talk about these permits. Why would they not want us to drill? It's their livelihood.

The CHAIRMAN. The gentleman's time has expired.

Mr. MICA. Madam Chairman, I yield 1 additional minute.

Mr. BURTON of Indiana. Why would these oil producers and gas producers not want to drill?

So I think it's a bogus argument to say, Hey, they're holding these permits and not drilling. They want to make money, and if they don't drill, they're not going to make money.

In fact, 97 percent of the Continental Shelf and 94 percent of onshore areas are exempt from drilling, and the oil's there, the gas is there, and the coal shale is there; and we're not doing a darn thing about it, and we are arguing about it. There has to be a bipartisan move to solve this problem. It ain't gonna solve itself, and the American people continue to suffer.

So I would like to say to my colleagues on the other side of the aisle, let's sit down and work this out because if we don't, everybody is going to suffer, and this blame game ain't solving anything.

Mr. OBERSTAR. Madam Chairman, I yield 3 minutes to the distinguished Chair of the Subcommittee on FEMA and Economic Development and other related subjects, the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I owe the chairman and the ranking member many thanks for today's bill. I appreciate that you have worked together on it, and I appreciate that you have brought forward the only available remedy for driving down $4-a-gallon gas.

Sometimes, Madam Speaker, the remedy is so obvious that we can't see it. But who has made us see it are the American people because they have found that remedy, and they are leading the way. That's why this bill is on the floor today, notwithstanding the leadership of a chairman, who for a long time has wanted to pass this bill.

I have great respect for our ranking member. But the fact is that wherever you stand on offshore or in Alaska, this is the only way to have an effect tomorrow. And that is what the American people are saying: Don't tell me about digging. Don't tell me about drilling. Tell me that I can get to work tomorrow. There is only one ''tomorrow'' remedy, and that is this public transportation remedy.

Moreover, we know what to do. What makes me want to cry is the Federal Government has done it to a fare-thee-well with incentives right here in the national Capital area where more than half of the Federal presence is located for decades because we've been giving financial incentives to Federal employees to hop on the metro and to hop on buses to get to work instead of taking to the roads. And boy, they've done it.

That's why I thank this House for last year authorizing a bill that will help us take care of the capital costs because Federal employees have hopped the metro and bus so that they've broken down our own metro.

But Madam Chair, small communities and a lot of others don't have their metro, their subway. Guess what they are doing? They are hopping on buses. They are crowding on buses. They understand there is only one way to defeat gas prices tomorrow, and that is public transportation.

I am very pleased that this bill leads by example because what we have done for a long time in the national Capital region in offering incentives to Federal employees will now be available to Federal employees countrywide. Everywhere in the United States Federal employees will get this incentive. When you consider that we're talking about more than a million employees, we're going to have an effect there.

If you need any further proof, look at what the American people have done in leading us to this point. This is 2008. In less than a year, they have already dropped 100 million miles that they were driving before that. Where have those miles gone? The same people have taken more than 85 million more trips on public transportation. There's the proof. The proof is that people have voted in the best way to do it, crowd the trains, make it happen. Now we're going to make it possible so that they don't have to crowd, so that we're partnering with local jurisdictions, in fact, to help them to do it.

We say to the American people today, we hear you, we're following you with this bill.

Mr. MICA. Madam Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Madam Chairman, as the gas prices continue to rise, the most effective and immediate way to offer relief is to provide incentives for mass transit use. According to a study published by the American Public Transportation Association, public transportation use saves an annual 1.4 billion gallons of gasoline, almost 4 million gallons per day. Factoring in the national average of gas at $4 a gallon, it saves consumers nearly $16 million a day in gas costs.

Now, I support our public transportation system, and I'm pleased to support an extensive grant program to help expand transit use across the country. But I am disappointed in this bill because it only requires that Federal employees be offered transit benefits. While I support expanding the current transit benefit program, all Americans should have this benefit.

Now, more than a month ago, Congressmen LIPINSKI and BIGGERT and I introduced bipartisan legislation, the Creating Opportunities to Motivate Mass-transit Utilization to Encourage Ridership Act, the Commuter Act of 2008. Our legislation offers employers a 50 percent tax credit for all transit benefits provided to employees. And under its provisions, employees would receive up to $1,380 in free mass-transit funds this year, with the employer receiving a $690 tax credit.

According to Forbes, the average gasoline costs in the ten worst commuter cities is $6.35 per day. Should businesses take advantage of this incentive, they would save their employees $1,600 per year. As family budgets tighten, an extra $1,600, or if there's two commuters, $3,200 would really ease burdens of health care and education. Such a benefit should also include Americans who are not lucky enough to have a Federal job.

I support H.R. 6052, but I'm surprised that this bill stands for the principle that if the taxpayer already pays your salary, we will help you more. But what if you're not lucky enough to have a government-paid position? Under this bill, you're out of luck. But under our bipartisan Commuter Act, you would have this benefit, too.

To help commuters, we should pass the bipartisan Commute Act to help all communities to really lower the gas bill of the United States and not just offer assistance to people already paid by the Feds.

Mr. OBERSTAR. Madam Chairman, I yield myself 1 minute.

The gentleman made a thoughtful observation, and I'm sure the gentleman is aware that there already is a tax exemption in Federal code for private sector employers and employees. But that doesn't apply to the Federal government or to other governmental agencies because they don't have a tax. So the transit benefit for Federal employees is a matter that we could do within the context of the current bill.

In the longer term, next year, when we consider the longer-term authorization, the gentleman's suggestion would be an appropriate matter for consideration. We will have better figures which we're requesting now from public agencies for those matters.

Mr. KIRK. If the gentleman will yield.

Mr. OBERSTAR. I yield to the gentleman.

Mr. KIRK. The gentleman is a very good chairman of the Transportation Committee. I know he wants to go in the right direction. I just wish we had gotten exactly where he wants to go a little faster today, and I thank the gentleman.

Mr. OBERSTAR. I wish we could have, too, but we didn't have good numbers to see what those costs might be.

Madam Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), a representative of the beautiful Sonoma Valley.

Ms. WOOLSEY. I want to thank Mr. OBERSTAR and Mr. MICA for this piece of legislation because, Madam Chairman, it's going to take a big change in how we do business if our country is going to meet our energy demands for the future.

While the Republicans in Congress and President Bush chant ''drill, drill, drill'' to appease, it appears, their big oil buddies, the truth is we can't drill our way out of this problem. What we need is a commonsense solution, solutions like the bill before us today. H.R. 6052 won't solve all of our problems, but it does start the process of getting people to change their habits and get out of their cars by providing them options of transportation that allow them to get to where they're going without driving solo in their cars.

It's steps like this that can make a big difference because public transportation is going to play a huge role in solving our energy problems. It will also make a difference in what is going on in our environment. It will help communities not have to build more and more roads, and it will get people where they're going in a very efficient way.

Madam Chairman, I urge my colleagues to support this bill, to support the expansion of public transportation.

□ 1445

Mr. MICA. I am pleased to yield 2 minutes to a distinguished member of the T&I Committee, the gentleman from beautiful southwest Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. I thank my friend, the ranking member, and I thank the committee.

I think this is a good bill. I rise in support of it, but I want to emphasize that this is really just a short-term relief in what we need to do. We have to do a whole lot more, and we could do a whole lot more.

This will provide short-term relief in public transit for those who use it, but short of a comprehensive policy that involves short-term solutions, mid-term and long-term, this isn't going to get us anywhere near to what we need to do to solve our energy problems.

I want to focus on one issue. I mean, clearly, we have to increase supply, and it can be done in an environmentally responsible way. We've shown that in my State of Louisiana.

We should lift this moratorium on the Outer Continental Shelf, and that's one way that we can really move things forward quickly.

I would emphasize that, in the cumulative debate that's gone on today, there's been some misinformation because Louisiana delegations, in a bipartisan way over the years, over the last decade-and-a-half, have fought to open the Outer Continental Shelf and provide Outer Continental Shelf revenue-sharing so that the States could also get some of this revenue to rebuild their infrastructure. This is a sensible way. We have fought for this, and we've been blocked by the other side consistently in this.

I also want to point out with regard to the use-it-or-lose-it issue, it's very expensive, and companies cannot even get the permitting to assess with seismic what we know to be these reserves or what we think are reserves. We don't have definite information. A lot of that information is 10, 20, 30 years old, if we even have information.

I would say that it costs somewhere between $1 and $5 million just to get the permit to do seismic. Then you have to get the lease. That's another anywhere from $11 to over $200 million to secure these leases. Then you go into seismic, and that can be very expensive. And those cumulative costs continue to add. By the time you actually get to a point where you can drill

a well where you have known reserves, you're talking years down the line, and typically, it is not unusual for the costs to be up in billions, $1.5 billion.

That's why it's important to lift this moratorium. Let's move forward. Let's have a comprehensive energy policy that's not only focused on supply and increasing exploration and production in an environmentally sensitive way, but also focuses on renewables and alternatives, nuclear and the others.

Mr. OBERSTAR. How much time remains on both sides, Madam Chairman?

The CHAIRMAN. The gentleman from Minnesota has 11¾ minutes remaining. The gentleman from Florida has 15 minutes remaining.

Mr. OBERSTAR. I yield 3 minutes to the distinguished gentleman from Oregon, a long-time proponent of and advocate for and practitioner of public transportation, a man who saves 8 barrels of oil a year by consuming 86,000 calories on his bike.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy as I appreciate his leadership.

It's interesting for us to hear from some of our friends on the other side of the aisle, my good friend from Florida, recounting sort of the history of the Bush administration leadership on energy. I have a slightly different recollection of that.

One of the first things this administration did when they came to power was to create 7 years ago a secret task force. They never really fully released what was going on or why, but we know that it was dominated by representatives of the industry. And the Secretary of Energy in March of 2005 indicated that 95 percent of the objectives of the task force were completed. And then 35 months ago, on the floor of the House, we passed their big picture energy bill when they controlled everything, House, Senate, White House, and it was going to envision great changes for all American families.

Well, all American families have had some significant changes since the Republican energy bill was passed. Most significant is that gasoline prices have gone from $2.49 a gallon to over $4 a gallon. The changes about altered conservation, for instance, have come over the objections of our friends in the Republican party. Remember, for years, they made it illegal even to study increasing CAFE standards, and lo and behold, now George Bush is claiming credit for what we forced him to do for the first time in 30 years, increasing those fuel standards. But even if we give him credit for going to 35 miles to the gallon standard, it took George Bush longer to get to that 35 miles to a gallon than it took Jack Kennedy to get Americans to the moon.

This legislation is part of a comprehensive approach. You've seen it come to pass from our first days in Democratic control in this Congress, where we provided more incentives for new sources of energy, where we've worked to shift incentives from massive oil companies who didn't need our tax dollars. Remember, George Bush said they didn't need subsidies at $50 a barrel. Well, Big Oil didn't need it at $100 per barrel or $140, but that shift to alternative energy support was resisted by the administration and by my Republican colleagues.

We have systematically moved forward in areas to give more choices to Americans. I heard my friend from Louisiana talk about how it costs money to explore the 68 million acres already available to them. Gee, ExxonMobil spent $36 billion last year, not in alternative energy, that was $10 million, but to buy back their own stock.

Let's get a grip. It's time for us to move forward with choices that will make a difference. This legislation will make a difference for every community, rural and urban, around the country. I urge its adoption.

Mr. MICA. Madam Chairman, I reserve the balance of my time at this time.

Mr. OBERSTAR. We have several speakers, Madam Chairman, who have not arrived yet, and does the gentleman from Florida have other speakers?

Mr. MICA. Madam Chairman, I'm in the same situation that the gentleman from Minnesota is.

Mr. OBERSTAR. If the gentleman will yield back the balance of his time, we will yield the balance of our time.

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

Well, again, I have to compliment Mr. OBERSTAR, and folks have to look at what we're doing here this afternoon. This is the Transportation and Infrastructure Committee. We can't solve all the energy issues. We have a very small piece, and we're trying to take care of that small piece here today.

We don't get into some of the other issues that have been raised, but I must say that I'm going to be going back to Florida tomorrow, and I'll be talking to folks. And you know, it doesn't take you long to talk to folks at home and have them get your attention. And they are getting our attention by saying, what are you doing about $4 a gallon gasoline, what are you doing about energy costs that are soaring, what are you doing about the price of food and other things that are being affected by energy costs.

The people who are on a limited income, God bless them. I don't know how they're making it, or a fixed income, with the prices that they see both at the pump, at the store, in their lives. They want answers.

I'm sorry that some of the other committees are not acting and the Congress is not acting like the Transportation and Infrastructure Committee, because when I go home I have to tell them that how things are left in their Congress was that we took care of a small piece. We provided transit grants for those Federal employees working outside of the Beltway. We provided additional grants through eight transit companies who are hurting because of increased fuel costs and trying to expand transit service that people are becoming reliant on now because of the high cost of fuel. But I can't tell them that I've done anything about supply, that, again, the supply has been cut off.

I even agree with the child that's crying in the gallery. People are not happy about this. They want a response from this Congress, and this Congress has the ability to act to increase the supplies so we're not reliant on reliable friends like Venezuela, the sheiks and leaders in the Middle East, and that dependable source of energy, Nigeria.

Folks, that isn't going to cut it for an answer when we get home, and this isn't complicated. It's a question of Economics 101. This is a question of supply and demand. Right now, in the short-term, we need to increase supply. If we had worked together over the past 7 years from that introduction by President Bush some 7 years ago, one of his first plans—and I cited his rollout statements, and let me just read also what he said on May 17.

President Bush said: ''Too often, Americans are asked to take sides between energy production and environmental protection—as if people who revere the Alaska wilderness do not also care about America's energy future; as if the people who produce America's energy do not care about the planet their children will inherit. The truth is energy production and environmental protection are not competing priorities. They're dual aspects of a single purpose—to live well and wisely upon the earth. Just as we need a new tone in Washington, we also need a new tone in discussing energy in the environment, one that is less suspicious, less punitive, less rancorous. We've yelled at each other enough. Now it's time to listen to each other and act.''

Again, these are the words of our President before 9/11 on the energy issue.

You know, again, if you want to look at the RECORD, and I will be glad to submit for the RECORD how many Republicans and how many Democrats opposed each of the proposals, all that's history, folks. What the American people want is now us to act as the President said 7 years ago.

So, today, Mr. OBERSTAR and I don't bring an answer to the whole energy problem. We bring our little piece. We ask the rest of the Congress, I ask the rest of the Congress, to come forth and to act, and that needs to be done because when we get home, those people are going to ask you, what did you do about the high cost of energy, the high cost of food, the businesses that are closing, the lives that are being impacted by high energy costs, and we need to be able to give them an answer.

I reserve the balance of my time.

Mr. OBERSTAR. We do have a speaker on the transit subject, and I'm very

pleased to yield 1 minute to the distinguished gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. I'd like to thank the chairman for yielding and thank him for his leadership on this subject.

In urban States such as mine in Rhode Island, we have more and more of our consumers getting caught in traffic jams. The air quality is increasingly poor, and still, people are having trouble affording to fill their gas tanks with gas. And this is a tsunami of problems, both with their paying for their gas, trying to get to work, and the traffic jams, and breathing in the poor air quality.

□ 1500

It seems to me adding this $1.5 billion for mass transit solves all three of these problems: One, it gets cars off the road; two, it allows us to get our air cleaned up; and three, it helps these consumers be able to save money that they would otherwise put into their gas tank. And in doing so, it reduces our demand on foreign oil.

So, really, to reference what some of my colleagues have said, this is part of the approach to this problem, and I think it's well worth our taking into account. That is why I support this legislation.

Mr. MICA. Madam Chairman, I continue to reserve.

Mr. OBERSTAR. Madam Chairman, I yield 1 minute to the distinguished majority leader, Mr. HOYER, with great appreciation, and thank him for making it possible for us to bring this bill to the floor today.

Mr. HOYER. I thank the distinguished chairman for yielding.

JIM OBERSTAR is one of the most knowledgeable people in America on energy issues and on transportation issues. And the two, of course, are closely related. I want to thank him for his leadership and for his service. We are fortunate, as an American people, to have him chairing this critically important committee.

There is no stronger proponent of rail service and mass transit than JIM OBERSTAR. That service has never been more important than it is today. His vision and his service have put this country in a place where we now have the opportunity to make additional investment which is critically needed so that the demand for mass transit resulting from the cost of gasoline and energy products can be met by our mass transit system. And I thank him for his leadership.

This bill, as well as the other two bills considered on this floor today on drilling and market speculation, is a clear recognition by this House majority that America's energy policy cannot be one dimensional.

We've heard a lot of finger pointing on the floor today, and finger pointing is relatively easy. The fact of the matter is we all need to come together. I don't just mean Republicans and Democrats and the Congress of the United States, but all 300 million of us in this country need to come together and understand that we have 3 percent of the world's oil supply and 25 percent of the demand. It does not take a great mathematician to understand, therefore, that simply drilling for new product will not solve our problem. That is not to say by any stretch of the imagination that that should not be done.

These bills, taken together, and when combined with other actions taken by the majority on energy, are a clear reflection of the alternative to the Republicans' sole focus on drilling, to the exclusion of alternative and renewable sources of energy.

Let no one be mistaken: Democrats do not oppose further drilling, discovery and production of product, period. All we are saying, as I will explain in more detail shortly, is that the oil and gas companies should utilize the 68 million acres—that's 68 million acres—currently available to drill on which contain, according to experts, over 100 billion barrels of oil. And we use about 7.5 billion a year in this country, so that is approximately 14 years of oil. That's what the experts tell us, not Democrats and Republicans, the experts tell us are available on these untapped resources currently available, currently leased. I would tell my friends that, not only that, but they contain hundreds of millions of cubic feet of natural gas.

Now, as to Chairman OBERSTAR's bill: It promises Americans relief from our $4 per gallon gas prices. Tomorrow? No. Next week? No. Next month? No. Very frankly, we have been too long delaying our investment in alternative energy sources and alternative transportation modes. But it does promise that in the future we will have the capability both to provide mass transit for our people, and to provide for the alternative to lower demand which, therefore, should lower prices as well.

It authorizes $1.7 billion over the next 2 years to provide grants to mass transit authorities to reduce public transit fares and will help transit agencies deal with escalating costs. That is a rational response to increased demand.

In just the first 3 months of this year, Americans took almost 85 million more trips on public transit than in the same period the year before. Surely all of us in this body, faced with 85 million additional trips, will want to respond in a way that provides capacity to accommodate that growth.

Public transit reduces America's oil consumption as well as carbon dioxide emissions. Thankfully, the administration has, very late, come to the conclusion that, yes, global warming is a problem. Unfortunately, for 7-plus years of this administration they denied it was a problem, but coming to the right conclusion late is always timely.

In addition, the legislation on market speculation that was introduced by Chairman PETERSON and Congressman VAN HOLLEN is an effort which I hope every Member of this body will support to address this issue, record high gas prices, from another angle.

Oil producers are telling us they believe that a large portion of the price is related to speculation. Can I guarantee they're right? No, I cannot. Am I an expert on this issue? I am not. But I do know that they have said that is the case. If it is the case, it's incumbent upon us to find out, because if it is, and we can reduce prices for the consumer at the pump, they expect us to do so and we want to do so.

The Bush administration, of course, insists that the spike in gas prices is not attributable to market speculation. That may be why the commission that is supposed to oversee this has not acted as vigorously as they otherwise might. George Soros, a very successful investor, has said this: ''The crude oil market has been significantly affected by speculation.''

The legislation that we will vote on shortly simply directs the Commodity Futures Trading Commission to use its full authority and emergency tools to curtail excessive speculation and other practices distorting the energy market. Why would any Member of this body vote against asking this commission to look at that issue to determine whether or not there is validity? If there is not, presumably the commission will so find.

Finally, about Chairman RAHALL's bill, let me simply say this: What could make more common sense than saying to the oil and gas companies that they should drill or pursue drilling on the 68 million acres of Federal land currently under lease or simply lose those leases? After all, they are leased for the purposes of us producing more product. If they lie fallow and are not being worked, not being investigated, not being explored, not being tapped, then the American consumer finds a dwindling or short supply. And what happens in that context? Prices go up. And yes, oil companies make record profits, but consumers lose. This bill simply says to the oil companies, be diligent in the development of what you have or lose the lease to someone who will pursue the discovery and production of oil.

Democrats believe that we need to find product. I mentioned the 68 million acres that you've heard a lot about, that's a lot of acres. But there is an additional 23 million acres in Alaska, 22 million of which is under congressional set-aside for oil production and discovery. Nine hundred thousand acres have already been leased for that purpose. And experts tell us there is more oil there than there is in the Alaskan Wildlife Refuge, but our Republican friends continue to focus on the Alaskan Refuge.

Let no one be mistaken: The oil companies have many acres to look at onshore and offshore. According to the Minerals Management Service and the Bureau of Land Management, these 68 million acres on land and waters, 74

percent of which we have already leased, are not producing oil and gas.

Our Republican friends have also charged that we're keeping the best lands out of the hands of oil and gas companies. That is not the case. They can say it again and again and again and again, but it's not the case. In fact, 81 percent—I hope all of my colleagues hear this, and I hope the American public will read the RECORD—81 percent of estimated oil and gas resources on Federal lands and the Outer Continental Shelf are presently available for development. And here, perhaps, is the most important fact: These resources are equal, as I said, to 107 billion barrels of oil and 658 trillion cubic feet of natural gas. That is 10 times the amount of economically recoverable oil that could be produced from opening up the Arctic Wildlife Refuge and more than 14 years of current U.S. oil consumption.

Finally, Madam Chairman, let me say that there is no silver bullet, we all understand that; to pretend otherwise would be dishonest. We need to be honest with the American public. Unfortunately, for over a quarter of a century we have had mostly administrations or Republican control of the House and the Senate which essentially said that drilling more oil and not looking for alternatives was the policy they wanted to pursue.

When we got here, we passed an energy bill that focuses on alternatives. If we only have 3 percent, we have 25 percent of the demand, you can bet your sweet life that those who have the oil all over this world are going to say to us, you pay us what we tell you to pay us. And not until we pursue policies—which this administration has failed to do, which this Republican leadership failed to do—not until that time will we be able to say to our friends and, indeed, some not so friendly, we're not going to pay your price because we have alternatives. We have mass transit provided by JIM OBERSTAR. We have alternative energies provided by the bill that we passed. We are expecting electricity—which the Republicans oppose—to be produced by alternatives. We have renewable fuel standards passed in this House, sent to the Senate.

Ladies and gentlemen of this House, we have taken significant steps last year, we're taking significant steps today, and we will continue to take significant steps so that America will be energy independent. That's in the best interest of our national security, our economic security and, indeed, it is critically important for our global health.

The bills we are considering on this House floor today are key components of a comprehensive energy strategy that seeks to provide Americans with relief at the gas pump while we wean our Nation from its dangerous addiction to foreign oil. The President said we're addicted to foreign oil. And yet there was a meeting on energy in 2001, just after the President became the Chief Executive, and they convened oil company executives to tell us, what should our policies be? One of my colleagues said, well, whatever they said—because the meetings were secret—their policies failed. Perhaps. Perhaps they failed. One cannot inevitably draw that conclusion, however, because those same companies, 7 years later, are making the greatest profits they have made in the history of their companies. Perhaps their policies failed, or perhaps their policies led to success.

Ladies and gentlemen, we need to pursue mass transit and invest in expanding it so we can meet the demand of our consumers and of our citizens and of our energy independence.

I thank the gentleman for his leadership. And I urge my colleagues to vote for all three of these critically important bills. Are they the sole solution? They are not. Are they the only solution? They are not. Are they the solutions that we will take and then stop? They are not. But they are a step, each and every one of them, in the right direction. Let's take those steps today.

I urge my colleagues to support these three bills.

Mr. MICA. Madam Chairman, may I inquire as to the remaining time?

The CHAIRMAN. The gentleman from Florida has 9½ minutes remaining. The gentleman from Minnesota has 6¾ minutes remaining.

Mr. MICA. Madam Chairman, I continue to reserve.

Mr. OBERSTAR. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. I thank the chairman for yielding me time.

I just want to say that we have a very severe problem in this country on our energy supplies. In the short term, there are a series of ways that we might save ourselves some money on the gas prices, and those ways include driving less, driving slower, carpooling, and using public transportation where it is available.

□ 1515

And I have to commend the chairman for bringing so quickly to the floor this important legislation, which provides a substantial increase in moneys, authorization, at least, for public transportation, which is already in place in our smaller metropolitan areas and even in our rural areas, so that we can enhance the public transportation available for people—what is already available—and take care of people who are making that move toward using a bit more public transportation.

In the longer term, which is speaking about the 10-year kind of time frame, whereas the short term is in the first year or so, in the longer term, living closer to where we work so you don't have to commute so far, doing the research and development on renewable energy sources, drilling wherever it's open for leases, and I say that's in the longer term because everybody agrees that it will take, even in the best of circumstances, 5 years to bring new leased areas to production and more likely 10 years to bring those new leased areas to production, that and changing over our whole vehicle fleet, our whole vehicle fleet, which will take a considerable period of time, to using much more fuel-efficient vehicles, those are the longer-term ways that we can get out of this problem.

And by far the fastest way to immediately have an effect is the elimination of speculation. There has been much testimony before our committees that speculation is a very significant portion of what is going on right now. The speculative activity in the oil market has quadrupled in just the last few months, 3 or 4 months, and that would be the fastest and most effective way.

My friend the ranking member from Florida has pointed out that we need to increase supply. Well, yes, it would be possible to increase supply. But remember, as the majority leader said here a few minutes ago, we in America have 5 percent, somewhat less than 5 percent, of the planet's population. We are now consuming 25 percent of the oil produced on this planet today, and we in America have only 3 percent of the reserves. You can't drill your way out of this problem because we do not have the reserves.

Mr. MICA. Madam Chairman, I continue to reserve the balance of my time.

Mr. OBERSTAR. Madam Chairman, I yield to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE) 2 minutes.

Ms. JACKSON-LEE of Texas. Let me thank the distinguished gentleman from Minnesota and as well his ranking member, who I hope is recognizing the importance of the work that we are doing here today, and, of course, the Members that have spoken.

Madam Chairman, I rise today to support the Saving Energy Through Public Transportation Act of 2008 and also to speak to the manager's amendment that incorporates my language that speaks specifically to encouraging, I hope insisting, that stakeholders, whether they be cities and counties or various transit agencies, engage the public in the question of promoting public transportation.

The Transportation and Infrastructure Committee has shared a recent study that states that if Americans use public transit at the same rate as Europeans for roughly 10 percent of their daily travel needs, the United States could reduce its dependence on imported oil by more than 40 percent, nearly equal to the 550 million barrels of crude oil that we import from Saudi Arabia.

Right as we speak, Houston, Texas, the fourth largest city in the Nation, is beginning to grow its mass transit system. It started by the advocation of many of us, including our former mayor Lee P. Brown, which required,

because of the restraints here in Washington and the difficulties of our being able to get consensus, it was started by our own tax dollars. The 7½ mile transit system that was started at least 3 or 4 years ago has now become one of the fastest new starts in America and is located in my congressional district shared with my fellow colleague in the Ninth Congressional District. What it says is that new starts should be increased in months to come. And as we look to expanding opportunities for transit systems and reducing our use of oil, it is important as well that we look to collaborative efforts on efficient transportation systems.

The CHAIRMAN. The gentlewoman's time has expired.

Ms. JACKSON-LEE of Texas. Madam Chairman, let me ask my colleagues to support this legislation, and I hope to get time on the manager's amendment.

Madam Chairman, thank you, and thank you Chairman OBERSTAR for your efforts on energy conservation with H.R. 6052—"Saving Energy through Public Transportation Act of 2008." The Transportation and Infrastructure has once again produced legislation that will help Americans save money and develop new modes of transportation.

The primary objective of this legislation is to reduce the United States dependence on foreign oil by encouraging more people to use public transportation. The Transportation and Infrastructure has shared a recent study that states if Americans used public transit at the same rate as Europeans—for roughly 10 percent of their daily travel needs—the United States could reduce its dependence on imported oil by more than 40 percent, nearly equal to the 550 million barrels of crude oil that we import from Saudi Arabia each year.

Rising gas prices have only added to this country's economic downturn. When we add this cost into our troubled housing markets, soaring food prices, and a war without a clear end—the importance of this legislation becomes even more apparent.

I urge transportation systems such as Houston METRO to work in greater coordination with their local community to ensure that routing lines make not only economic sense, but practical sense as well.

Community involvement is essential, which is why I offered an amendment that would state that "public transportation stakeholders should engage local communities in the education and promotion of the importance of using public transportation in cities and counties; and in the planning, development, and design of transportation routing lines."

I am pleased that my amendment was incorporated into the manager's amendment. However, I am disappointed that all the language was not incorporated—leaving out the key portion of community involvement in planning, development, and design of transportation routing lines.

I still support this measure and I sincerely hope that our local public transportation agencies take the communities' use into account as well as their thoughts on what routes would add value and which routes may actually do more harm than good. It is our residents who utilize the mass transit systems not the planning boards.

In my district of Houston, Texas, many residents utilize the public transit system to alleviate congestion as well as to control cost. I believe it is imperative that we have full community involvement in the discussions surrounding outreach, planning, design of mass transit.

Our parents who are trying to hold one child, guide another, balance their bags and get to work; it is our elderly who need extra time to get onto trains and buses; and our youth who are trying to get back and forth to school and activities—these are the people who can and will utilize public transportation. The incentives are there for commuters but they should be examined with community involvement so the right message is sent.

This act will add value to our public transportation by:

Authorizing $1.7 Billion of Capital and Operating Funds for Transit Agencies to Reduce Fares and Expand Transit Services. This section authorizes $850 million (General Fund) for each of fiscal years 2008 and 2009 to allow public transit agencies to reduce transit fares and expand transit services. These funds will allow transit agencies to provide incentives for commuters to choose transit options, thereby reducing our nation's transportation-related energy consumption and reliance on foreign oil, as well as decreasing its greenhouse gas emissions. These funds will be distributed under current law urban and rural transit formulas. The Federal share for these grants is 100 percent and funds will only be available for a two-year period.

Increasing the Federal Share for Clean Fuel and Alternative Fuel Transit Bus, Ferry, or Locomotive-related Equipment and Facilities from 90 percent to 100 percent. The bill increases the Federal share for the alternative fuel vehicle-related equipment from 90 percent to 100 percent of the net project cost for fiscal years 2008 and 2009.

Extending Transit Benefits to All Federal Employees. The bill establishes a nationwide Federal transit pass benefits program and requires all Federal agencies in the United States to offer transit passes to Federal employees.

Requiring the Department of Transportation (DOT) to Establish Specific Guidance for Implementing the Nationwide Transit Pass Benefits Program. The guidance will ensure that Federal agencies have the necessary administrative procedures to ensure that Federal employees properly use the program. It also requires the Department of Transportation (DOT), the Environmental Protection Agency, and the Department of Energy to implement a nationwide three-year pilot transit pass benefit program for all qualified Federal employees of those agencies.

Establishing a Vanpool Pilot Program. The bill establishes a two-year pilot program to allow the amount expended by private providers of public transportation by vanpool for the acquisition of vans to be used as the non-Federal share for matching Federal transit funds in five communities. The provision requires the private providers of vanpool services to use revenues they receive in providing public transportation, in excess of its operating costs, for the purpose of acquiring vans, excluding any amounts the providers may have received in Federal, State, or local government assistance for such acquisition. The Department of Transportation will implement and oversee the vanpool pilot projects, and will report back to Congress on the costs, benefits, and efficiencies of the vanpool demonstration projects.

Increasing the Federal Share for Additional Parking Facilities at End-of-Line Fixed Guideway Stations. The bill increases the Federal share for additional parking facilities at end-of-line fixed guideway stations to increase the total number of transit commuters who have access to those stations.

Therefore Madam Chairman, I urge my colleagues to vote for H.R. 6052, which seeks to address energy conservations through public transportation.

AMENDMENT TO H.R. 6052, AS REPORTED
OFFERED BY MS. JACKSON-LEE OF TEXAS

Page 3, after line 25, insert the following:

(10) Public transportation stakeholders should engage and involve local communities in the education and promotion of the importance of utilizing public transportation in cities and counties and in the planning, development, and design of transportation routing lines.

Mr. MICA. Madam Chairman, I yield myself the balance of my time.

Again, this is an important debate. It's a little piece of the big national debate that's going on now. Mr. OBERSTAR and I lead the Transportation and Infrastructure Committee. We came forward with this measure. This measure is within our jurisdiction, as I said earlier, and it is just a small piece of the puzzle.

Many Members come to me on my side of the aisle and ask me how I am going to vote, and I am going to support this legislation. It does increase the authorization. That's a fairly substantial piece of change by any estimate, $1.7 billion over 2 years, and it does make some significant changes in policy, in opening up authorization to spend money to help transit companies and agencies that are suffering like the American public is suffering with high fuel costs, and I think that's a good thing. It expands some services for mass transit, which is also a good thing. And it also expands from just within the beltway to other Federal employees the benefits of using public transportation, and that's a good thing too.

This is general debate, and we have gotten into general debate, and I have heard the distinguished majority leader speak and he quoted George Soros. I don't use him as a quote too much or rely on him for my opinion seeking, but I did just happen to have some sources that quote the American public and their opinion.

The Los Angeles Times Bloomberg Poll said when all registered voters are asked whether they support increased exploration for oil and natural gas, 68 percent respond in the affirmative, and that was just within the last 2 days. Rasmussen reports, according to them, 67 percent of the American people support oil drilling off the Nation's coasts and 64 percent think it will lower gas prices. Now, they seem to get it. The other committees with jurisdiction and the rest of Congress don't seem to get it.

Now, don't tell me you can't do it. I mean this is an incredible institution

and can do anything. We represent the greatest ingenuity, the greatest people that ever walked the face of the Earth. God blessed this Nation so much, and we are the custodians of coming here and doing things.

Now, Mr. OBERSTAR and I on a Monday introduced a piece of legislation. We worked together on it, and within the same week on a Thursday night, we had the President of the United States at 7 o'clock at night sign the legislation as is. So we can do these things that the American people want.

Now, 1 week from tomorrow, people are going to try to celebrate Independence Day in this great country, this great country for which so many people made so many sacrifices, and I have to go back home and tell them I increased transit grants for Federal employees outside the beltway and I also helped transit agencies who are suffering like they are to pay their fuel bill, but I don't have an answer for them. That's not what they want to hear, folks. This is the Congress of the United States, and we can and we must do better.

I have been here going on my 16th year, not as long as Mr. OBERSTAR. He knows transportation inside and out and he's an expert renowned on a whole host of issues, but the good thing about being here just half as long as he is that you hear some of these things.

First, we're going to solve this problem; we'll tax it. So what do they do? They say, windfall taxes for the oil companies that are taking advantage. Windfall taxes, that's it. So first we'll tax it.

Well, that didn't work. People come up to me, did you ever hear of a time when you tax something and the price goes down for consumers? Duh. Well, that didn't work.

So now there's speculation; so we'll get 'em. We'll regulate. We're going to regulate those speculators. That'll take care of it.

Madam Chairman, may I inquire as to how much time I have left.

The CHAIRMAN. The gentleman from Florida has 4½ minutes remaining.

Mr. MICA. Oh, good. So I can tell this story, Madam Chairman.

This reminds me of sitting on a committee coming here, and this took over some time. We always hear about high drug prices, and I sat on the committee, and everyone was railing about the price of vaccination drugs. So we dragged in the drug companies to sit them down, and I remember this guy who represented a drug company, and this was an investigative hearing. And he showed a little vial, and he said, this vial of vaccine, this medicine, only costs about $2 to produce. So we hammered him. It only cost $2 to produce, but he said that the liability on it was reaching $30, so $30 and increasing.

So then we dragged in the insurance company. ''You're charging them $30 for this vaccine?'' We hammered them. So they left.

And then the next thing we knew was we weren't producing any vaccine in the United States because no one would insure it. So the next hearing we held—remember this, now, folks—the next hearing we held was on its now being produced in Great Britain and we had some bad batches. Well, we hadn't sent enough FDA inspectors over to inspects the batches there.

Folks, these aren't the answers: additional taxation, additional regulation, chasing business off our shores. And the same thing isn't going to happen with energy. The American people get it. I just read the poll. It doesn't take a lot, folks. They know if you increase the supply, the price will go down. And we have the capability of doing that. We built the Alaska pipeline in 3 years.

Next Friday is Independence Day. It's going to be a sad Independence Day because instead of America's being independent, we will be dependent on energy. That's affecting all of us, and it's not right.

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

Mr. OBERSTAR. Madam Chairman, I yield myself the balance of my time.

I listened with great interest to the gentleman's ruminations on a wide range of subjects. I won't comment on those that reach beyond the subject matter at hand, our transit bill. I do reaffirm my appreciation for his partnership in bringing this bill to the floor.

This is an important piece of legislation. In the larger scheme of the billions of dollars, $125 billion a year, that we need to be investing in all levels of government in our surface transportation system, this $1.7 billion is a relatively small step, but it moves us in the direction of a mode shift in transportation to 10 percent of all trips by transit. If we made just that little step in America, we would save the equivalent of all the oil we import from Saudi Arabia. That is what we can do. It's within our grasp now. We don't need a research program. We don't need a man-on-the-moon program. We just need the funding to invest in what is already at hand: solid, responsible, reliable, effective transportation systems for the public to use instead of getting in their private vehicle.

□ 1530

Had the administration in 2003 concurred in a $375 billion transportation program for the next 6 years, as its own Department of Transportation recommended, and as Mr. YOUNG, then-chairman of the committee, and I introduced, we would have been far better positioned today than we are now.

Instead, that administration proposed only a $5.5 billion funding flat out over the 6 years for transit. We wound up with $10 billion in the SAFETEA legislation over the 5 years of the legislation. But we have to do far better than that, and this bill moves us in the right direction.

Mr. HOLT. Madam Chairman, I rise today in support of H.R. 6052, the Savings Energy Through Public Transportation Act of 2008, H.R. 6052.

As gas prices continue to skyrocket to over $4 a gallon, commuters are increasingly abandoning their automobiles in favor of public transportation. New Jersey's public transit agency, NJ Transit, is breaking ridership records for the sixth consecutive year, with over 900,000 trips per weekday on its trains, buses, and light-rail vehicles. In the first 3 months of this year, public transit trips nationwide increased by 85 million over last year's numbers. Amtrak set record highs for its service with over 25 million users last year. This increase in use not only takes cars off our overburdened roadways, it conserves energy, decreases our greenhouse gas emissions, and helps our economy.

However, mass transit agencies are also suffering from soaring gas prices, increased demand for their services, and decreased operating budgets. Transit agencies are paying 44 percent more for diesel fuel than they were at the beginning of this year, and almost half of bus operators and more than two-thirds of rail operators have increased their fares.

The Saving Energy Through Public Transportation Act of 2008 would help State and local mass transit authorities meet the increase in demand and allow them to provide a cost-effective alternative to driving. This legislation would authorize $1.7 billion in grants for mass transit agencies to upgrade and expand their transit services without having to further increase their fares.

By taking public transportation the average American household could save $6,251 and help reduce carbon dioxide emissions by 4,800 pounds per year. However, commuters need affordable, reliable access to public transportation if they are to utilize these benefits. This bill would help make public transit more available to commuters, and I urge my colleagues to support it.

Mrs. TAUSCHER. Madam Chairman, I rise in strong support of the Saving Energy through Public Transportation Act.

My constituents are struggling to pay rising gas prices caused in part by wild speculation in oil markets. By providing greater access to public transportation we can reduce the demand for oil and help lower the price of gasoline. With increased use of public transit, we can reduce greenhouse gas emissions and strengthen the economy by removing congestion from our already crowded roads.

I would like to thank Chairman OBERSTAR for including the ''Capital Cost of Contracting'' pilot program in this bill. Congressman MIKE ROGERS and I have long supported this program.

The provision makes it easier for employers and communities to offer vanpool services by leveraging their investment with Federal transit funds. By doing this, we can lower the cost of joining a vanpool and increase services nationwide. It is estimated that full adoption of this program could triple vanpooling across the Nation. This would conserve over 500 million gallons of fuel per year and greatly reduce harmful emissions. I appreciate the inclusion of this provision in the bill and applaud Chairman OBERSTAR for his determined efforts to provide public transit to more Americans.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I rise today in strong support of H.R. 6052, the Saving Energy Through Public Transportation Act.

At the onset I want to commend the bipartisan leadership of the Transportation and Infrastructure Committee for their efforts in getting this measure to the floor. The legislation before us is a good bill; one that will provide a much needed hand up to our Nation's transit agencies as they work to meet record demands for public transportation services.

Dallas Area Rapid Transit Agency, or DART, headquartered in my congressional district and one of the best transit agencies in the country, fully supports this bill. Similar to other agencies around the country, DART ridership is setting records, as more north Texans recognize the immense value transit offers.

In May, DART had its busiest month ever, providing 10.3 million trips. North Texans are flocking to transport by rail in record numbers as ridership by light and commuter rail is up 5.4 percent and 7.1 percent respectively over 2007 numbers. During the first 7 months of 2008, DART has witnessed a dramatic 33.8 percent increase in its vanpool ridership.

The agency has acted aggressively to accommodate the increased demand. The agency is utilizing a new super light rail vehicle to increase passenger capacity.

The agency now has a record 145 vans in operation for vanpool commuters and has reached its budget maximum. My transit agency could benefit immediately from the tools provided under H.R. 6052.

H.R. 6052 will help transit agencies expand services and reach more people as it authorizes $1.7 billion dollars for capital and operating funds for transit agencies; increases the Federal cost share for alternative fuel transit buses; extends transit benefits to all Federal employees; establishes a vanpool pilot program; and increases the Federal cost share for commuter parking facilities so more people may have access to commuter stations.

Madam Chairman, without question, there is a need for an overall expansion of transit programs across this country. However, in order for this to happen, there must be a realignment of infrastructure investment priorities and increased support at the local, State, and Federal levels. H.R. 6052 is a step in the right direction as it highlights importance of transit expansion across the Nation.

Public transit takes drivers off the road; uses one-half the fuel of private automobiles; and saves working families billions annually in transportation costs. Studies show transportation costs are the second largest household expense behind housing costs.

Nationally, for every dollar a working family saves on housing, it spends 77 cents more on transportation costs.

While public transit remains an option for some—for poor and working families, public transit exists as a means for economic survival.

So with that said Madam Chairman, I would merely like to reiterate my strong support for H.R. 6052 and urge my colleagues to vote "yes" in giving transit agencies across the country, and the millions of people they service, a hand up today. This sound, bipartisan piece of legislation is deserving of passage.

Mrs. MALONEY of New York. Madam Chairman, the run-up in gas prices is squeezing families and sending them in search of cheaper alternatives to driving.

As a result, our public transit authorities are also feeling the pinch as rising fuel costs and record ridership strain their systems.

Almost half of bus operators and two-thirds of rail operators have been forced to raise their fares.

Today, we are considering H.R. 6052, the Saving Energy through Public Transportation Act, which provides grants to mass transit systems to reduce fares and expand services for commuters.

Using public transportation saves the average household more than $6,000 a year and reduces dangerous carbon dioxide emissions that contribute to global warming.

Madam Chairman, I urge my colleagues to get on the bus and support this bill.

Mr. SALAZAR. Madam Chairman, I would like to recognize Chairman OBERSTAR and Chairman DEFAZIO for their exceptional leadership on this critical transportation issue.

Madam Chairman, I rise today in support of H.R. 6052, the Saving Energy Through Public Transportation Act of 2008, and urge swift passage of the measure.

This bipartisan bill goes a long way in improving public transportation.

By creating incentives for transit agencies to reduce fares and expand services, H.R. 6052 makes public transportation a more attractive option for commuters.

But this bill also provides relief to many of our transit agencies who are struggling with operational costs.

I've heard from agencies in my district, like Roaring Fork Transportation Authority, who have seen an increase in ridership, yet face the problem of record fuel prices.

They are begging for more resources just to stay afloat.

So I support the additional $200 million that this bill authorizes for formula grants to rural areas.

Additionally, I applaud Chairman OBERSTAR for including a fuel provision in the Manager's Amendment, which will help our transit agencies deal with their fuel costs.

With their increased ridership, they need help now more than ever.

I believe H.R. 6052 will reduce our dependence on foreign oil by encouraging more people to use public transportation.

Public transit is a critical piece of cutting greenhouse gases.

I urge my colleagues to support this bill.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 6052

*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 ''Saving Energy Through Public Transportation Act of 2008''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) In 2007, people in the United States took more than 10.3 billion trips using public transportation, the highest level in 50 years.

(2) Public transportation use in the United States is up 32 percent since 1995, a figure that is more than double the growth rate of the Nation's population and is substantially greater than the growth rate for vehicle miles traveled on the Nation's highways for that same period.

(3) Public transportation use saves fuel, reduces emissions, and saves money for the people of the United States.

(4) The direct petroleum savings attributable to public transportation use is 1.4 billion gallons per year, and when the secondary effects of transit availability on travel are also taken into account, public transportation use saves the United States the equivalent of 4.2 billion gallons of gasoline per year (more than 11 million gallons of gasoline per day).

(5) Public transportation use in the United States is estimated to reduce carbon dioxide emissions by 37 million metric tons annually.

(6) An individual who commutes to work using a single occupancy vehicle can reduce carbon dioxide emissions by 20 pounds per day (more than 4,800 pounds per year) by switching to public transportation.

(7) Public transportation use provides an affordable alternative to driving, as households that use public transportation save an average of $6,251 every year.

(8) Although under existing laws Federal employees in the National Capital Region receive transit benefits, transit benefits should be available to all Federal employees in the United States so that the Federal Government sets a leading example of greater public transportation use.

(9) Increasing public transportation use is a national priority.

**SEC. 3. GRANTS TO IMPROVE PUBLIC TRANSPORTATION SERVICES.**

(a) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) URBANIZED AREA FORMULA GRANTS.—In addition to amounts allocated under section 5338(b)(2)(B) of title 49, United States Code, to carry out section 5307 of such title, there is authorized to be appropriated $750,000,000 for each of fiscal years 2008 and 2009 to carry out such section 5307. Such funds shall be apportioned in accordance with section 5336 (other than subsections (i)(1) and (j)) of such title but may not be combined or commingled with any other funds apportioned under such section 5336.

(2) FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.—In addition to amounts allocated under section 5338(b)(2)(G) of title 49, United States Code, to carry out section 5311 of such title, there is authorized to be appropriated $100,000,000 for each of fiscal years 2008 and 2009 to carry out such section 5311. Such funds shall be apportioned in accordance with such section 5311 but may not be combined or commingled with any other funds apportioned under such section 5311.

(b) USE OF FUNDS.—Notwithstanding sections 5307 and 5311 of title 49, United States Code, the Secretary of Transportation may make grants under such sections from amounts appropriated under subsection (a) only for one or more of the following:

(1) If the recipient of the grant is reducing, or certifies to the Secretary that, during the term of the grant, the recipient will reduce one or more fares the recipient charges for public transportation, those operating costs of equipment and facilities being used to provide the public transportation that the recipient is no longer able to pay from the revenues derived from such fare or fares as a result of such reduction.

(2) If the recipient of the grant is expanding, or certifies to the Secretary that, during the term of the grant, the recipient will expand public transportation service, those operating and capital costs of equipment and facilities being used to provide the public transportation service that the recipient incurs as a result of the expansion of such service.

(c) FEDERAL SHARE.—Notwithstanding any other provision of law, the Federal share of the costs for which a grant is made under this section shall be 100 percent.

(d) PERIOD OF AVAILABILITY.—Funds appropriated under this section shall remain available for a period of 2 fiscal years.

**SEC. 4. INCREASED FEDERAL SHARE FOR CLEAN AIR ACT COMPLIANCE.**

Notwithstanding section 5323(i)(1) of title 49, United States Code, a grant for a project to be assisted under chapter 53 of such title during fiscal years 2008 and 2009 that involves acquiring clean fuel or alternative fuel vehicle-related equipment or facilities for the purposes of complying with or maintaining compliance with the Clean Air Act (42 U.S.C. 7401 et seq.) shall be for 100 percent of the net project cost of the equipment or facility attributable to compliance with that Act unless the grant recipient requests a lower grant percentage.

**SEC. 5. TRANSPORTATION FRINGE BENEFITS.**

(a) REQUIREMENT THAT AGENCIES OFFER TRANSIT PASS TRANSPORTATION FRINGE BENEFITS TO THEIR EMPLOYEES NATIONWIDE.—

(1) IN GENERAL.—Section 3049(a)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (5 U.S.C. 7905 note; 119 Stat. 1711) is amended—

(A) by striking ''Effective'' and all that follows through ''each covered agency'' and inserting ''Each agency''; and

(B) by inserting ''at a location in an urbanized area of the United States that is served by fixed route public transportation'' before ''shall be offered''.

(2) CONFORMING AMENDMENTS.—Section 3049(a) of such Act (5 U.S.C. 7905 note; 119 Stat. 1711) is amended—

(A) in paragraph (3)—

(i) by striking subparagraph (A); and

(ii) by redesignating subparagraphs (B) through (F) as subparagraphs (A) through (E), respectively; and

(B) in paragraph (4) by striking ''a covered agency'' and inserting ''an agency''.

(b) GUIDANCE.—Section 3049(a) of such Act (5 U.S.C. 7905 note; 119 Stat. 1711) is amended by adding at the end the following:

''(5) GUIDANCE.—

''(A) ISSUANCE.—Not later than 60 days after the date of enactment of this paragraph, the Secretary of Transportation shall issue guidance on nationwide implementation of the transit pass transportation fringe benefits program under this subsection.

''(B) UNIFORM APPLICATION.—

''(i) IN GENERAL.—The guidance to be issued under subparagraph (A) shall contain a uniform application for use by all Federal employees applying for benefits from an agency under the program.

''(ii) REQUIRED INFORMATION.—As part of such an application, an employee shall provide, at a minimum, the employee's home and work addresses, a breakdown of the employee's commuting costs, and a certification of the employee's eligibility for benefits under the program.

''(iii) WARNING AGAINST FALSE STATEMENTS.—Such an application shall contain a warning against making false statements in the application.

''(C) INDEPENDENT VERIFICATION REQUIREMENTS.—The guidance to be issued under subparagraph (A) shall contain independent verification requirements to ensure that, with respect to an employee of an agency—

''(i) the eligibility of the employee for benefits under the program is verified by an official of the agency;

''(ii) employee commuting costs are verified by an official of the agency; and

''(iii) records of the agency are checked to ensure that the employee is not receiving parking benefits from the agency.

''(D) PROGRAM IMPLEMENTATION REQUIREMENTS.—The guidance to be issued under subparagraph (A) shall contain program implementation requirements applicable to each agency to ensure that—

''(i) benefits provided by the agency under the program are adjusted in cases of employee travel, leave, or change of address;

''(ii) removal from the program is included in the procedures of the agency relating to an employee separating from employment with the agency; and

''(iii) benefits provided by the agency under the program are made available using an electronic format (rather than using paper fare media) where such a format is available for use.

''(E) ENFORCEMENT AND PENALTIES.—The guidance to be issued under subparagraph (A) shall contain a uniform administrative policy on enforcement and penalties. Such policy shall be implemented by each agency to ensure compliance with program requirements, to prevent fraud and abuse, and, as appropriate, to penalize employees who have abused or misused the benefits provided under the program.

''(F) PERIODIC REVIEWS.—The guidance to be issued under subparagraph (A) shall require each agency, not later than September 1 of the first fiscal year beginning after the date of enactment of this paragraph, and every 3 years thereafter, to develop and submit to the Secretary a review of the agency's implementation of the program. Each such review shall contain, at a minimum, the following:

''(i) An assessment of the agency's implementation of the guidance, including a summary of the audits and investigations, if any, of the program conducted by the Inspector General of the agency.

''(ii) Information on the total number of employees of the agency that are participating in the program.

''(iii) Information on the total number of single occupancy vehicles removed from the roadway network as a result of participation by employees of the agency in the program.

''(iv) Information on energy savings and emissions reductions, including reductions in greenhouse gas emissions, resulting from reductions in single occupancy vehicle use by employees of the agency that are participating in the program.

''(v) Information on reduced congestion and improved air quality resulting from reductions in single occupancy vehicle use by employees of the agency that are participating in the program.

''(vi) Recommendations to increase program participation and thereby reduce single occupancy vehicle use by Federal employees nationwide.

''(6) REPORTING REQUIREMENTS.—Not later than September 30 of the first fiscal year beginning after the date of enactment of this paragraph, and every 3 years thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on nationwide implementation of the transit pass transportation fringe benefits program under this subsection, including a summary of the information submitted by agencies pursuant to paragraph (5)(F).''.

(c) EFFECTIVE DATE.—Except as otherwise specifically provided, the amendments made by this section shall become effective on the first day of the first fiscal year beginning after the date of enactment of this Act.

**SEC. 6. CAPITAL COST OF CONTRACTING VANPOOL PILOT PROGRAM.**

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish and implement a pilot program to carry out vanpool demonstration projects in not more than 3 urbanized areas and not more than 2 other than urbanized areas.

(b) PILOT PROGRAM.—

(1) IN GENERAL.—Notwithstanding section 5323(i) of title 49, United States Code, for each project selected for participation in the pilot program, the Secretary shall allow the non-Federal share provided by a recipient of assistance for a capital project under chapter 53 of such title to include the amounts described in paragraph (2).

(2) CONDITIONS ON ACQUISITION OF VANS.—The amounts referred to in paragraph (1) are any amounts expended by a private provider of public transportation by vanpool for the acquisition of vans to be used by such private provider in the recipient's service area, excluding any amounts the provider may have received in Federal, State, or local government assistance for such acquisition, if the private provider enters into a legally binding agreement with the recipient that requires the private provider to use all revenues it receives in providing public transportation in such service area, in excess of its operating costs, for the purpose of acquiring vans to be used by the private provider in such service area.

(c) PROGRAM TERM.—The Secretary may approve an application for a vanpool demonstration project for fiscal years 2008 through 2009.

(d) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing an assessment of the costs, benefits, and efficiencies of the vanpool demonstration projects.

**SEC. 7. INCREASED FEDERAL SHARE FOR END-OF-LINE FIXED GUIDEWAY STATIONS.**

Notwithstanding section 5309(h) of title 49, United States Code, a grant for a capital project to be assisted under section 5309 of such title during fiscal years 2008 and 2009 that involves the acquisition of real property for, or the design, engineering, or construction of, additional parking facilities at an end-of-line fixed guideway station shall be for 100 percent of the net capital cost of the project unless the grant recipient requests a lower grant percentage.

The CHAIRMAN. No amendment to the bill shall be in order except those printed in House Report 110–734. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. OBERSTAR

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–734.

Mr. OBERSTAR. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OBERSTAR:

Page 3, after line 23, insert the following:

(9) Public transportation stakeholders should engage and involve local communities in the education and promotion of the importance of utilizing public transportation.

Page 3, line 24, strike ''(9)'' and insert ''(10)''.

Page 4, line 10, after ''apportioned'' insert '', not later than 7 days after the date on which the funds are appropriated,''.

Page 4, line 21, after ''apportioned'' insert '', not later than 7 days after the date on which the funds are appropriated,''.

Page 5, line 5, after ''Secretary'' insert ''within the time the Secretary prescribes''.

Page 5, line 7, after ''transportation,'' insert ''or in the case of subsection (f) of such section 5311, intercity bus service,''.

Page 5, line 9, after ''transportation'' insert '', or in the case of subsection (f) of such section 5311, intercity bus service,''.

Page 5, line 14, after ''Secretary'' insert ''within the time the Secretary prescribes''.

Page 5, line 16, after ''service,'' insert ''or in the case of subsection (f) of such section 5311, intercity bus service,''.

Page 5, line 18, after ''service'' insert '', or in the case of subsection (f) of such section 5311, intercity bus service,''.

Page 5, after line 19, insert the following:

(3) To avoid increases in fares for public transportation, or in the case of subsection (f) of such section 5311, intercity bus service, or decreases in current public transportation service, or in the case of subsection (f) of such section 5311, intercity bus service, that would otherwise result from an increase in costs to the public transportation or intercity bus agency for transportation-related fuel or meeting additional transportation-related equipment or facility maintenance needs, if the recipient of the grant certifies to the Secretary within the time the Secretary prescribes that, during the term of the grant, the recipient will not increase the fares that the recipient charges for public transportation, or in the case of subsection (f) of such section 5311, intercity bus service, or, will not decrease the public transportation service, or in the case of subsection (f) of such section 5311, intercity bus service, that the recipient provides.

(4) If the recipient of the grant is acquiring, or certifies to the Secretary within the time the Secretary prescribes that, during the term of the grant, the recipient will acquire, clean fuel or alternative fuel vehicle-related equipment or facilities for the purpose of improving fuel efficiency, the costs of acquiring the equipment or facilities.

At the end of the bill, add the following:

**SEC. 8. NATIONAL CONSUMER AWARENESS PROGRAM.**

(a) IN GENERAL.—The Secretary of Transportation shall carry out a national consumer awareness program to educate the public on the environmental, energy, and economic benefits of public transportation alternatives to the use of single occupancy vehicles.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for fiscal year 2009. Such sums shall remain available until expended.

The CHAIRMAN. Pursuant to House Resolution 1304, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

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

The amendment clarifies that transit agencies may use these new grants to offset the increased cost of fuel to transit agencies. Every penny additional to the cost of diesel and gasoline fuel, public transportation faces a cost of $7.6 million.

The amendment clarifies that intercity bus service is an eligible activity under the bill. The intercity bus provision was included in the version of the bill that passed the House last year, but through a drafting error, was left out when we reintroduced it. We correct that mistake.

Many transit agencies, rural and small urban centers alike, contract with intercity bus providers for more mobility. So it's important that these services are eligible for the new grants created by this bill.

We clarify that transit agencies may use the new transit grants to offset the increased cost of maintenance as they struggle to cope with recordbreaking ridership increases. I have been to transit agency maintenance centers and found very skilled workmen welding new pieces of steel in the support structures of buses that have rusted out over years of use.

Transit buses are now, on average, 12 to 14 years. They should be replacing them every 7 to 8 years. We are seeing a million miles of ridership on a bus a year. They need to upgrade and improve and continue their maintenance.

Many transit agencies are reporting surges in ridership and, at the same time, difficulty maintaining existing services because of higher fuel prices. So we are providing funding to all those transit agencies to respond to their current needs.

I want to thank several of our colleagues for agreeing to have their amendments incorporated into the manager's amendment to expedite consideration of the bill: The gentleman from Vermont (Mr. WELCH) whose amendment helps transit fleets become more fuel efficient by providing more funding for clean fuel or alternative fuel vehicle-related equipment or facilities; the gentleman from Oregon (Mr. BLUMENAUER) whose amendment creates a national consumer awareness program to educate the public on environmental, energy, and economic benefits of public transportation; and the Jackson-Lee amendment that clarifies that public transportation stakeholders should engage and involve local communities in the education and promotion of public transportation.

I reserve the balance of my time.

Mr. MICA. Madam Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. I claim the time in opposition, but I do rise in support of the manager's amendment. I particularly find most attractive in this measure the provision that would allow grant funding to subsidize increased full costs for some of our transit systems in the country.

My support is not based on some lobbyist from a transit agency in New York or Washington or Orlando. My support is based on probably a little lady whose face I have never seen, but she wrote me and said, Mr. MICA, she said, They are going to cut one of the routes and I have no other way to get to work, and I am a constituent in your district. They are going to cut off those routes because of the higher fuel cost.

So the reason I support this is because someone in my district is being dramatically affected. It may not be a big deal here in Congress, but I can assure you in that lady's life, if she can't get to work and make a living, it's a big deal to her. So that is why I support this manager's amendment and this bill.

I yield back the balance of my time.

Mr. OBERSTAR. I have no further speakers on this amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. MCGOVERN

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–734.

Mr. MCGOVERN. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. Is the gentleman the designee of the gentleman from Virginia for purposes of offering the amendment?

Mr. MCGOVERN. Yes.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MCGOVERN:

Page 7, after line 12, insert the following:

(b) BENEFITS DESCRIBED.—Section 3049(a)(2) of such Act (5 U.S.C. 7905 note; 119 Stat. 1711) is amended by striking the period at the end and inserting the following: '', except that the maximum level of such benefits shall be the maximum amount which may be excluded from gross income for qualified parking as in effect for a month under section 132(f)(2)(B) of the Internal Revenue Code of 1986.''.

Page 7, line 13, strike ''(b)'' and insert ''(c)''.

Page 12, line 6, strike ''(c)'' and insert ''(d)''.

The CHAIRMAN. Pursuant to House Resolution 1304, the gentleman from Massachusetts (Mr. MCGOVERN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MCGOVERN. I yield myself 2 minutes.

Madam Chairman, first of all, I would like to thank the gentleman from Minnesota and the gentleman from Florida for their hard work on this important legislation. I am offering an amendment, along with my colleague from Virginia (Mr. DAVIS). He has been a very important collaborator in this effort.

Madam Chairman, I rise today in strong support of the Davis-McGovern amendment. Like the underlying legislation, the purpose of this amendment is to reduce energy consumption by promoting public transportation. This amendment seeks to equalize the current transportation fringe benefit offered to Federal employees who commute to work via public transportation

with the current benefit for those who drive to work by themselves.

Currently, $220 per month in pretax benefits can be offered to Federal employees who drive to work and pay for parking, while these who opt to take a train, bus, or other form of public transit are only eligible for $115 a month. This disparity has had the reverse effect of what the transportation fringe benefit was geared to do, and that is to take commuters out of their personal automobiles by incentivizing them to use public transportation.

Madam Chairman, this bipartisan amendment will do much more than get people to use public transportation. With fewer people driving to work, less gasoline is consumed, less wear and tear is done to our roads and bridges, and less emissions are released into the air. As Congress seeks ways to combat climate change and become energy independent, one of the best ways to make an immediate impact is by offering cleaner, greener commuting options for our workforce.

According to the current estimates, Americans save $340 million a year in fuel costs as a result of the transit benefit. Increasing the transit benefit will result in a corresponding increase in that savings. As we look for ways to provide relief from skyrocketing fuel prices, the transit benefit is a proven part of the solution.

I ask my colleagues to support the Davis-McGovern amendment, and I reserve the balance of my time.

Mr. MICA. Madam Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. I yield myself 1 minute.

I rise in support of the amendment offered by the gentleman from Virginia (Mr. DAVIS) and the gentleman from Massachusetts (Mr. MCGOVERN). As has been explained, this does provide the Federal employee transportation benefit program, which has been so successful, is expanded in its usage, and for that, I think that our side agrees, and this is a bipartisan amendment and has our full support.

On behalf of Mr. DAVIS, I urge adoption of that.

I reserve the balance of our time.

Mr. MCGOVERN. Madam Chairman, I would like to reserve the remaining time to the coauthor of this amendment, the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. I rise today in strong support of the Davis-McGovern amendment to the Saving Energy Through Public Transportation Act of 2008. This amendment will increase the cap on the monthly amount available to Federal employees nationwide who ride mass transit. For calendar year 2008, this would increase the reimbursement for Federal employees who ride mass transit from $115 per month to $220 per month.

At a time when transportation costs are escalating, with no end in sight, this amendment will have a positive impact on the lives and well-being of the Federal workforce. In addition, it will help promote the use of mass transit by Federal employees nationwide.

For the National Capital Region, this benefit should have a significant impact on the commuting habit of Federal employees. An estimated 165,000 Federal employees currently participate in the Federal transit benefit program. We are hopeful that this amendment will encourage additional employees to leave their cars at home and commute using mass transit, resulting in less traffic on our region's already congested roadways.

As an added incentive, employees using Metro would also have the option of using this added benefit to pay for parking at mass transit stations because employees who ride Metro use the same SmarTrip card to pay for both rail service and mass transit parking.

As a Member of Congress representing the National Capital Region, I have spent a lot of my career trying to find ways to promote the use of mass transit in our workforce. I believe this amendment will be an important step forward in both areas.

I strongly urge my colleagues to support this amendment. It's a ''two-fer,'' supporting the Federal workforce and promoting energy conservation through the increased use of public transportation.

Mr. OBERSTAR. Would the gentleman from Florida yield a minute of his time?

Mr. MICA. May I inquire as to how much time we have.

The CHAIRMAN. The gentleman from Florida has 4½ remaining. The gentleman from Massachusetts has 1½ minutes remaining.

Mr. MICA. I am pleased to yield 2 minutes to the gentleman from Minnesota.

Mr. OBERSTAR. I thank the gentleman for yielding.

I do so simply to express my support for the amendment, on which Mr. MICA and I have agreed, but also to point out that in the body of the bill there are protections and safeguards for the proper use of the transit pass authority provided in the additional funding increase in the monthly limit for the transit benefit. There have been reports of abuse of transit passes in the past year. An investigation by the Office of Inspector General revealed that there are some abuses.

We have provided protection against such abuses in the base of the bill underlying this legislation. I wanted to point that out for those who may have been concerned to assure that the committee has taken appropriate steps to assure that transit passes are used by the person for whom intended and for the purpose for which intended.

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

Mr. MCGOVERN. I yield our remaining time to the gentleman from Oregon (Mr. BLUMENAUER).

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Mr. BLUMENAUER. Madam Chairman, I thank Mr. MCGOVERN and my friend from Virginia. This is really important for us, to be able to start equalizing the playing field. I think there is nothing at this point in the game that is more critical than giving people transportation choices. I appreciate the long-term interest and advocacy that you have had in terms of doing this. I think it is an important step to make sure that commuters across the country are treated in a fair and equitable fashion.

I am hopeful that the body will embrace this, that we will be able to deal with it in an aggressive sense, both in terms of the Ways and Means Committee, that we can work with our colleagues to find ways in the Tax Code to make the adjustments that are necessary to cushion the commuter cost of transit users, as well as people who use their vehicles; that we deal with some people who have extraordinary costs because of the long distances commute, and I think there are ways that we can adjust this.

I would beg their indulgence for one modest potential adjustment, and that is while this moves forward to make a difference for people who are commuting, I would hope there would be some way we could work together to also include equity for people who burn calories instead of fossil fuel, because as yet, the Tax Code and the policies do not provide equity for Mr. OBERSTAR's friendly, favorite people, the cyclists, although we have passed that three times through the House this year previously. Being able to put cycling communities along with transit and auto communities will make a big difference in the long run.

I appreciate this leadership and look forward to working with them to make progress in the future.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. MAHONEY OF FLORIDA

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–734.

Mr. MAHONEY of Florida. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. MAHONEY of Florida:

At the end of the bill, add the following new section:

**SEC. 8. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.**

Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142) is amended—

(1) by striking ''No Federal agency'' and inserting ''(a) REQUIREMENT.—Except as provided in subsection (b), no Federal agency''; and

(2) by adding at the end the following:

''(b) EXCEPTION.—Subsection (a) does not prohibit a Federal agency from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source, if—

''(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional petroleum source;

''(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source; and

''(3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.''.

The CHAIRMAN. Pursuant to House Resolution 1304, the gentleman from Florida (Mr. MAHONEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MAHONEY of Florida. Madam Chairman, I yield myself such time as I may consume.

(Mr. MAHONEY of Florida asked and was given permission to revise and extend his remarks.)

Mr. MAHONEY of Florida. I want to thank Chairman OBERSTAR for bringing this bill, the Saving Energy Through Public Transportation Act of 2008, to the floor today.

Madam Chairman, 232 years ago, this country fought to gain its political independence. Today, as we approach Independence Day, it is time that we must fight for energy independence.

Madam Chairman, as we all know, Americans are suffering because of high gas prices. But some of the recent proposals we have seen in the past week are political opportunism at its worst. Take the proposal to end the moratorium on offshore drilling. Not only could drilling imperil Florida's $65 billion tourist industry, but there is insufficient oil to meaningfully address demand.

In 2007, the Energy Department found that drilling off the coast would not add to domestic production before 2030, and that the impact on gas prices would be insignificant. Further, the U.S. proven reserves are approximately 2 percent of the world's supply, yet we continue to be the number one consumer of oil in the world, consuming about 25 percent of the world's production. So anyone who stands here and says we are going to drill our way out of this problem is not being honest with the American public. It is time to get real, and it is time to take action now.

While there are no easy answers, there are significant steps that we can take to stabilize gas prices.

First, I am a proud cosponsor of the Responsible Federal Oil and Gas Lease Act of 2008, and I urge my colleagues to support this critical legislation. At a time when gas prices are skyrocketing, oil and gas companies should not be allowed to stockpile leases and they should be required to drill on the leases they own. They should use it or lose it.

Second, Congress needs to investigate the impact of speculation in the commodities market and the impact that has on the price of oil. It is time to know whether energy speculators are gaming the system to make money at the expense of hard-working Americans.

Third, we must continue to bring alternative energy to the country and to Florida. Recently, the farm and energy bills have set the stage for Florida to become the biofuels capital of America. We must continue to invest in cellulosic ethanol so we can become energy independent.

Fourth, we must recognize that the reckless fiscal policies of this administration have racked up a $6 trillion debt and this debt is ravaging the value of the dollar. In the past 6 years, this has contributed to a 40 percent devaluation of the dollar, and the fact that oil is a dollar-indexed commodity, the American people now know that when the value of the dollar goes down, the price at the pump goes up. The American people can no longer afford these reckless policies and this reckless deficit spending, and this Congress must make it stop.

Lastly, we need to reduce the barriers to importing Canadian oil, which is why I am offering my amendment today which would clarify language in section 526 of the Energy Independence and Security Act of 2007 so that it does not apply to Canadian oil.

I appreciate the hard work that my colleagues Congressman BOREN and Congressman LAMPSON have already done on this issue. For those of you who don't know, section 526 prevents the U.S. Government from purchasing an unconventional fuel whose carbon footprint is higher than a conventional fuel. Canada has vast supplies of natural gas and has the world's second largest proven reserves of oil in the world, and Canada is the largest supplier of crude oil and refined products to the United States, supplying approximately 13 percent of total U.S. imports.

My amendment will clarify that section 526 does not preclude Federal agencies from purchasing generally available fuels, and that includes fuel from Canada's oil sands, refined using existing commercial processes. Through my amendment, we can address both a national energy supply issue and a national security issue. After all, who would you rather import oil from; our good friends up north in Canada, or from the Middle East?

The time has come for real solutions, not rhetoric. Today's actions take important steps to help us stop skyrocketing gas prices and put us on the road to energy independence. I urge my colleagues to support my amendment.

I reserve the balance of my time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MICA. Madam Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. Let me say that the only problem that I have with this amendment as offered from my colleague from Florida is the amendment does not go far enough in correcting or addressing all of the problems caused by section 526 of the energy bill that prohibits the Federal Government from using coal derived, oil shale and other non-petroleum-based alternative fuels regardless of existing procurement rules or what is actually cost efficient or practical.

I am not going to vote against his amendment, but I do have some concerns I wanted to express against the amendment.

Madam Chairman, I reserve the balance of my time.

The CHAIRMAN. The time of the proponent of the amendment has expired. The gentleman has the only time remaining. The gentleman will need to close and yield back the balance of his time.

Mr. MICA. Madam Chairman, I yield 30 seconds to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Chairman, the reference was made by my other friend from Florida that there was a related provision that passed last week on a 429–1 vote. I confess to being the one person who voted against that. I had some concerns about how that was framed.

I went back and did some research and concluded that my ''no'' vote was ill-advised, although it wasn't determinative, and I wanted to indicate that I personally support what is being proposed here. I think it is a reasonable compromise to deal with issues that need to be taken, and I appreciate my friend's courtesy in allowing me to do my mea culpa while you wait for your other speaker.

Mr. MICA. I yield myself such time as I may consume just to point out, again, I am not going to object. I have concerns. I would like to have gone further.

Madam Chairman, I yield 2½ minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. I want to thank my colleague from Florida for giving me a moment to speak on this bill.

We have had examples here all day today of the fact we are not going to be able to pass any meaningful energy legislation in this week before we go home for the 4th of July holiday. It is not just Republicans who are saying this. I want to point out the fact that in today's Politico, the story is headlined: ''Pelosi's Pump Pain. Aggressive Pre-Recess Plan Goes By the Wayside.''

I would like to introduce this, without objection, into the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

Ms. FOXX. ''Speaker Nancy Pelosi hoped to send House Democrats home for the Fourth of July recess with a series of votes that would show they're

serious about easing the pain at the pump.''

That obviously is not going to be done. We are passing bills here today that deserve the ''Emperor's New Clothes Award.'' Somebody has to stand up and say the emperor has no new clothes, because the bills that we are being asked to vote on are shams. We are not doing anything to help average, hardworking Americans who are paying over $4 a gallon for gasoline as a result of the Democrats' control in the last 18 months of this Congress.

This is a sham. This is for show. They are going to go home and say they did something, but they did nothing to help the average working American, and it is time that people said so. We don't need to be allowing this sham to continue without being able to talk about it.

It says here ''nothing has gone according to plan. The price-gouging bill failed to garner the two-thirds support necessary to pass.'' Even Democrats are speaking against the bill. They are talking about how it is going to hurt gas-producing States and the gas-producing people are opposed to it, the Democrats are.

So nothing that is going on here is really going to help those of you who are paying over $4 a gallon for gasoline in this country. All we are doing is letting the Democrats put on a show that says that they are reducing the price of gasoline, when they are not.

PELOSI'S PUMP PAIN—AGGRESSIVE PRE-RECESS PLAN GOES BY WAYSIDE

(By Patrick O'Connor)

Speaker Nancy Pelosi hoped to send House Democrats home for the Fourth of July recess with a series of votes that would show they're serious about easing the pain at the pump.

Their wish list included legislation giving the federal government more authority to crack down on price-gouging by oil companies and smaller vendors, a bill requiring energy producers to relinquish any land not currently being tapped for oil or gas production, and a measure creating new restrictions for commodity traders whose speculation has driven up the price of oil.

But nothing has gone according to plan.

The price-gouging bill failed to garner the two-thirds support necessary to pass. An accounting issue forced leaders to put off for a day the so-called ''use it or lose it'' measure. And the legislation to curb speculation is now caught up in a member fight over the proper path forward—a fight that exposes the misgivings some Democrats have about this activist agenda.

So instead of a barrage of legislation aimed at knocking back the Republicans' gas price assault, Democrats will settle for a measure giving local transit agencies $850 million in each of the next two years to reduce prices and add routes, as well as a symbolic vote calling on President Bush to crack down on ''excessive'' commodity speculation.

The Democrats' stumbles come as congressional Republicans continue to push aggressively for more domestic oil and gas production on the Outer Continental Shelf and in Alaska's Arctic National Wildlife Refuge as well as for an ambitious plan to turn coal shale beneath the High Plains into natural gas.

Republicans claim an amendment—offered by Pennsylvania Rep. John E. Peterson—to open offshore drilling sites 50 miles off the coast has enough support to survive a committee vote on the Appropriations panel.

The committee postponed consideration of the measure on which Peterson planned to offer his amendment, but Chairman Dave Obey (D–Wis.) told members Tuesday he plans to bring it up when lawmakers return from the weeklong Fourth of July recess.

As the Democrats struggle to hold together support for the existing offshore drilling ban, they find themselves coming apart on another energy issue: what to do about oil speculators.

Some Democrats, such as Agriculture Committee Chairman Collin Peterson of Minnesota and Rep. Bob Etheridge of North Carolina, would like party leaders to advance a modest measure that gives federal regulators more resources to crack down on ''excessive'' speculation in the United States and abroad.

''I'm not, at this point, sold that speculation is the reason these prices are going up,'' Peterson said.

Others, such as Connecticut Rep. Rosa DeLauro and Maryland Rep. Chris Van Hollen, the Democratic Party's campaign chief, have urged the speaker to go further by making substantive changes to the current laws, members and aides said.

Add to that a jurisdictional squabble between Peterson's Agriculture Committee and members of the House Energy and Commerce Committee—including Michigan Democratic Rep. Bart Stupak—who have been working on this issue for years, and Pelosi faces a major internal challenge in bringing this legislation to the floor.

The speaker met with these and other members for more than an hour Wednesday morning. They were joined by Michael Greenberger, a law school professor at the University of Maryland and a former director of trading and markets at the Commodity futures Trading Commission, who has testified before Congress that speculators are driving up the price of oil.

But the participants who emerged from that meeting suggested the various committees of jurisdiction will begin looking at this legislation before leaders craft a compromise.

''I think the consensus is that this needs to be done very carefully,'' said House Majority Leader Steny H. Hoyer (D–Md.).

''We're going to focus on the actual legislation and try to come to a consensus,'' Peterson said.

Pelosi told reporters Wednesday that she expects legislation on the floor sometime next month, before lawmakers leave for the summer and for their respective nominating conventions.

Some Democrats wanted to vote on a modest bill this week to give themselves cover before the recess, aides said.

A number of conservative Blue Dog Democrats were also grumbling that party leaders were planning to put them in a bad spot politically with these aggressive oversight measures, aides said. Pelosi met with a number of these members Wednesday, but the speculation issue was only one of the topics discussed.

In the meantime, both parties continued their finger-pointing over the gas prices and the policies that might have an effect on them.

On Wednesday, the Department of the Interior questioned Democratic claims that energy producers could pump oil or gas on 68 million acres of land that has already been leased. This talking point became a common refrain last week; Democrats argued that the lease-holding oil companies could produce 4.8 million barrels of oil and more than 44 million barrels of natural gas each day under the current contracts.

''The views contained in the report [issued by Democrats on the House Natural Resources Committee] are based on a misunderstanding of the very lengthy regulatory process,'' wrote C. Stephen Allred, the assistant secretary of the Interior for Land and Minerals Management, who favors increased oil and gas exploration. ''The existence of a lease does not guarantee the discovery of, or any particular quantity of, oil and gas.''

In his letter—which canle at the request of Republican Rep. Don Young of Alaska—Allred further argued that a lengthy permitting process creates a lag for energy producers to extract fossil fuels from this land.

In a statement issued in response to the letter, House Natural Resources Committee Chairman Nick J. Rahall (D–W.Va.) called it ''a diversion from the simple fact that there are 68 million acres of leased land not producing any oil and gas.''

Rahall said that the administration's argument about the slow permitting process undercuts its arguments for lifting the offshore drilling ban; a long permitting process, he said, would slow any benefit to be gained from offshore drilling, too.

''Roughly 80 percent of the oil and gas under federal waters are in areas already open for leasing. They should focus on that before trying to grab any more of our public lands,'' Rahall said.

The fight over gas prices also has a personal component.

Pelosi has staked her speakership, in part, on aggressive environmentalism to limit human contributions to global warming. This puts her at odds with those in her caucus who are more sympathetic to the oil and gas industry. That dynamic forces her to tread lightly inside the party, but it does not prevent her from issuing lofty challenges in the name of the environment.

''We are in the battle of this generation,'' Pelosi told reporters Wednesday. ''We're ready to make the fight. We are united behind it.''

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Florida (Mr. MAHONEY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. MAHONEY of Florida. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. REICHERT

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–734.

Mr. REICHERT. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. REICHERT:

Page 14, at the end of line 8, insert the following: ''or at a park-and-ride lot that serves a fixed route commuter bus route that is more than 20 miles in length''.

□ 1600

The CHAIRMAN. Pursuant to House Resolution 1304, the gentleman from Washington (Mr. REICHERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. REICHERT. Madam Chairman, as we all know, skyrocketing gas prices and the pain they cause is one of the most daunting issues facing this Congress and our Nation.

Today in the State of Washington, the price per gallon of regular gas was $4.34, while a month ago it was $4.02 and a year ago it was $3.11 in the State of Washington. It is hard to believe we are now in the position to yearn for the days of $3 gasoline.

My constituents are looking for some form of relief, an option to paying outrageous prices to fill up their cars only to sit in gridlock traffic. Mass transit offers relief; however, mass transit does not succeed if the public is not convinced that it is a convenient alternative to driving their cars.

The Transportation Research Board studied the accessibility of transit services to suburban commuters, and has identified strategies that improve customer acceptance and the use of transit services. The study found that acceptance and use of transit services are clearly influenced by the availability, convenience, and the cost of commuter parking at rail stations and at park-and-ride lots for commuter buses.

Increasing commuter bus park-and-ride availability directly increases transit ridership in these routes. According to Sound Transit, a local transit agency in my district, once parking lots are 80 percent full at commuter bus stations, the public perceives them to be completely full and they continue to drive by, bypassing an opportunity to ease the pain of high gas prices in an environmentally friendly way.

Expansion of these facilities incentivizes transit systems and the communities they serve by increasing their suburban park-and-ride lot capacity and increases the use of transit.

Like every community, people in the Puget Sound region of Washington State are parking their cars and taking transit more often. In my district alone, the number of people who rode Sound Transit's buses and trains in 2007 increased by nearly six times the nationwide increase.

A few bus ride examples. In the first quarter of 2008, the express bus service connecting two suburbs of Seattle, Lynnwood, Washington and Bellevue, Washington, grew by more than 31 percent over the first quarter of 2007. Ridership on Sound Transit service between Everett, Washington and Bellevue, Washington is up 24 percent. And between Federal Way, another suburb of Seattle, and the Microsoft campus in Redmond, it is up 12 percent. Those are some great examples of mass transit working in my district.

I urge you to support my amendment. My amendment will simply allow bus park-and-ride lots the same Federal funding as commuter rail park-and-ride lots receive in this bill.

Join me in giving Americans a choice on how they go to work, go to the grocery store, or move about town other than painfully paying at the pump to fill up their cars. This amendment will ease congestion, help the environment, and save commuters from high gas prices.

I reserve the balance of my time.

Mr. OBERSTAR. I ask unanimous consent to claim time in opposition to the amendment, though I do not intend to oppose it.

The CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. First, a point of order, Madam Chairman.

I observed the gentlewoman from North Carolina (Ms. FOXX) ask unanimous consent to include an article in the RECORD. That request must be made in the House under the rules of procedure, not in the Committee of the Whole.

The CHAIRMAN. The gentleman is correct. The gentlelady's request will be covered by general leave.

Mr. OBERSTAR. I have no objection to it, but I just want the procedure to be proper.

The CHAIRMAN. That is correct.

Mr. OBERSTAR. The amendment offered by the gentleman from Washington was very thoughtfully expressed and explained, and I commend the gentleman on his statement, very thoughtfully done, to increase the Federal share for parking facilities that serve commuter bus routes.

The Transportation Research Board has addressed this issue and evaluated the accessibility of transit services to suburban commuters, and they have found that acceptance and use of transit services are clearly influenced by the availability, convenience, and cost of commuter parking at transit stations and park-and-ride lots, quoting from the report.

States that have successful long-distance suburban-to-central business district commuter bus operations found that increasing the use of commuter bus services and park-and-ride facilities is directly influenced by the availability of those park-and-ride services.

Increasing the Federal share to 100 percent would create additional incentives for transit systems to build more of these facilities to serve the communities, and I really appreciate the initiative of the gentleman.

In his reference to Microsoft, I know that Microsoft in past years has purchased in the range of 13,000 fares a year for its employees to ride the Sounder and other transit options in Seattle. It is very commendable of a company to engage in that kind of service to its workers, to encourage them to get to work in a better frame of mind, to help the environment, and to serve the public need.

I reserve the balance of my time.

Mr. REICHERT. Madam Chairman, I yield 30 seconds to my good friend from Florida, the ranking member of the Transportation and Infrastructure Committee, Mr. MICA.

Mr. MICA. I thank the gentleman so much, that we have a distinguished member of our Transportation and Infrastructure Committee offering this well thought out amendment. It is going to clearly provide availability, convenience, and assist the cost of making eligible again these bus end-of-the-line parking facilities. Well thought out. There was a gap here, and I am glad the gentleman from Washington filled that so adequately, and we support the amendment.

Mr. OBERSTAR. I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, and look forward to moving forward on this amendment. I think it balances a potential inequity.

But I would hope that as we move forward to reauthorization, that the folks on both sides of the aisle, Mr. Chairman, that we might be able to look at more Federal flexibility for the land that is used with these park-and-ride items, because in many cases they are frozen in time. We have inflexible Federal rules about what can be used for that land, and they have a habit of not being at the end of the line. So if we can in the future be able to use them as an anchor for community development and redevelopment where people can live and work at that point, rather than having to drive vast distances to get there in the first place, these facilities can leverage significant redevelopment opportunity, reduce vehicle miles traveled, and be able to reduce the operating cost for the lines.

So I have no objection to this proposal as it goes forward, but I would hope that we would be creative as we move to reauthorization that we don't freeze in arbitrarily what local communities can do with transit agencies and the Federal Government to be able to leverage them to get more out of it in the long run so we don't have to unnecessarily force people to drive to use it in the first place.

Mr. OBERSTAR. If the gentleman would yield.

Mr. BLUMENAUER. I yield to the gentleman.

Mr. OBERSTAR. The gentleman is an alumnus of the Committee on Transportation and Infrastructure, a refugee who has been taken in by the Ways and Means Committee; and he will be most welcomed at further hearings of the Surface Transportation Subcommittee to elaborate on this very thoughtful proposal that he has set forth. We welcome that contribution as we shape the next transportation legislation.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy as I appreciate the leadership of the committee. One cannot get back to the committee often enough. And I would look forward to working with you and with the gentleman from Washington to make sure that we get the most out of these resources.

Mr. REICHERT. In conclusion, I would just like to thank the chairman

and ranking member for their support, and the gentleman's kind suggestions and thoughtful suggestions. I would urge passage of this amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. REICHERT).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. HODES

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–734.

Mr. HODES. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. HODES:

Page 5, after line 19, insert the following:

(3) If the recipient of the grant is establishing or expanding, or certifies to the Secretary within the time the Secretary prescribes that, during the term of the grant, the recipient will establish or expand commuter matching services to provide commuters with information and assistance about alternatives to single occupancy vehicle use, those administrative costs in establishing or expanding such services.

The CHAIRMAN. Pursuant to House Resolution 1304, the gentleman from New Hampshire (Mr. HODES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Hampshire.

Mr. HODES. Madam Chairman, I yield myself such time as I may consume.

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

Mr. HODES. Madam Chairman, I rise in support today of my carpool promotion amendment.

First, I thank the distinguished chairman of the Transportation Committee and the ranking member for introducing this important bill to encourage the use of public transportation in this country.

Public transportation obviously needs to be part of a forward thinking 21st century energy strategy. However, in my home State of New Hampshire, many of my constituents live in rural areas where they don't have access to public transit, and many in my district have to commute by car 20 or 30 miles or more just to get to work.

Today, in intraday trading, oil hit a record of $140 a barrel, and gas prices are over $4 a gallon for regular gas in New Hampshire. The people I represent are struggling. Many drive more than an hour to work. And we have seen carpooling begin to increase in New Hampshire.

With an extremely limited public transportation network, except for city bus service in the cities of Manchester and Concord, often the only option for alternative transportation is carpooling, and the opportunities are often limited for that.

Since the average local commuter is spending more than $2,000 a year in gas just to drive to work, if a driver shares his car with just one other occupant and those carpoolers share the cost of gas, obviously they cut their costs for gas in half.

Now, New Hampshire Department of Transportation has introduced a great program called Ride Share. They work with the New Hampshire Regional Planning Commissions and employers to encourage ride sharing, and they have implemented a Statewide ride sharing program. The program is dedicated to finding an alternative way for commuters to travel to and from work.

These days, our highways and byways are increasingly gridlocked; and many of those cars stuck in gridlock, and all you have to do is go outside this building to see the kind of gridlock that Washington is famous for, and many of the cars that are sitting there are single occupant vehicles. Driving alone is not only expensive, but it also contributes to increased traffic congestion and air pollution.

To help commuters cut costs and to reduce traffic congestion and air pollution, New Hampshire Ride Share uses geographical computer matching to provide commuters with information and assistance about ride sharing and alternatives to the single occupancy vehicle, which can include carpools, van pools, buses and trains. Right now, two other States, Missouri and Michigan, have introduced similar programs.

The amendment that I have propose will help provide additional funding for programs like Ride Share across the country. We have seen in one month a tripling of interest in participation in ride sharing in some parts of New Hampshire, and we need to see more.

With the record high gas prices, rising food prices, the mortgage crisis, and the credit crunch, families across our Nation are feeling the economic squeeze. Commuters across our Nation are suffering under the strain of record gas prices, and they have to sacrifice more of their paycheck just to earn one.

This amendment provides a real-time way to help commuters save money, reduce air pollution, and increase efficiency. It is a win-win all around. I urge my colleagues to adopt this important amendment to help commuters across our Nation.

I reserve the balance of my time.

Mr. MICA. Madam Chairman, I would like to ask unanimous consent to claim the time in opposition, although I am not in opposition.

The CHAIRMAN. Without objection, the gentleman from Florida is recognized for 5 minutes.

There was no objection.

Mr. MICA. Madam Chairman, we are pleased to support the gentleman from New Hampshire's amendment. And it will also, I think, encourage commuters to find other ways other than single occupancy vehicles to get to and from work. He has the support of the American Association of Commuter Transportation.

Again, it is a small piece in the larger puzzle. We only have jurisdiction, as I said earlier, over transportation issues; we can't resolve all the other problems we have with energy. But I commend the gentleman, and our side supports the amendment and urges its adoption.

□ 1615

I reserve the balance of my time.

Mr. HODES. I thank the distinguished gentleman from Florida, and I yield the balance of my time to the chairman of the Transportation Committee.

Mr. OBERSTAR. I rise in support of the amendment which I am certain arises out of the experience of the New Hampshire Department of Transportation which has a program helping commuters find alternatives to riding alone. The State of North Carolina has created RIDE NC to do the same thing.

I just want to observe that this bill pending before the House now is the 110th bill reported from the Committee on Transportation and Infrastructure to the House, 110th bill in the 110th Congress. We have completed action on 63 bills and resolutions including 29 bills enacted into law; in addition to that, eight concurrent resolutions and 26 House resolutions. That's a remarkable record of bipartisan participation for which I express my appreciation to the gentleman from Florida. On all of these, we've had bipartisan support.

Mr. MICA. Madam Chairman, I yield myself the balance of my time.

I don't want to take the time, but we are concluding debate on this amendment, the Hodes amendment. I urge its adoption. I urge those who feel it is appropriate to support the measure, as I said it does have an increased authorization, not appropriation, of $1.7 billion. It does expand some of the transit grants to transit agencies that are hurting across the country. It does expand the transit benefits that are now restricted to those within the Beltway to Federal employees outside.

It does not solve the problem. It is a small piece of the solution, and I have been pleased to work with Mr. OBERSTAR in a bipartisan fashion to do our small part.

I must conclude, however, by saying that the House and the Congress can do a better job. My side of the aisle does not control the Congress this time. We have heard that there is a larger energy plan. We need to bring that energy plan forward.

I didn't have the time that the majority leader had in his remarks, and this isn't a blame game situation nor should it be. People are suffering in this country with $4-plus a gallon gas. I just saw this $5.25, which must be from California. That's not why our constituents sent us here. They sent us here to solve problems. In the same bipartisan spirit that Mr. OBERSTAR and I are bringing forward this little piece, we need a much larger piece.

A week from tomorrow is Independence Day, and that is a day we should be celebrating, not lamenting that we are not independent of foreign oil. We can work our way out of this. We can't tax our way out, we can't regulate our way out, but we have the means of moving forward and increasing the supply and lowering the price for the American people. We haven't done this, this Congress hasn't done this, and I am sorry that I have that to report at the end of my remarks, both in favor of the Hodes amendment and in favor of this legislation.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. HODES).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. MAHONEY OF FLORIDA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. MAHONEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 421, noes 0, not voting 18, as follows:

[Roll No. 465]

AYES—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
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
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
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
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Calvert
Cannon
DeLauro
Doolittle
Ellison
Faleomavaega
Forbes
Fortuño
Jones (OH)
Keller
Lewis (KY)
Norton
Rush
Schakowsky
Smith (WA)
Tancredo
Weller
Wexler

□ 1645

Messrs. NUNES, ISSA and Ms. GRANGER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. NORTON, Madam Chairman, on rollcall No. 465, had I been present, I would have voted "aye."

Mr. ELLISON. Madam Chairman, on rollcall No. 465, I was stuck in traffic trying to get to the vote and I ran out of time. Had I been present, I would have voted "aye."

The CHAIRMAN. There being no other amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ROSS) having assumed the chair, Ms. DEGETTE, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 6052) to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes, pursuant to House Resolution 1304, she reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. WALDEN OF OREGON

Mr. WALDEN of Oregon. Mr. Speaker, I have a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WALDEN of Oregon. In its present form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Walden of Oregon moves to recommit the bill H.R. 6052 to the Committee on Transportation and Infrastructure with instructions to report the same back to the House promptly, in the form to which perfected at the time of this motion, with the following amendments:

Page 5, after line 19, insert the following:

(c) USE OF FUNDS FOR MEETING FUEL-RELATED NEEDS OF SCHOOL BUS TRANSPORTATION.—

(1) IN GENERAL.—If school bus transportation services within the urbanized area or State to which funds are apportioned under subsection (a) have been adversely impacted by increased fuel costs, and if any school districts within the urbanized area or State are considering or have implemented service cuts in school bus transportation as a result of increased fuel costs, the recipient of the apportioned funds shall immediately make such funds available to the Governor of the State in lieu of using the funds for the purposes described in subsection (b).

(2) ALLOCATION OF FUNDS TO SCHOOL DISTRICTS.—Notwithstanding any other provision of law, the Governor of a State who receives funds under paragraph (1) shall—

(A) allocate the funds to school districts within the State that have been adversely impacted by increased fuel costs and are considering or have implemented service cuts in school bus transportation; and

(B) provide that such funds be used for operating and capital costs in providing school bus transportation service in order to reduce or eliminate cuts in such service as a result of increased fuel costs.

(3) PRIORITY.—The Governor of a State shall give priority in the allocation of funds under paragraph (2) to school districts in rural and suburban areas where school buses travel greater distances in transporting students.

Page 5, line 20, strike ''(c)'' and insert ''(d)''.

Page 5, line 23, strike ''(d)'' and insert ''(e)''.

Mr. WALDEN of Oregon (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the motion.

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

Mr. OBERSTAR. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue reading.

The Clerk continued to read.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. WALDEN of Oregon. Mr. Speaker, at the outset, let me say I have a long history of supporting mass transit in the urban areas of my State, including light rail development and bus transportation systems. I've received State-wide recognition for this work.

Unfortunately, there are no light rail routes, and few successful bus routes, in rural Oregon and in most of my district. In fact, the most important public mass transit in most of rural Oregon and, indeed, across most of rural America is a bright yellow school bus, like this one, that safely transports American children to and from school each day.

No one in America is immune from the impact of record-high gas prices, but for those of us from rural areas, the impact has been particularly severe not only on farms, families and small businesses, but also on our local governments that are struggling to pay sky-high fuel prices to maintain basic services.

Before you know it, our public school doors will open, and millions of our children will return to school, many of them on that familiar yellow school bus.

Yet all across this country, school superintendents are struggling mightily to figure out exactly how they'll afford to operate those school buses and to get our children to school.

Newspapers are filling with accounts of school districts and how they're going to respond to the cost of fuel. Some districts, including one just a few miles from here in Maryland, are considering reducing bus services and forcing children to walk up to 2 miles to school. Some schools are even discussing going to 4-day school weeks in order to reduce fuel consumption.

As profound as this problem is in urban and suburban area, it is even worse for those of us from rural communities where school buses must travel long distances to pick up and drop off children.

This is what the Yakima Herald-Republic in Washington State had to say just 5 days ago: ''Some of the surrounding districts in rural areas feel the pinch from increased costs a bit more because their buses have to travel farther to transport students. The Mt. Adams School District, which has about 1,000 students, is the third-largest district in the State with an area of 1,325 square miles. The district's 10 buses still travel more than 200,000 miles in a year.''

All the way across the country in Franklin County, Virginia, the Roanoke Times reports that ''a school official advised the board of supervisors Tuesday that the division could face an extra $690,000 in added fuel costs.''

Yet, today we have before us a bill that does absolutely nothing, nothing to lower the price of gasoline or diesel and nothing to help our schools, our school districts, and to help them pay for the bus transportation costs they're incurring.

Instead, it proposes to increase subsidies for public transit systems that reduce their fares and expand taxpayer-funded travel perks for Federal employees.

What's even worse is that existing Federal law would actually prohibit the funds authorized under this bill from being used to provide assistance to struggling school districts. Let me repeat that. This law, and the law on the books, don't allow the use of these funds for our school systems.

As the school year approaches, it's time to get our priorities right and to take care of our kids first.

My motion to recommit would fix this problem by sending this bill back to committee with instructions that they revise it, to specifically provide that in an area where school bus services are being cut back because of high fuel prices, that the funds under this bill shall be used first and foremost to help restore those school bus services, and that preference shall be given to rural and suburban areas where school buses have to travel greater distances to transport our children.

If the Democratic leadership's going to refuse to even allow a vote on proposals to increase domestic energy supplies so that we can lower gas prices for all Americans, then the least we can do is try to soften the blow for our Nation's schools, our school bus system and our children.

As currently drafted, this bill does not do that. We have a chance to fix it. We have a chance to help our school districts, particularly those in rural areas.

Now, the majority will undoubtedly try to rally their Members against this motion, but I ask, given that Congress is recessing tomorrow, what's wrong with sending this bill back to committee where the staff can review the amendment over the break and the full committee can carefully consider the importance of helping local schools cope with their busing needs and report this bill back in 10 days?

Or you can reject this on some sort of procedural grounds, and leave local schools in the lurch, and literally put our school children on the shoulder of the roadways, dodging traffic on their way to and from school this fall.

When schools start closing a day a week early, when parents can't figure out how to get their children to and from school, Americans will look back on this moment and see who stood with our rural and suburban schools and with our children and who stood against them.

This is a reasonable motion to recommit. The committee clearly has the time to take this up. It is of no disservice to the committee or this process to say our first priority in this House, if we're not going to allow greater access to American fuel, is to at least take care of America's school children and their busing needs.

Every paper in your district is probably writing about this issue or will be as skyrocketing fuel costs cost them the ability to run their bus routes. You can smirk and you can laugh, but this reality is coming to us here and now.

Mr. OBERSTAR. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. Is the gentleman from Minnesota opposed to the motion?

Mr. OBERSTAR. Yes, in its present form.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent, in the introductory paragraph of the motion, to strike the word ''promptly'' and substitute therefor the word ''forthwith.''

The SPEAKER pro tempore. Does the gentleman from Oregon yield for that request?

Mr. OBERSTAR. I ask unanimous consent.

□ 1700

Mr. WALDEN of Oregon. Reserving the right to object.

The SPEAKER pro tempore. Does the gentleman from Oregon yield for the making of that request?

Mr. WALDEN of Oregon. Yes.

The SPEAKER pro tempore. The gentleman from Oregon is recognized.

Mr. WALDEN of Oregon. To my friend and the Chair of the Transportation Committee, I would be happy to agree to the unanimous consent request provided that you and your side would also agree to allow us to add a proposal to reduce gas prices for struggling American families. Specifically, would the gentleman agree to add to the bill either the No More Excuses Energy Act, H.R. 3089, or at a minimum, the proposal to allow the deep ocean oil exploration, H.R. 6108, the Deep Ocean Energy Resources Act?

I yield to the gentleman.

Mr. OBERSTAR. I made a unanimous consent request dealing with the motion of the gentleman, not the extraneous items the gentleman has now proposed.

If the gentleman is serious about his motion to recommit, we're serious about accepting it where it's forthwith and bringing that language immediately back to the House.

Mr. WALDEN of Oregon. While I appreciate the gentleman's position, clearly there is an opportunity for the committee to consider this and other issues related to transportation, so I would object.

Mr. OBERSTAR. Did the gentleman object? I could not hear.

The SPEAKER pro tempore. The objection is heard.

Mr. OBERSTAR. Then the gentleman is not serious about this motion, and this is a sham motion.

Under the language ''promptly,'' we would not be able to consider this legislation again until well after the 4th of July recess of the Congress, which the gentleman fully understands.

The substance of the motion is well-intentioned. However, under title 23 and title 49 of the U.S. Transportation Code, school buses are specifically not eligible for public funds out of the Highway Trust Fund, nor would they be under the provisions of the bill that is before us.

Since the gentleman from Oregon objects to accepting his language and making that change in Federal law to make school buses eligible, then I would suggest that he come back to the committee at an appropriate time, we're going to continue hearings—we've had 22 hearings already in the Surface Transportation Subcommittee last year and this year on the future of transportation—and make the case for such a provision to be included in the authorization that we will have next year. We would certainly be delighted to hear the gentleman's case for this provision and to perfect it. But as it stands, this ''promptly'' simply kills the transit expansion funding that we provide in the underlying bill.

Therefore, because the gentleman objected to my unanimous consent request, I say the motion is not offered in good faith, not offered with good intentions. It is a sham motion, and we should defeat it.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

Mr. WALDEN of Oregon. Mr. Speaker, were the gentleman's words in order?

The SPEAKER pro tempore. The Chair cannot render an advisory opinion.

Mr. WALDEN of Oregon. Is it in order to call a Member's motives in question, Mr. Chairman?

The SPEAKER pro tempore. The Chair does not issue advisory opinions.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

RECORDED VOTE

Mr. WESTMORELAND. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered, and motions to suspend the rules with respect to H.R. 6377, H.R. 6251, and House Resolution 1098.

The vote was taken by electronic device, and there were—ayes 199, noes 221, not voting 14, as follows:

[Roll No. 466]

AYES—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NOES—221

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rohrabacher
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
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner

Welch (VT)
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—14

Calvert
Cannon
Doolittle
Forbes
Gilchrest
Gutierrez
Lewis (KY)
Miller, Gary
Rush
Smith (WA)
Tancredo
Weldon (FL)
Weller
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1721

Messrs. KIRK and LINDER changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Ms. FOXX. 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 322, noes 98, not voting 14, as follows:

[Roll No. 467]

AYES—322

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—98

Akin
Alexander
Barrett (SC)
Barton (TX)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cantor
Carter
Conaway
Cubin
Culberson
Davis, David
Dreier
Duncan
Feeney
Flake
Foxx
Franks (AZ)
Gallegly
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Issa
Johnson, Sam
Jordan
King (IA)
Kingston
Lamborn
Latham
Latta
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Myrick
Neugebauer
Nunes
Paul
Pence
Peterson (PA)
Pickering
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Rehberg
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Smith (TX)
Stearns
Sullivan
Terry
Thornberry
Walberg
Walden (OR)
Wamp
Weldon (FL)
Wilson (SC)

NOT VOTING—14

Aderholt
Calvert
Cannon
Doolittle
Everett
Forbes
Lewis (KY)
Miller, Gary
Rush
Smith (WA)
Tancredo
Weller
Wexler
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1728

Messrs. CONYERS and BILBRAY and Mrs. BACHMANN changed their vote from '' no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WILSON of Ohio. Mr. Speaker, on rollcall No. 467, had I been present, I would have voted "yea."

## ENERGY MARKETS EMERGENCY 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. 6377, 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 Minnesota (Mr. PETERSON) that the House suspend the rules and pass the bill, H.R. 6377.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 19, not voting 13, as follows:

[Roll No. 468]

YEAS—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
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)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Camp (MI)
Campbell (CA)
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
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey

Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
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
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
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)
Snyder
Solis
Space
Speier
Spratt
Stark
Stearns
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
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—19

Blackburn
Cubin
Flake
Franks (AZ)
Hensarling
Johnson, Sam
Jordan
King (IA)
Lewis (CA)
Linder
Mack
Marchant
Paul
Pence
Rohrabacher
Sali
Sessions
Souder
Young (AK)

NOT VOTING—13

Calvert
Cannon
Doolittle
Everett
Forbes
Lewis (KY)
Miller, Gary
Peterson (PA)
Rush
Smith (WA)
Tancredo
Weller
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1736

Mr. LAMBORN changed his vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## RESPONSIBLE FEDERAL OIL AND GAS LEASE ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6251, 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 West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 6251, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 195, not voting 16, as follows:

[Roll No. 469]

YEAS—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Richardson
Rogers (AL)
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
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)
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—195

Aderholt
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Chabot
Childers
Coble
Cole (OK)
Conaway
Costa
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Gene
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jefferson
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Ortiz
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Snyder
Souder
Stearns
Sullivan
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)

Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Akin
Calvert
Cannon
Doolittle
Everett
Forbes
Kaptur
Lewis (KY)
Miller, Gary
Peterson (PA)
Rush
Shadegg
Smith (WA)
Tancredo
Weller
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1744

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. SHADEGG. Mr. Speaker, on rollcall No. 469, I was unavoidably detained. Had I been present, I would have voted "nay."

## SUPPORTING THE GOALS AND IDEALS OF THE YEAR OF THE AMERICAN VETERAN

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1098, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 1098.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 25, as follows:

[Roll No. 470]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
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
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (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
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—25

Bilbray
Calvert
Cannon
Capuano
Doolittle
Doyle
Everett
Forbes
Lewis (KY)
Miller (MI)
Miller, Gary
Murphy, Tim
Neal (MA)
Pascrell
Peterson (PA)
Rogers (AL)
Rush
Saxton
Shuster
Smith (WA)
Tancredo
Van Hollen
Weller
Wexler
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1751

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. SMITH of Washington. Madam Speaker, due to family obligations, I was unable to vote on rollcall No. 465: Mahoney Amendment to H.R. 6052. Had I been present, I would have voted "yes."

Madam Speaker, due to family obligations, I was unable to vote on rollcall No. 466: Motion to Recommit H.R. 6052. Had I been present, I would have voted "no."

Madam Speaker, due to family obligations, I was unable to vote on rollcall No. 467: Final Passage of H.R. 6052. Had I been present, I would have voted "yes."

Madam Speaker, due to family obligations, I was unable to vote on rollcall No. 468: Motion to Suspend the Rules and Agree on H.R. 6377. Had I been present, I would have voted "yes."

Madam Speaker, due to family obligations, I was unable to vote on rollcall No. 469: Motion to Suspend the Rules and Agree on H.R. 6251, as amended. Had I been present, I would have voted "yes."

Madam Speaker, due to family obligations, I was unable to vote on rollcall No. 470: Motion to Suspend the Rules and Agree on H. Res. 1098. Had I been present, I would have voted "yes."

## AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 6052, SAVING ENERGY THROUGH PUBLIC TRANSPORTATION ACT OF 2008

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 6052, the Clerk be authorized to correct section numbers, punctuation, cross-references, and to make such other technical and conforming changes as may be necessary to accurately reflect the actions of the House.

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

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JULY 9, 2008

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, July 9, 2008.

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

There was no objection.

## APPOINTMENT OF HON. STENY H. HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JULY 8, 2008

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

WASHINGTON, DC,
*June 26, 2008.*

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through July 8, 2008.

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

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5353

Mr. CARSON of Indiana. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 5353.

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

There was no objection.

## LET REGULAR ORDER PREVAIL ON AIR FORCE TANKER SELECTION

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

Mr. BONNER. Mr. Speaker, today one of our colleagues introduced the KC–X Recompete Act, and its message is clear: If the warfighter wants a new tanker to replace its aging fleet anytime soon, it has but one choice, the Boeing KC–767. This act would tell the warfighter to take the 767; take it or leave it, or face years of delay if you have to have a new competition.

Boeing's 767, mind you, is judged second best to the more capable, more modern, Northrop aircraft, an aircraft that I am proud would be built in my home State of Alabama.

Yes, the GAO noted procedural errors in the source selection process, but it did not rule on the merits of these two aircraft. And there is no equivocation in terms of which plane the Air Force wants and desperately needs, the KC–45.

Some have tried to preempt regular order and take this decision away from the warfighter. Let's not preempt the voice of the men and women who will take this plane into harm's way. We owe them that much.

## INVOLVE ALL IMPACTED BY MASS TRANSPORTATION DECISIONS

(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, I wanted to rise again today to again commend the Transportation Committee, the full committee Chair Mr. OBERSTAR and Ranking Member MICA on H.R. 6052. I wanted to discuss very briefly an amendment that I offered, part of which was included in the manager's amendment, and it has to do with promoting education, but as well to address the question of involving all of those impacted.

It reads that ''public transportation stakeholders should engage local communities in the education and promotion of the importance of using public transportation in cities and counties, and in the planning, development and design of transportation routing lines.''

This is particularly of interest to constituents in Houston as we build a new metro system. Today they broke ground in the east end. I congratulate them. But as we look to make sure that we are involving all of the participants, the stakeholders need to address the question of routing.

The only way that you will provide mass transit as a system for all the people is they must buy into it. We have a situation in Houston where we are looking to reroute from Wheeler, and I hope that this bill will get this understanding. Promote education of mass transit and get the stakeholders and communities to buy into it.

## EXPRESSING PLEASURE THAT THE USE-IT-OR-LOSE-IT BILL DID NOT PASS

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

Ms. FOXX. Mr. Speaker, I am so pleased that the Democrats' use-it-or-lose-it bill did not pass this House this afternoon. We have been saying for weeks that this is a sham. Use-it-or-lose-it is already the law of the land. Thankfully, enough people here, including 19 Democrats, voted with almost all the Republicans to turn back this sham against the people of the country.

What we need to be doing is we need to be producing more oil and gas for the American people, bringing down the price of gas. The Democrats are trying to pull the wool over the eyes of the American people, and, thankfully, they are not going to be able to do that since this bill did not pass. They wouldn't put it in committee to let it be debated. They put it on the suspension calendar, and it failed.

The American people during this 4th of July work period need to tell their Members, we want you to fulfill the promises you made 2 years ago. Bring down the price of gas.

## CONGRATULATING PLANO WOLVES

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

Mr. SAM JOHNSON of Texas. Madam Speaker, I rise to congratulate the new high school baseball national championship team. It is from Plano West Senior High School. They are called the Wolves. Go Wolves.

Maxpreps.com ranked the Texas State champs, the Plano West Senior High School varsity baseball team, number one in the Nation on June 22.

Under head coach Kendall Clark, this year the Wolves played a perfect season, won the district title with 14 wins and won 28 straight in 2008. This is the first time since 1987 that Plano Independent School District has had a team crowned national champions, and this year marks the first time a baseball team in Plano has captured the prestigious national title.

Congratulations to the Wolves. We are proud of you. Your parents are proud of you, Plano is proud of you, and America is proud of you. I salute you. God bless you, God bless America.

I include the names of the players and coaches in the RECORD, and congratulate them one and all.

ALPHABETIZED ROSTER

| Name | C | # | Position | Ht | Wt | Throws/bats |
|---|---|---|---|---|---|---|
| Chris Ard | Sr | 17 | P/C/IF/OF | 5'8" | 160 | R/R |
| Barrett Beck | Jr | 11 | CF/P | 5'8" | 165 | R/R |
| Andrew Blum | So | 14 | P/OF | 6'1" | 175 | R/R |
| Garrett Brown | Jr | 18 | P/OF | 5'11" | 160 | R/R |
| Tyler Bruce | Sr | 4 | C | 5'11" | 185 | R/R |
| Jason Coats | Sr | 15 | OF | 6'2" | 190 | R/R |
| Reed Dillard | Jr | 1 | C/IF/OF | 5'10" | 175 | R/R |
| Ben Flora | Sr | 5 | P | 5'11" | 165 | L/L |
| Ryan Ford | So | 24 | 1B | 6'3" | 230 | L/L |

ALPHABETIZED ROSTER—Continued

| Name | C | # | Position | Ht | Wt | Throws/bats |
|---|---|---|---|---|---|---|
| Harrison Holmes | Sr | 10 | SS | 6′1″ | 185 | R/R |
| Robert Huber | So | 16 | P/IF | 5′10″ | 150 | R/R |
| Ryan Hughes | Sr | 13 | OF | 5′9″ | 175 | R/R |
| Drew Johnson | Sr | 9 | P | 5′10″ | 185 | R/R |
| Jeffrey Kahn | Jr | 12 | OF/DH | 6′4″ | 185 | R/R |
| Kale Kiser | Sr | 2 | 2B | 5′11″ | 180 | R/Switch |
| Will Moran | Sr | 7 | OF/IF | 5′9″ | 170 | R/R |
| Jason Palmatary | Sr | 22 | IF/OF | 6′3″ | 175 | R/R |
| Blake Parker | So | 8 | OF | 5′8″ | 155 | R/R |
| John Peloza | So | 21 | P | 6′5″ | 215 | R/R |
| Donald Plant | Jr | 3 | 3B/P | 6′2″ | 185 | R/R |
| Eric Wald | Jr | 23 | P | 6′2″ | 230 | L/L |
| Kevin Weissenborn | Sr | 19 | SS/2B | 5′9″ | 155 | R/R |
| Jim Worth | Sr | 6 | P | 5′9″ | 160 | L/L |

Coaches: Kendall Clark, Varsity Head Coach; Kevin Clark, Varsity Assistant Coach; Richard Zastoupil, Pitching Coach; Ralph Hinds, Junior Varsity Head Coach; Nathan Leraas, Junior Varsity Assistant Coach; and Gregory Pierce, Shepton Head Coach.

□ 1800

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize Members for Special Order speeches without prejudice to resumption of legislative business.

## 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.

## RECOGNIZING FRESNO STATE'S WINNING THE COLLEGE WORLD SERIES

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

Mr. NUNES. Mr. Speaker, I rise today with my good friend from California (Mr. COSTA) to recognize something very important that happened in the San Joaquin Valley, for all the people of the San Joaquin Valley, and that is that yesterday the Fresno State Bulldogs won the college series. This is very special for all of us.

At this time, I yield to my good friend, the distinguished gentleman from California, an alumnus of Fresno State, Mr. COSTA.

Mr. COSTA. I thank the gentleman from California, a colleague, a good friend and an avid supporter of the California State University of Fresno, as we all are in the Valley delegation.

Mr. Speaker, we are proud to recognize the Fresno State baseball team, the Bulldogs, the Bulldogs on the West Coast, on their victory of the University of Georgia last night, the other Bulldogs, to claim the 2008 National Collegiate Athletic Division Championship I–A Baseball National Champions. Obviously, as my good friend Congressman NUNES indicated, I am a proud alumnus today.

The Dogs came into the tournament as the fourth seeded team and along the way beat Rice University, had two big wins over the University of North Carolina, and they are the first number four seed to reach the finals of the NCAA championship in any sport. It is truly historic in collegiate athletics. They went from the underdogs to the wonder dogs, and they accomplished this after spending over 40 straight days away from home. Leaving Fresno on May 14, they finally came home today.

They won five elimination games, including a 19–10 win over Georgia during the championship series.

This team was a pure joy to watch on the field. We saw outstanding defensive plays, 15 home runs by the offense, and they had American riveted to their televisions and radios to hear them win last night's game. It was an exciting month for anyone who is attached to the University or our San Joaquin Valley, or those who just happens to love our Nation's pastime, baseball.

The character, camaraderie, preparation, and ultimately the performance and success of the team flows from their head coach Mike Batesole and his wonderful staff. This year he was chosen 2008 Collegiate Coach of the Year in baseball.

One unique thing about this team is that every player is from California. In fact, many of the players come from surrounding communities; in my colleagues' districts, NUNES, RADANOVICH, and CARDOZA, and the like, they came from Clovis, Hanford, Bakersfield, and Turlock. Fresno State athletics takes pride in recruiting local talent from high schools and junior colleges.

These young men are models for student athletes around the Nation. Seven seniors and one junior will graduate within nine semesters. Steve Susdorf was given the Western Athletic Conference All-Academic awards four times in his career with the Bulldogs. These classroom accomplishments should be commended. These are truly student athletes at their finest.

There were five Bulldogs who made this year's College World Series All-Tournament Team. They are Erik Wetzel, Steve Susdorf, Steve Detwiler, Justin Wilson, and Tommy Mendonca. Congratulations to them.

Tommy Mendonca from Turlock was also named the Collegiate World Series Most Outstanding Player, and was recently named to the 2008 National Collegiate Team. He comes from strong Portuguese Valley roots, and we enjoyed watching him play.

Finally, we again want to congratulate the Fresno State team on a season well played. We tip our hat to the University of Georgia for an outstanding series, and all the teams that played this season.

Mr. NUNES. As you can see, Mr. COSTA is a very proud alumni, Mr. Speaker. Also, I would be mistaken not to mention my chief of staff, Johnny Amaral, is also a proud alumni of Fresno State. I know that he was really rooting for the team. This is going to be a very important victory for the San Joaquin Valley tonight. I know they are going to be welcomed home by probably thousands of fans in Fresno; and I know that Mr. COSTA and I can't wait to hopefully greet the team here and invite them to our Nation's capital and possibly even get a White House visit.

Does my colleague have anything else?

Mr. COSTA. I just want to thank the gentleman for yielding. We want to congratulate all of those who are a part of the University and these fine students athletes for a job well done.

Mr. NUNES. Thank you.

## FRESNO STATE WINS COLLEGE WORLD SERIES

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

Mr. Speaker, I rise today to recognize the Fresno State baseball team, the Bulldogs, on their victory over the University of Georgia last night to claim the 2008 NCAA Division I Baseball National Championship. I am a very proud alum today.

The "Dogs" came into the tournament as a 4th seeded team . . . and along the way, beat Rice University and had two big wins over the University of North Carolina. They are the first number four seed to reach the finals of an NCAA championship in any sport. This is truly historic in collegiate athletics. They went from the underdogs, to the wonder "Dogs".

And they accomplish this on the road, away from home for forty straight days, and won five elimination games, including a 19–10 win over Georgia during the championship series.

This team was a pure joy to watch on the field . . . we saw outstanding defensive plays, 15 home runs by the offense, and they had America riveted to their televisions and radios to hear them win last night's game. It has

been an exciting month for anyone with an attachment to the University our San Joaquin Valley, are those who happen to love our Nations pastime, baseball.

The character, camaraderie, preparation, and ultimately the performance and success of the team flows from Head Coach Mike ''Bait-Soul'' Batsole and his wonderful staff. He was chosen this year 2008 Collegiate Coach of the Year.

One very unique thing about this team is that every player is from California. In fact, many of the players come from surrounding communities like Clovis, Hanford, Visalia, Bakersfield, and Turlock. Fresno State athletics prides themselves in recruiting local talent from Valley high schools and junior colleges.

And those young men are the models for student-athletes around the Nation. Seven seniors and one junior will graduate within 9 semesters, and Steve Susdorf was given Western Athletic Conference All-Academic awards four times in his career with the Bulldogs. These classroom accomplishments should be commended. Student athletics at their finest.

There were five Bulldogs who made this year's College World Series All-Tournament Team, and they are Erik Wetzel, Steve Susdorf, Steve Detwiler, Justin Wilson, and Tommy Mendonca. Congratulations.

Tommy Mendonca, from Turlock, CA, also was named the College World Series Most Outstanding Player and was recently named to the 2008 National Collegiate Team. He comes from strong Portuguese Valley roots, and I enjoyed watching him play this season.

Finally, we again want to congratulate the Fresno State baseball team on a season well played, and tip my hat to the University of Georgia and all the teams that participated for an outstanding series and season.

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.)

## H. CON. RESOLUTION 362

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

Mr. GILCHREST. Mr. Speaker, I want to speak today on Resolution 362 that is circulating in the House and its impact on policy in the Middle East.

As a result of Resolution 362 and its tightening of sanctions on Iran in a more broader way, will that have a positive impact on America's policy in the Middle East? Will it have a positive impact on the politics in the Middle East? Will it have a positive impact on Iran as far as the conflict between our two nations is concerned?

I will say, in my judgment, Mr. Speaker, that Resolution 362 will exacerbate, make much more difficult, the problems in the Middle East, the relationship of Iran with its neighbors in the Middle East, and the relationship of Iran with the United States, and the relationship of Iran with the country of Israel. Let me try to explain why.

If we look at the Middle East right now in a very objective fashion, what is going on in the Middle East right now?

The geopolitical balance of power in the Middle East right now is fractured. We are focusing on the conflict in Iraq. We need as a Nation to focus objectively on the Palestinian-Israeli question, to resolve that issue, to reduce the number of recruits for al Qaeda and the Taliban.

We need to understand that Saudi Arabia, a Sunni country, does not want Iraq, a Shia country, to become an Iranian satellite.

We need to understand that Iran, who lost more men dead in a conflict with Iraq just a few years ago than we lost in World War I, World War II, Korea, and Vietnam combined, wants to have some influence in the Middle East and certainly with what will go on in Iraq.

What will influence the direction the Middle East will take in the decades to come? There is violent conflict there. There is political conflict there. There is mistrust in the Middle East.

Let me use a quote from Sam Rayburn, former Speaker of the House. ''Any mule can kick a barn door down, but it takes carpenters to rebuild that door and that barn.''

We need carpenters. We need diplomats. More conflict, more restrictions, more sanctions is going to further exacerbate the problem in the Middle East and its relationship with the country of Iran.

One other quick comment. Iran is not an Arab country. Iran is a Persian nation that speaks Farsi, that does not speak Arabic. It is a nation of Shias with their own brand of Islam.

Knowledge and an informed policy in the Middle East, a surge of diplomacy, can make a key difference. Let me go back and express some precedence of the past about diplomacy and where it worked.

When Nikita Khrushchev said he was going to bury the United States, what was Eisenhower's response? He invited Nikita Khrushchev to the United States to tour the Nation, and it began to lessen the conflict between the two countries.

What did President Kennedy do when there were deployable nuclear weapons in Cuba aimed at the United States? He negotiated his way out of that conflict and saved a catastrophe.

What did Nixon do after Mao Zedong said it would be worth half the population of China being destroyed if we could destroy the capitalists in America? What did Nixon do? He had a dialogue. He went to China.

What happened when we did not have a dialogue, some understanding of Ho Chi Minh? A million people died.

Today in the Middle East we certainly need a strong military, we need a strong intelligence. But the aspect that is missing in the Middle East is what Eisenhower said was so critical in foreign policy; that is, consensus and dialogue.

Mr. Speaker, there are a number of Members in this house that have started a long time ago, a couple of years, beginning a dialogue with the Iranians. Just last fall, 58 Members of this House on both sides of the aisle signed a letter to the parliament in Iran asking for a parliamentary exchange; 58 Members of Republicans and Democrats. That letter was hand-delivered by some of us in Lisbon to Iranian parliamentarians. They took it to Iran. And what is their response to us? They want a dialogue. There are members of the Iranian parliament that want a dialogue. Consensus and dialogue.

We need more carpenters. Vote against Resolution 362.

## H.R. 5925, RECONCILIATION FOR IRAQ

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

Ms. WOOLSEY. Madam Speaker, there is an old saying: Everybody complains about the weather, but no one ever does anything about it. That is pretty much what we are doing in Iraq.

In testimony before Congress and from press conference to press conference, administration officials have said that the most important item on our agenda for Iraq, right after security, is reconciliation. In fact, U.S. Ambassador Ryan Crocker said before the Foreign Affairs Committee and the Armed Services Committee that reconciliation is perhaps the most critical challenge that Iraq faces right now. Even the Iraq Study Group, a bipartisan panel of recognized leaders in foreign policy and governing, wrote that: National reconciliation is essential to reduce further violence and maintain the unity of Iraq. And its report recommended that diplomats work to energize countries to support national political reconciliation in Iraq.

But this is not just the goal of the United States, Madam Speaker. The Iraqis themselves are calling for reconciliation. Before a meeting of the United Nations, Iraqi Prime Minister Nouri al-Maliki said, and I quote him, he said, ''Reconciliation lays the foundation for political, social, economic progress, and the security that we strive for.''

This is not a Democratic or a Republican issue, Madam Speaker. It isn't a Sunni or a Shia or Kurd issue. It isn't an American or Iraqi issue. Reconciliation is an issue that has something to do with all of us. It is the pathway for stability and peace in Iraq, and it is the pathway throughout the region.

One news agency has dedicated itself to providing real resources, training, and assistance for reconciliation in Iraq. Since the year 2004, the United States Institute of Peace, the USIP, has been working in Iraq at the national and local level building peace

community by community and neighborhood by neighborhood. USIP has focused on preventing sectarian violence at the local level, developing leaders in schools, universities, government, and civil society, promoting the rule of law, engaging women in public life, and increasing regional stability. All this with a tiny staff, only three USIP staff members and eight Iraqi staffers.

Despite the scarcity of resources, 120 Iraqis have been trained to be reconciliation facilitators. They will go into communities to help to work towards real solutions, making neighborhoods safer, promoting transparency and accountability, and so much more. The work they do is amazing and it is awe inspiring.

Sadly, the resources available are meager in comparison to what we are spending to wage war. That is why it is time to bring our troops and private contractors home, to give Iraq back to the Iraqi people. And that is why I, along with my colleague from Connecticut, CHRISTOPHER SHAYS, introduced H.R. 5925, International Partnership for Reconciliation in Iraq Act of 2008. This legislation will ensure that USIP will have the funding and support it needs to continue and to expand.

I urge all of my colleagues to do something: Cosponsor the bill, H.R. 5925, so that we can work with the Iraqi people, so we can work within the international community, and we can reconcile that area. I urge you to cosponsor H.R. 5925. Enough talking about the problem. It is time to do something.

□ 1815

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.)

## RAPE OF A LITTLE GIRL

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

Mr. POE. Madam Speaker, she was 8 years old. She was asleep in her own room, in her bed dreaming about whatever little girls dream about. She thought she was safe in her home. Suddenly she was awakened by the demon from the night. Patrick Kennedy of Louisiana was on top of her, having his way with her, this petite little angel. Kennedy was someone the little girl supposedly could trust; after all, he was her stepfather.

This little girl was raped. So violent was the rape she fainted and the next thing she remembered she woke up in an ambulance speeding to Children's Hospital.

Official court records state, ''When police arrived, they found the victim on her bed wearing a T-shirt and wrapped in a bloody blanket. She was bleeding profusely from the vaginal area. The victim was transported to Children's Hospital. An expert in pediatric forensic medicine testified that the victim's injuries were the most severe he had ever seen from a sexual assault in his years of practice. A laceration to the left wall of the vagina separated her cervix from the back of her vagina, causing her rectum to protrude into the vaginal structure. The injuries required her to have emergency surgery.''

The little girl survived this attack by the barbarian and lives, even though she has been sentenced to a life of mental torture, physical pain and emotional trauma that she may not ever recover from. Her physical scars will never disappear.

The child rapist was tried under Louisiana's law that specifically allows for the death penalty for criminals that choose to rape the most innocent among us, children. The law was passed by the legislature, signed by the Governor and is the wish of the people of Louisiana. A jury of 12 citizens heard the facts and they all agreed that Kennedy should die for his decision to rape his daughter. Several other states, including Texas, have the death penalty as a possible punishment for child rapists.

This case has been reviewed by numerous courts, and has taken 5 years to reach our Supreme Court.

In a decision this week by Justice Anthony Kennedy—no relation—the Supreme Court said the Louisiana law is just too severe and overruled the will of the people of Louisiana and a unanimous jury when he imposed his own moral code saying no one can be executed under these circumstances unless the villain also kills the child, otherwise it is a violation of the cruel and unusual provision of the United States Constitution.

Although the jury was unanimous in ordering the death penalty, the Supreme Court split in its decision 5–4 with the majority siding with the evildoer.

Justice Kennedy focused on the fact that the victim survived the assault as the reason not to execute the rapist. In other words, the defendant got a break because the little girl had the will to survive.

When I was on the trial bench in Texas, I had a rape victim once tell me that rape was a fate worse than death. In the eyes of this little girl, she probably agrees.

When the ''cruel and unusual'' phrase was put in the Constitution, it was put there and based on constitutional history to outlaw torture and maiming of criminals. As history reflects, States decided what was appropriate punishment based upon these guidelines.

The five justices who sided with the rapist don't seem to have lived in the real world or have real life experiences. They don't seem to provide justice for victims, only leniency for criminal defendants.

I spent 22 years on the felony trial bench in Texas and heard over 20,000 cases. The Constitution was the basis for every decision I made. I saw those charged with the worst acts people can commit, and I saw the brutalized victims of crime. I only mention this experience because trial judges see the world as it really is, not how we wish and hope it to be. Trial judges see real people every day.

Unfortunately, eight of our nine Supreme Court justices do not have the benefit of this experience and have never been a trial judge and seen the effects of crime on people. They have spent much of their time in elite ivory palaces as law school professors and appellate judges removed from the world, second-guessing legislatures, trial judges and juries.

I doubt if Justice Kennedy has ever been to Louisiana or talked to a rape victim or a rapist, or a jury, for that matter. Now Justice Kennedy says the verdict of death is just too cruel and unusual for us that live in a sophisticated society to allow. His ruling is a misinterpretation of the Constitution.

Justice Alito said in his dissent that the death penalty laws should be allowed for child rape ''if they reflect society's evolving standards of decency.'' The State of Louisiana set the evolving standard for child rapists in Louisiana, and said leave our children alone or face the death penalty.

Society's standard was trumped by five black-robed justices who want it their way. They are wrong.

And that's just the way it is.

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.)

## WHO WILL SAVE ZIMBABWE?

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

Mr. FRANK of Massachusetts. Madam Speaker, we are about to see the world sit by silently, not silently perhaps, but ineffectively, and allow one of the most outrageous abuses of human rights that we have seen in a long time to go forward.

The president of Zimbabwe, Robert Mugabe, is engaging in a pattern of oppression and tyranny and thuggery and despicable conduct towards his own people. He lost a preliminary election for the presidency despite every effort he could make to rig the election. Rather than allow the second round to go forward, he has ramped up the terror to the point where the man who got more votes than he in the first round understandably said he wouldn't participate in a run-off election which

would not only be a fraud but which has already led to the murder and abuse of many innocent people.

Robert Rotberg, a very distinguished scholar of Africa, wrote an article that was published in yesterday's Boston Globe. The headline is, ''Who will have the courage to save Zimbabwe?''

He starts with a little history. He writes, ''After Idi Amin terrorized and killed his own Ugandans throughout the 1970s, President Julius Nyerere of neighboring Tanzania finally sent his army across the border to end the mayhem and restore stability. Who will now do the same for beleaguered Zimbabwe? Who will remove despotic Robert Mugabe from his besmirched and exposed presidency?''

He is not calling for an army to go in, although there is certainly far stronger justification for an army to go there than a lot of places armies have been sent recently, but he has a program which he believes could be helpful. But as he points out, it has to be African nations that do this.

This is a situation given the colonial history where the United States and Britain and France and others would not have the moral authority to act. But Africans should.

Madam Speaker, I led a congressional delegation to Africa in April, and I was honored to be in the presence of the current president of South Africa, Thabo Mbeki, a man who was one of the leaders in overturning one of the worst oppressions we have seen, apartheid in South Africa. I was honored to be in his presence. I was delighted when he presented a very high honor from South Africa to our colleague, the gentlewoman from California (Ms. WATERS).

But I have felt terrible disappointment at President Mbeki's passivity in the face of the terrible repudiation of democracy by President Mugabe. I wish that President Mbeki would have understood the right of the people of Zimbabwe to receive the same kind of sympathy and help that many of us tried to extend to the people of South Africa when they were victimized.

I will include for the RECORD the article by Mr. Rotberg making an argument for an African initiative to protect the people of Zimbabwe from the tyrant, the degenerating tyrant who so viciously oppresses them.

Mr. Rotberg closes with this: ''Zimbabwe is in shambles. The United States and Britain would doubtless like to act unilaterally, but dare not. Only Africans and the U.N. have unquestioned moral authority.'' And he notes here that the former Secretary General Kofi Annan did a great job when Kenya had troubles and helped to pacify and restore democracy and stability to Kenya. So he says, ''Only Africa and the United Nations have unquestioned moral authority. Which African leaders will now emulate Nyerere's profile of courage in Zimbabwe's dire time of need?''

As one who has strongly supported the rights of the people of Africa to be free from colonialism, one who has strongly supported the need to provide the appropriate economic support so we can seriously diminish poverty, as a great admirer of President Mbeki and his colleagues, I implore them to save the good name of African democracy. And I understand the difficulty, and they certainly aren't the ones perpetrating this. But if the world, if Africa allows Mugabe to continue this terrible reign of terror, it will be a source of shame to us all.

WHO WILL HAVE THE COURAGE TO SAVE ZIMBABWE?

(By Robert I. Rotberg)

After Idi Amin terrorized and killed his own Ugandans throughout the 1970s, President Julius Nyerere of neighboring Tanzania finally sent his army across the border to end the mayhem and restore stability. Who will now do the same for beleaguered Zimbabwe? Who will remove despotic Robert Mugabe from his besmirched and exposed presidency?

Presidential contender Morgan Tsvangirai's courageous decision to boycott Zimbabwe's runoff election on Friday—after Mugabe's thugs broke up yet another opposition rally by swinging iron bars and sticks at potential Tsvangirai voters—compels the African Union, the UN Security Council, and major powers finally to act. Tsvangirai said that he and his supporters were facing war, not an election, and they would ''not be part of that war.'' Serious UN sanctions are a first step.

Second, since South Africa shows no appetite for an intervention and Tanzania, Botswana, Mozambique, and Zambia—Zimbabwe's neighbors—are unlikely to act militarily without South African agreement an African stained Zimbabwe's tyranny should: demand that Friday's poll be postponed until Africans can patrol the country and oversee a free and fair real election; demand compulsory mediation by former UN secretary general Kofi Annan, who pacified Kenya earlier this year; denounce despotism in Zimbabwe; and ban all Zimbabwean aircraft from flying over neighboring airspaces, thus effectively keeping Mugabe and his henchmen bottled up inside their decaying country. Neighboring countries could also squeeze land-locked Zimbabwe's electricity supplies and slow rail traffic.

Time is short. Mugabe is clearly still intent on ratifying his usurpation of power on Friday. Tsvangirai officially led Mugabe in the initial presidential poll in March. In recent weeks Mugabe's military have unleashed a relentless wave of intimidation against Tsvangirai's Movement for a Democratic Change and its supporters, killing 86, maiming at least 10,000, and assaulting thousands more. Tsvangirai was detained seven times before Sunday and his key deputy was imprisoned last week without trial on a bogus treason charge. Yesterday, the house of another key deputy was trashed and his elderly relatives assaulted.

Unless Africa and the UN act courageously, Mugabe will get away with his brazen attempt to cling brutally to power and impoverish his own people despite broad global contempt.

Mugabe has also refused to summon Parliament, which is dominated by the Movement for Democratic Change and was elected overwhelmingly in March. As a result, many of Mugabe's cabinet ministers and loyalist remain in office, drawing salaries, despite having lost their seats. Several times, Mugabe and close associates have publicly declared that the Movement and Tsvangirai would never be allowed to take office or govern. ''Only God will remove me,'' Mugabe defiantly declared Monday.

Conditions in Zimbabwe, where more than 80 percent of adults are unemployed and nearly everyone is hungry; where there are startling shortages of staple corn, wheat and bread, sugar, oil, milk, and gasoline; and where brutality is always around the next corner are even more horrific today than they were in Uganda in 1979, when Nyerere invaded. Famously, Mugabe told a BBC interviewer in 1999 that he was ''no Idi Amin.''

Mugabe's men have also continued to use food as a political weapon, first stopping the supply of grain by international relief agencies and last week physically stealing relief shipments to give to their own supporters. Mugabe's thugs have also harassed British and American diplomats at roadblocks, in one case threatening to burn them alive in their cars.

Zimbabwe's inflation now exceeds 160,000 percent a year. One U.S. dollar buys 4 million Zimbabwe dollars at the unofficial street rate. Mugabe and his close associates exploit differences between official and unofficial exchange rates to prosper while ordinary Zimbabweans go hungry or are attacked.

Zimbabwe is in shambles. The United States and Britain would doubtless like to act unilaterally, but dare not. Only Africans and the UN have unquestioned moral authority. Which African leaders will now emulate Nyerere's profile of courage in Zimbabwe's dire time of need?

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

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

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## PHARMACISTS FIRST LINE OF HEALTH CARE

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. Madam Speaker, pharmacies play a critical role in delivering health care in America. Local pharmacists are the first line of defense in recognizing health problems and providing medical advice. Unfortunately, it is becoming more and more difficult to find and retain pharmacists who will practice in rural areas. With the impending retirement of the baby boomer generation, this problem only becomes worse. It is estimated that over the next 20 years, there will be a shortage of 150,000 or more pharmacists nationwide.

We are already experiencing this problem in Kansas. Seven counties in our State do not even have one single pharmacist; and 30 other counties have only one pharmacist in the county.

During my time in Congress, I have advocated for community pharmacies, and I currently co-chair the Congressional Community Pharmacy Caucus.

I was pleased that this week the House chose to address several important issues related to the issue of pharmacists in H.R. 6331, the Medicare Improvement for Patients and Provider

Act. This legislation includes provisions that community pharmacists from across my State have been tirelessly advocating for and that are important to keeping them in business.

The Congressional Community Pharmacy Caucus worked hard to get these necessary fixes included in this legislation, and I am gratified that they were included in H.R. 6331. These provisions are included in bills that I have sponsored, and they include prompt pay. The bill requires pharmacies to be reimbursed within 14 days if clean claims are submitted electronically and 30 days if submitted in other ways.

The AMP delay, this is the average manufacturer's price, the bill delays the implementation of the provisions creating the average manufactured price that was developed by CMS and which in my opinion is a terribly flawed system. The bill delays the implementation of the AMP system until after September 30, 2009.

Finally, the bill suspends the competitive bidding requirements in the durable medical equipment program for 1 year as well, as well as exempting diabetes test supplies from being subjected to the competitive bidding process.

It is important to the health of Americans and certainly to the health of rural Kansans that the Senate promptly adopt this legislation.

Also this week, it was my pleasure to participate in a ceremonial signing of the Kansas legislation that will allocate $20 million in funding to help the University of Kansas School of Pharmacy increase the school's ability to conduct more pharmaceutical research and expand the size of the entering class at the school. Under this proposal, nearly 200 students would be able to enter the program through a satellite campus in Wichita in a new building being built on the main campus in Lawrence.

The University of Kansas has a strong reputation for retaining graduates within our State. Sixty-three percent of KU pharmacy graduates live and work in Kansas. Increasing the educational capacity will give students an opportunity to learn, and will help address pharmaceutical shortages in our State.

I would like to commend the leadership of the university, especially the dean of the School of Pharmacy, Ken Andus; Executive Vice Chancellor Barbara Atkinson; Provost Richard Lavalare; and Chancellor Robert Hemenway. I would also like to thank the legislature of our State for seeing the importance of this expansion.

Madam Speaker, I appreciate the opportunity to commend the investment in this worthwhile project, and I ask that Congress continue to do its part to see that pharmacies remain an important component of delivering health care across America.

□ 1830

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.)

## RECOGNIZING THE CONTRIBUTIONS OF THE JOHNS HOPKINS UNIVERSITY TO THE STATE OF MARYLAND

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

Mr. CUMMINGS. Madam Speaker, I rise today to recognize Johns Hopkins University located in the Seventh Congressional District in the great State of Maryland for its continued commitment to excellence and its monumental contributions to the advancement of our society and to the health and wellbeing of people throughout the world.

Johns Hopkins is a stalwart not only in my hometown of Baltimore City but the entire State of Maryland and this Nation. The university currently supports more than 85,000 Maryland jobs. More than 3 percent of the people receiving paychecks in Maryland either work for Johns Hopkins or have a job because of the money.

Additionally, the institution adds at least $7 billion a year of income to the Maryland economy. However, the University's groundbreaking research and contributions that can be felt throughout the entire world. The advancements that have been made in research and technology since the University's establishment in 1876 have been critical in keeping our Nation on the cutting edge.

The Johns Hopkins School of Medicine is one of the best in the world, receiving more research grants from the National Institutes of Health than any other medical school. The Bloomberg School of Public Health, renowned for contributions worldwide to preventative medicine and the health of large populations, ranks first among public health schools in Federal research support.

Madam Speaker, the medical breakthroughs made possible through Johns Hopkins research are saving lives every single day, and the University continues to make great strides in helping men, women, and children who suffer from illness. Just the other day in the Baltimore Sun, for instance, there was an article reporting new, unprecedented success by Johns Hopkins researchers in the treatment of multiple sclerosis.

MS is a chronic and often disabling, degenerative condition in which the body's immune system attacks the central nervous system. Symptoms of this disease range from numbness in the limbs to paralysis or blindness, and the programs and severity of this disease is unpredictable.

According to the National Multiple Sclerosis Society, approximately 40,000 Americans are currently suffering from MS and an additional 200 people are being diagnosed each week. Although there are apparently a variety of treatments approved by the Food and Drug Administration that can lessen the frequency and severity of MS attacks, there is not yet a cure for this debilitating disease.

However, this new research from Johns Hopkins offers a giant leap forward in the search for a cure. In a small college study, nine people were chosen to receive a single infusion of cyclophosphamide over 4 days and were followed for 4 years. Madam Speaker, these nine patients have experienced the most severe symptoms of MS, and most of them had failed to respond to other treatments.

At the completion of the 2-year period, researchers found that the treatment not only slowed the progression of MS, but it also restored neurological function that had previously been lost to the disease. Seven of the nine patients showed a decrease in the number of brain lesions in MRIs, and some even began walking, controlling bladder function, and returning to work for the first time in many years.

One of the patients in the treatment program, 30-year-old Richard Bauer, summed up succinctly what this research has the potential to offer those who are suffering from MS. And he said, ''I was falling apart . . . trapped in my own body,'' and he continued, ''I'm a regular person again. I've gotten my life back.''

Madam Speaker, there are countless other patients who have benefited tremendously from Johns Hopkins research and who credit this great university for giving them back their lives. I am proud to applaud the work of this great institution and to recognize its contributions to the State of Maryland, to our Nation, and indeed the world.

## DO NOT BELIEVE THE U.S. FEAR FACTOR PROPAGANDA AS IT RELATES TO OUR FOREIGN POLICY

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

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

Mr. PAUL. Madam Speaker, today we saw some financial fireworks on the markets. The Dow Jones average was down 350-some points, gold was up $32, oil was up another $5, and there's a lot of chaos out there; and everyone is worried about $4-a-gallon gasoline. I don't think there is a clear understanding exactly why that has occurred.

We do know that there is a supply and demand, there's a lot of demand for

oil. The supplies may be dwindling. But there are other reasons for high costs of energy. One is inflation. For instance, to pay for the war that has been going on and the domestic spending, we have been spending a lot more money than we have. So what do we do? We send the bills over to the Federal Reserve to create new money. In the last 3 years, our government, through the Federal Reserve and our banking system, created $4 trillion of new money. That is one of the main reasons why we have this high cost of energy in $4 gallon gasoline.

But there is another factor that I want to talk about tonight. And that is not only the fear of inflation and future inflation, but the fear factor dealing with our foreign policy.

And in the last several weeks, if not for months now, we have heard a lot of talk about the potentiality of Israel and/or the United States bombing Iran. And it is in the marketplace, and it's being bid up. The energy crisis is being bid up because of this fear. It's been predicted if bombs start dropping, that you're going to see energy prices double or triple. It's just the thought of it right now that helps to push these prices, the price of energy, up. And that is a very real thing going on right now. But to me, it's almost like déjà vu all over again, as has been said.

We listened to the rhetoric for years and years before we went into Iraq. We did not go in in the correct manner. We didn't declare war. We're there. It's an endless struggle. We're in Iraq. We're endlessly struggling there, and I cannot believe that we may well be on the verge of initiating bombing of Iran.

Leaders on both sides of the aisle and the administration have all said so often that no options can be taken off the table, including a nuclear first strike on Iran. The fear is, they say, maybe some day they're going to get a nuclear weapon, even though our own CIA and our NIE, National Intelligence Estimate, has said they have not been working.

The Iranians have not been working on a nuclear weapon since 2003. They say they're enriching uranium, but there's no evidence whatsoever that they're enriching uranium for weapons purposes. They may well be enriching uranium for peaceful purposes, and that is perfectly legal. They have been a member of the nonproliferation treaties, and they are under the investigation of the IAEA, and Alberidy last verified in the last year there have been nine unannounced investigations and examinations of the uranium nuclear structure, and they have never been found to be in violation. Yet this country and Israel are talking about a preventive war starting bombing for this reason without negotiation, without talks.

Now, the one issue that I do want to mention tonight is a resolution that is about to come to this floor, if our suspicions are correct, after the July 4th holiday. And this bill will probably be brought up under suspension, it will probably be expected to pass easily, and probably will be, and it's just more war propaganda, more preparation to go to war against Iran.

And this resolution, H.J. Res. 362, is a virtual war resolution. It is the declaration of tremendous sanctions and boycotts and embargoes on Iran. It's very, very severe.

Let me just read what is involved in this, if this bill passes, what we're telling the President he must do. This demands that the President impose stringent inspection requirements on all persons, vehicles, ships, planes, trains, and cargo entering or departing Iran and prohibiting the international movement of all Iranian officials. I mean, this is unbelievable. This is closing down Iran. Where do we have this authority? Where do we get the moral authority? Where do we get the international legality for this? Where do we get the constitutional authority for this?

This is what we did for 10 years before we went into Iraq. We starved children. 50,000 individuals that were admitted probably died because of the sanctions on the Iraqis. They were incapable at the time of attacking us, and all of the propaganda that was given for our need to go into Iraq wasn't true.

And it's not true today about the severity. And they say, Yeah, but Ahmadinejad, he's a bad guy. He's threatened violence. But you know, us threatening violence is very, very similar. We must look at this carefully. We just can't go to work again under these careless, frivolous conditions.

## SOLUTIONS FOR HIGH ENERGY PRICES

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

Mrs. BIGGERT. Madam Speaker, tonight I rise because my constituents in my district are sick and tired of paying record-high gas prices while Congress does nothing to increase domestic energy production. Imagine for a moment that you are a regular working mom struggling to make ends meet. You need to get the kids to and from school, you need to get to work, you need to buy groceries, you need to do all of the things that millions of working parents do every day. Then at the end of the week, you stop by the gas station only to find that prices are so high that you can't even afford to fill your tank. What do you think she would want from her representative in Congress?

I know what my constituents want us to do. Everything. We should allow exploration of America's own energy reserves in places like ANWR and the Outer Continental Shelf waters. We should bring new carbon friendly nuclear reactors online and begin the reprocessing of nuclear energy. We should invest in clean coal plants with carbon sequestration technologies. We should invest in research and development of alternative energy technologies, be that wind, hydro, geothermal, solar, and we should provide the tax incentives necessary to accelerate their deployment.

In short, we should do all of the above and more. America can neither drill nor conserve its way to cheaper energy. We must have a comprehensive approach that does have both short- and long-term solutions.

Madam Speaker, as a member of the House Science and Technology Committee, I have been a long-time advocate for research development for energy technologies like hydrogen, cellulosic fuels, solar, wind, and green buildings. In my own district, scientists at Argon National Laboratory are leading the way on the development of specialized batteries for special hybrid vehicles. They will allow motors to drive 40 miles before using a drop of gas. That's more than enough to cover Americans' commute to work and back. Then they can just plug the car into a regular electric socket and recharge it for another 40 miles.

I believe that the significant advances in these energy technologies are just around the corner, but in the meantime, we must provide relief to hardworking Americans being squeezed by soaring gas prices, and that means increasing the domestic supply of energy.

America is the only industrialized Nation in the world that prohibits oil and glass exploration in its Outer Continental Shelf waters. Foreign nations, like Cuba, are permitted to drill closer to our shores than the American companies; and yet instead of opening America's vast energy reserves, Congress forces us to rely on expensive oil from the Middle East.

I agree that examining futures markets for excessive speculation and exercising proper oversight is fine and good, but if we want to effectively curb speculation in the oil market, we should show that we are serious about developing our own energy reserves. When more supply is on the horizon developing our own energy reserves, speculators will have much less incentive to invest in oil commodities.

This debate isn't just about the price that Americans are paying at the pump. It's about the growing threat to our economy and our security. Last year alone, America increased its dependence on foreign members of OPEC by an additional 7 percent. How much more money and control are we willing to turn over to nations in these unstable regions of the world? And yet despite this growing threat, Congress is still debating legislation that holds zero potential to increase domestic energy production or help break our addiction to foreign oil.

Madam Speaker, I'm glad that the House leadership has finally realized that we need to bring bills to the floor

to address America's energy needs. I just wish the legislation considered today was up to the task.

□ 1845

## SUPPLY AND DEMAND

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

Ms. FOXX. Madam Speaker, you know, Americans are beginning to pressure the Democrats to face up to the basic law of economics: supply and demand. They understand that, despite all the rhetoric on the part of the Democrats, what we need is more supply to meet the demand for petroleum products.

The Democrats refuse to respond in the appropriate manner. What they continue to do is bring up sham bills, avoid the issue, and try to take away people's attention from the real issue.

So what they did today was bring up a bill under suspension of the rules, H.R. 6251, which they called use-it-or-lose-it. This has been their mantra for the past few days, trying to say again that the oil companies—and they love to beat up on the oil companies—have all the means at their disposal to meet the supply needs in this country.

However, the American people understand that's not true. Even 19 Democrats understood that that's not true, and thankfully, the bill did not pass because it required a two-thirds majority vote, and it didn't get that.

What H.R. 6251 would have done was threaten increased American energy production. It would do nothing to lower the price at the pump, and it would breach existing oil and gas contracts. But of course, what we've seen from this Democratically controlled Congress, they don't care much about the law. They don't care much about contracts, the basic part of our law in this country.

I want to share with you some editorials that have been written about this harebrain scheme on the part of the Democrats, but it's not just the Republicans who feel this way, and as I've said, 19 Democrats voted against the bill today. I'm very proud of them for standing up to their despotic leadership and voting ''no'' on this bill.

But here's some of the editorials that have come out about this legislation. The Charleston, West Virginia, Daily Mail, the hometown paper of Congressman NICK RAHALL, one of the main sponsors of the bill: ''Now comes a new wrinkle, another attempt to dodge sensible policy—this one from West Virginia's Representative NICK RAHALL. He proposes to give big oil companies an ultimatum: Unless they drill on the 68 million acres of inactive land they now lease from the Federal Government—or give up those leases—they would be barred from getting new leases.

''Oh, for pity's sake. It may not be possible to produce from some reserves at the current price. Huffing and puffing around that American companies shouldn't have access to any new reserves until they have made full use of the reserves they have would unnecessarily delay the identification of new domestic sources, and production from those sources.

''Rahall's bill is yet another pitiful attempt to avoid doing what clearly needs to be done—make more U.S. reserves available to U.S. companies.'' That's in the Charleston Daily Mail editorial, 6/18/08.

The New Hampshire Union Leader: ''Of all the dumb ideas to come out of Washington in recent memory, last week Representative CAROL SHEA-PORTER embraced what might be the dumbest of them all. SHEA-PORTER has cosponsored legislation to force oil companies that hold leases on Federal land to commence developing that land or lose the lease. Simply put, SHEA-PORTER hasn't the slightest idea what she's talking about.''

Another one. ''Furthermore, AAPG's Nation says, current leases already require oil companies to take certain steps to use the land. The premise behind the bill Representative CAROL SHEA-PORTER is cosponsoring—that oil companies have huge reserves of untapped oil wells sitting beneath already leased Federal land, which they can tap right away if only Congress orders it—is unsupported by the facts. Nation called it 'laughable.' ''

It is a great day when the American people can prevail, when they will convince the Democratic leadership—and it's important that we say over and over and over and over again that it's the Democrats who are in charge of the Congress. They are the ones in charge of bringing bills to a vote. Republicans have common sense answers to this. We will increase American-produced energy sources, and it's time to bring those bills for a vote.

## IRANIAN CONFERENCE IN PARIS: 2ND ANNUAL WORLD DEMOCRACY CONGRESS

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. Madam Speaker, I rise today to express my support for those who promote democracy in Iran and stability in Iraq. In Paris, thousands of Iranians have gathered to celebrate a big victory today. It is a great day for the Iranian people and their resistance.

On Monday, the government of the United Kingdom formally removed the Iranian opposition from the U.K.'s Terror list. This happened after many years of campaign by the organization. Legislators approved the decision of the Proscribed Organization Court of Appeal, which ruled in May that the People's Mujahedeen of Iran (MEK) should no longer be listed as a proscribed group.

It is a great day for the Iranian people, for all freedom loving people of Iran who have been forced to leave Iran, and for their just resistance. It was great to hear that the British government formally removed an Iranian opposition group from the U.K.'s Black list on Monday, after many years of campaign by the organization.

As a Representative of the 18th Congressional District of Texas, I have had the pleasure, of working with a strong and vibrant Iranian population in Houston. They have contributed immensely to the cultural diversity, economic and political dynamic of Houston. As a Member of Congress, I find Iran's support of terrorist organizations, pursuit of nuclear weapons, and dismal human rights record to be extremely worrisome. However, I am also concerned by what appears to be precipitous movement by this Administration toward yet another war in the Gulf region, without having first exhausted diplomatic means of addressing any conflicts.

I have long been an advocate of a free, independent, and democratic Iran. I believe in an Iran that holds free elections, follows the rule of law, and is home to a vibrant civil society; an Iran that is a responsible member of the region and the international community, particularly with respect to the proliferation of nuclear weapons. An Iran that, unfortunately, we do not see today.

Today, the Bush Administration announced a set of new sanctions against Iran. The Administration labeled the elite Quds division of the Revolutionary Guard Corps as supporters of terrorism, and stated that the entire Revolutionary Guard Corps was engaged in proliferating weapons of mass destruction. These designations trigger unilateral sanctions designed to impede the Revolutionary Guard, and any who might do business with it. These new sanctions mark the first time that the United States has taken such a step against the armed forces of any sovereign government.

The only effective way to achieve lasting peace and prosperity in the region, along with bringing about reforms in Iran's policy, is to assist the Iranian people in their quest to achieve political, social, and religious liberty. Every government can be judged by the way in which it treats its ethnic and religious minorities, and the current Iranian government gets a failing grade for its treatment of its many and diverse minorities.

Given the government's poor record for transparency and accountability, the International Atomic Energy Agency's (IAEA) inability, despite intensified inspections since 2002, to verify that Iran's nuclear program is not designed to develop a nuclear weapon is cause for great concern. While Iran states that the intention of its nuclear program is for electricity generation which it feels is vital to its energy security, U.S. officials challenge this justification by stating that ''Iran's vast gas resources make nuclear energy programs unnecessary.''

The controversy surrounding Iran's procurement of nuclear energy is cause for great concern, however, the Administration's avoidance of any and all diplomatic relations with Iran are cause for greater alarm. Moreover, the current rhetoric from the Bush Administration regarding war with Iran is both counter productive and highly inflammatory. While full diplomatic, political, and economic relations between the U.S. and Iran cannot be normalized unless and until enforceable safeguards are put in place to prevent the weaponization of Iran's

nuclear program, these policy objectives should not constitute pre-conditions for any diplomatic dialogue.

Establishing a diplomatic dialogue with the Government of Iran and deepening relationships with the Iranian people would help foster greater understanding between the people of Iran and the people of the United States and would enhance the stability the security of the Persian Gulf region. Doing so would reduce the threat of the proliferation or use of nuclear weapons in the region while advancing other U.S. foreign policy objectives in the region. The significance of establishing and sustaining diplomatic relations with Iran cannot be overemphasized. Avoidance and military intervention cannot be the means through which we resolve this looming crisis.

I am planning to introduce important legislation that will call for human rights and religious freedom in Iran. The Iranian people have continued to ask for democracy to reign free in their country and I intend to support the Iranian people in that endeavor. As you know, over the past few months, the people of Iran have been standing up to Iranian government. I am aware that at least 5000 acts of protest took place last year. I applaud your efforts to encourage those who have raised their voices against the extremists in Iran.

The United Nations has condemned Iran 54 times for its atrocious human rights record. Inhumane treatment of youths, women and workers by the government of Iran is further evidence of the regime's intolerance. Iranian women have shown they play a pivotal role in establishing democracy and ensuring human rights in Iran.

We all must work together for a stable and democratic Iraq. Today, there is undisputable evidence that Iran is the main contributor to the violence in Iraq which causes American casualties. The extremist government in Iran has acted to ensure the failure of Iraqi reconciliation. Iran is part of the problem in Iraq and does not wish to be part of the solution. But Iraq's tribal leaders are standing up to the Islamic extremism coming from Iran. I know that over 3 million Iraqi Shiites have signed a declaration this month rejecting Iran's meddling. They have also shown support for the Iranian opposition MEK living in Ashraf. I support their invaluable efforts for peace and stability in Iraq.

Although many disagree with the current status of this war in Iraq, all agree that we must collectively work to stop Iranian-style fundamentalism from taking root in Iraq. Let me here recognize your actions in support of democracy in Iraq as well as in Iran. With many continuing to suggest that military action in Iran is the best way to deal with our political discrepancies, it is now time to renew our efforts in strengthening our diplomatic policies in the Middle East. The same people who called for attacking Iraq now are raising the drumbeat for military action against Iran.

Despite the November 2007 U.S. National Intelligence Estimate concluding that Iran had halted its nuclear weapons program, the Bush administration is bolstering its case for war by labeling Iran one of the greatest threats to American security. Bombing Iran would bring disastrous consequences. The entire Middle East likely would descend into further violence putting the well-being of innumerable civilians at risk. U.S. standing in the world would plummet and oil prices would soar. A U.S. attack would only strengthen hardliners in Iran.

Supporting the efforts of the Iranian people who want democracy is especially important now that the UK government confirmed on June 24, that the MEK was no longer "Concerned in terrorism", and officially took the name of the organization off their black list. This is a great victory for the cause of democracy in Iran. In light of the recent developments, the United States must seriously consider the court's findings and also remove the limitations it has placed on the MEK.

The world community must strengthen the sanctions on the clerical regime. It must also immediately recognize and support the Iranian resistance as the democratic alternative to the regime in Iran.

Today, the mullahs are increasingly using oppression inside and terrorism outside of Iran as a foreign policy tool. The solution to the current crisis is often perceived to only have two solutions—war or appeasement. I disagree. There is a third option. The Third Option introduced by Mrs. Maryam Rajavi relies on the strength of the Iranian people and their organized resistance. This is the best and least costly alternative. Let us not continue to make the mistake of appeasing Iran. As a viable alternative, we must move to support the Iranian people and their resistance. Only you can bring about democratic change in Iran.

I have come to know the people of Iran and appreciate their thirst for freedom. My message to them is this: rest assured that it is attainable. I wish you the best in your struggle for peace, freedom and democracy.

## DISTRICT OF COLUMBIA V. HELLER

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. Madam Speaker, today the Supreme Court made a strong move in support of individual gun rights in their decision in District of Columbia v. Heller.

Since 1975, the residents of Washington, D.C., have had their second amendment rights to bear arms stolen from them by the D.C. government. The second amendment to the U.S. Constitution declares that: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

Our Founding Fathers knew that without the second amendment, an oppressive government would eventually try to tear away our rights. They could not trust the government to always protect our rights, and so they wrote the second amendment. As James Madison later wrote: "Who are the best keepers of the people's liberties? The people themselves. The sacred trust can be nowhere so safe as in the hands most interested in preserving it."

The second amendment protects the fundamental, individual right of law-abiding citizens to own firearms for any lawful purpose. Further, any law infringing on this freedom, including a ban on self-defense and handgun ownership, is blatantly unconstitutional. Every study has shown that gun control is not effective in curbing crime. Rather, these types of restrictions only leave law-abiding citizens more susceptible to criminal attack. Other than law enforcement, only criminals have had handguns in the District of Columbia.

The Supreme Court took a strong step forward today to protect the individual gun rights of Americans, and I applaud them for doing so. As Justice Scalia stated, "The Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home."

Though the Supreme Court's decision does champion the individual right to bear arms, it also allows restrictions based on type, manner of carrying, purpose, sensitive location, and commercial sale of handguns.

Most alarmingly, the Court irrationally envisioned that their holding may completely detach the second amendment right from its purpose. Regarding the purpose of the right, United States General George Washington Stated, "A free people ought not only be armed and disciplined, but they should have sufficient arms and ammunition to maintain a status of independence from any who might attempt to abuse them, which would include their own government."

Recognizing an evolving standard that limits the right to weapons to only those "in common use at the time" and accepting prohibitions of "dangerous and unusual" weapons, the Court gives short shrift to the fact that modern laws, of the very sort it strikes down today, have prevented the common use of "sufficient arms and ammunition to maintain a status of independence from any who might attempt to abuse them, which would include their own government," as George Washington envisioned.

The ruling outrageously claims that, "the fact that modern developments have limited the degree of fit between the purpose and the protected right cannot change our interpretation of the right." The truth is that our second amendment right must fit the purpose, and this Court has separated the two. This Court wrongly leaves loopholes for prohibition of weapons that would be necessary for today's militia duty. Militia, at the time of our findings, included every male 18 years of age or older.

I am an avid hunter and outdoorsman and proud owner of numerous firearms. The National Rifle Association, Safari Club International, and Gun Owners of America are just some of the numerous sporting associations that I am a life Member of. A full-body-mounted African lion and Kodiak grizzly bear are just a few of my prized trophies that visitors see when they come to my D.C. office.

I strongly support the Constitution's second amendment right to bear arms and will defend the rights of law-abiding citizens to purchase, use, carry,

and keep firearms. I vigorously oppose all attempts to restrict the second amendment.

I believe that any law, whether at the local, State, or Federal level, which restricts or infringes upon law-abiding citizens' ability to own a firearm is unconstitutional and should be repealed.

The plain language of the Second Amendment clearly indicates that it was written to protect an individual's right to keep and bear arms. I believe, as George Washington, Thomas Jefferson, James Madison, John Adams, and other founding fathers believed, that the individual right to bear arms is a representation of freedom and independence and I will always defend that right from abusive regulations and licensing.

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

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

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

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

## AMERICAN ENERGY SOLUTIONS FOR LOWER GAS PRICES

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

Mr. WESTMORELAND. Madam Speaker, I just wanted to start out by saying that I know that I can't talk directly to the American people, but I hope that if anyone is out there listening that they would listen to my comments that I make to you.

Madam Speaker, I guess about 2 weeks ago probably I started getting some phone calls about different petitions on the Internet and other places about the prospects of America becoming more energy independent, that we would not be dependent on foreign oil sources, and that we would be able to use our own natural resources to meet our energy needs.

And people began to ask if I had gone and signed them or had seen them. One was on americansolutions.com, which offered to increase domestic oil drilling. There was one about a gas holiday. There were several about developing alternative energy sources. But there were some interesting petitions against drilling by Democratic Senator Ms. BOXER, the Sierra Club and Greenpeace.

As I walked into a service station in my district, there was a petition on the counter, Madam Speaker, that said: Sign here if you want to let your representatives know that you're for lowering gas prices. And I'm assuming that the proprietor of that station had it there to keep people from talking bad to him about the price that was on his pump.

But what I decided after looking at all these different petitions is that I would come up with a petition so the American people could understand where their representative was at. We know where our constituents are. I think on the American Solutions petition they are at like 1.7 million people. So we can kind of understand where the American people are at. They want us to be independent. They want us to increase our U.S. oil production.

So what I decided to do was come up with a petition, and what this petition says is: American energy solutions for lower gas prices. Bring onshore oil online; bring deepwater oil online; and bring new refineries on online. Realize, we have not built a refinery in this country since the late 1970s.

□ 1900

And you may not realize this, because we're always talking about crude oil, but you might not realize that the United States imports 6.2 billion gallons of gas and 4.6 billion gallons of diesel every year. We import these from the United Kingdom, U.S. Virgin Islands, France, Canada, Netherlands, Norway—which, by the way, Norway is now the third largest exporter of crude oil, and back in 1965 they were energy dependent on foreign oil and they decided that they would open up to drilling in the North Sea. They are now the third largest exporter of crude oil. But we import refined gas from them—Germany, Russia, Italy, and of course the OPEC countries, which don't even really have that much refining capacity, Madam Speaker, but yet we buy refined gas from them.

So I got a petition, I've had it over here on the wall, Madam Speaker, for probably about 2 weeks now. There are 435 spaces for the Members, and then there are seven spaces for the delegates from the U.S. territories. And I'm happy to say that we've had 191 signatures. Now, this may be too simple for some people because all it says is, ''I will vote to increase U.S. oil production to lower gas prices for Americans.'' And so we need your help, Madam Speaker. We need you to sign. I don't think you're on it, Madam Speaker.

But we've got a Web site, and it's our Web site at house.gov/westmoreland. And on there we have everybody that has signed, and we have everybody that we've talked to that said they would not sign. So we've got two columns, we've got a signers and a non-signers. And then also, just to let you know, we have notified every office here at least once, we will do it again next week. And some people said have, well, Congressman, they ask me how long have you been working on this? And I say, well, about almost 2 weeks. Well, how come you only have 191 signatures? Well, Madam Speaker, I'd ask people that ask me that question, Sunday, when they're at church, try to talk to 450 people on a Sunday, it's almost hard to do, especially when you get in different conversations with folks. So if you want to understand, house.gov/westmoreland, Madam Speaker, that's where somebody would go if they wanted to see where their Congressman was at on this simple petition that basically just says, ''I will vote to increase U.S. oil production to lower gas prices for Americans.''

I would like to yield some time to my friend from Indiana.

Mr. BURTON of Indiana. Let me just say to my good friend, Congressman WESTMORELAND from Georgia, I am so happy that you are going to all this trouble to get all of our colleagues to sign this petition. And if you're at 191, you're not too far short of 218. And when you get 218, I will join with you to go to the Speaker and show her that we have 218 signatures—or you do—and that they ought to bring this to the floor for a vote because a majority of the House wants this done.

You know, we passed another week. A week has gone by since you and I, I think, last were on the floor. And everybody's going home for the 4th of July recess—they're going to be in parades, they're going to be on radio, they're going to have town meetings—and we haven't done anything about reducing the price of gasoline or moving toward energy independence. And so I, like you, if I were talking to the American people right now, I would say, when your Congressman or your Senator is in that parade, I want you to talk to them strongly and say, we want you to drill in America. We want you to move us toward energy independence. We've been talking about it since Jimmy Carter was President 30-something years ago, and we aren't doing anything. And that's why we're dependent on foreign oil and that's why gasoline prices are over $4 because we aren't producing the oil here, we're sending it overseas.

We're sending over $400 million a day to Saudi Arabia to pay for oil that we're using. We could use that money right here in America, and it would help create jobs and expand our economy. We're sending $125 million a day to President Chavez in Venezuela, who's trying to move every country in this hemisphere toward communism and who is a good friend of the Castro brothers, Fidel and his brother Raul.

We have big problems here because we aren't drilling in America. And we need to have everybody in this country contact their Congressman and Senator and say, hey, listen, get with the program, it's time for us to move toward energy independence. We can't have this economy of ours suffer anymore.

I would like to enter into the RECORD, Madam Speaker, if I might, a

letter that was sent by the American Association of Petroleum Geologists. These are the experts that say there is oil here, we ought to drill here, and here's how we ought to do it and here's how we ought to explore. And when you read this letter—which is now going to be put in the record—it tells very clearly that drilling costs for one well onshore costs a half a million dollars, and offshore it can cost up to $25 million. And so these geologists, when they get these permits to drill in a certain area, they go out to make darn sure that there's oil there before they sink a well that's going to cost $25 million. And that's an exploratory well. And it's a half million dollars if you drill onshore. So we're talking about big money. And when you realize that 68 percent of the people who drill for oil are independent drillers, they're not the big oil companies, and 87 percent of the people who drill for gas are not the big oil and gas companies, they're individual people who have small companies, and if they find oil they're going to get it, and if they find gas they're going to get it. And so this idea that these permits are not being researched and looked at is just crazy.

And when you read what the American Association of Petroleum Geologists said, and the President is a Mr. Willard Green, you realize that these people want to get oil and gas out of the ground, they want to get it out of the offshore sites on the Continental Shelf, and they can't do it simply because they don't have the ability to pursue these permits.

Only 3 percent of the area offshore is available for permitting and for drilling for oil; 97 percent of the Continental Shelf isn't being touched. And we have about 80 percent onshore that's not being touched. We ought to explore every place we can to move this country toward energy independence. We ought to remove ourselves from being dependent on Saudi Arabia, who isn't really a friend of ours, and on Venezuela, which really isn't a friend of ours, and other countries that aren't friends of ours. We ought to really move towards energy independence. And the minute we announce we're going to do that, we're going to drill on these sites, I'm sure the American people realize the price of oil is going to go down. The competitive nature of the free enterprise system and supply and demand will force the price of oil down, and it means the price of gasoline will go down as well.

JUNE 3, 2008.

Hon. NANCY PELOSI,
*Speaker, House of Representatives, Washington, DC.*
Hon. STENY HOYER,
*Majority Leader, House of Representatives, Washington, DC.*
Hon. JOHN BOEHNER,
*Minority Leader, House of Representatives, Washington, DC.*

DEAR SPEAKER PELOSI, MAJORITY LEADER HOYER, AND MINORITY LEADER BOEHNER: Given the on-going debate about access and leasing activity on federal onshore lands and the Outer Continental Shelf, I would like to offer some perspective, on behalf of the American Association of Petroleum Geologists (AAPG), on the science and process of finding oil and natural gas.

AAPG, an international geoscience organization, is the world's largest professional geological society representing over 33,000 members; The purpose of AAPG is to advance the science of geology, foster scientific research, promote technology and advance the well-being of its members. With members in 116 countries, more than two-thirds of whom work and reside in the United States, AAPG serves as a voice for the shared interests of energy geologists and geophysicists in our profession worldwide.

AAPG strives to increase public awareness of the crucial role that the geosciences, and particularly petroleum and energy-related geology, play in our society.

Finding and developing oil and natural gas blends science, engineering, and economics. It has distinct phases: exploration, development. and production. And it is risky, because finding oil and natural gas traps, places where oil and natural gas migrate and concentrate, buried under thousands of feet of rock is like finding the proverbial needle in a haystack. Talent and technology increase our chances of a discovery, but there are no guarantees.

What is exploration? Well, the grid pattern on a block map makes it tempting to think of exploration as a process of simply drilling a well in each grid block to determine whether it contains oil. But because of the natural variation in regional geology, one cannot assume oil and natural gas are evenly distributed across a given lease or region, Rather, exploration is about unraveling the geologic history of the rock underneath that grid block, trying to understand where oil or natural gas may have formed and where it migrated. If the geology isn't right, you won't find oil or natural gas.

Legendary geologist Wallace Pratt once observed, ''Where oil is first found is in the minds of men.'' When preparing a lease bid, geologists use their knowledge to identify the specific areas in a region that they believe have the highest likelihood of containing oil and natural gas traps. Successful exploration begins with an idea—a hypothesis of where oil may be found.

Since exploration is about developing and testing ideas, some acreage available for leasing is never leased. That is because no one develops a compelling idea of why oil or natural gas should be there. Similarly, some acreage is leased and drilled repeatedly with no success. Then, one day, a geologist develops an idea that works, resulting in new oil or natural gas production from the same land that others dismissed as barren.

Once a lease is awarded, geologists begin an intensive assessment. They collect new geological, geophysical, and geochemical data to better understand the geology in their lease area. They use these data to construct a geological model that best explains where they think oil and natural gas were generated, where it may have been trapped, and whether the trap is big enough to warrant drilling.

If there is no evidence of a suitable trap, the explorer will relinquish the lease and walk away. If they see a trap that looks interesting, they schedule a drill rig to find out if they are right. Drilling is the true test of the geologists' model, and it isn't a decision to be made lightly. Drilling costs for a single well can range from $0.5 million for shallow onshore wells to over $25 million for tests in deep water offshore.

As the well is drilling, geologists continually collect and evaluate data to see whether they conform to their expectations based on the geological model. Eventually, they reach the rock layer where they think the trap is located.

If there is no oil or natural gas when the drill reaches the trap they were targeting, they've drilled a dry hole. At this point the explorers will evaluate why the hole is dry: was there never oil and gas here; how was the geological model wrong; and can it be improved based on what they know from the drilled well? Depending on the results of this analysis, they may tweak the exploration idea and drill another well or decide the idea failed and relinquish the lease.

If there is oil and/or natural gas, they've drilled a discovery. Typically, they will test the well to see what volumes of oil and/or natural gas flow from it. Sometimes the flow rates do not justify further expenditures and the well is abandoned. If the results are promising, they will usually drill several additional wells to better define the size and shape of the trap. All of these data improve the geological model.

Based on this revised geological model, engineers plan how to develop the new field (e.g., number of production wells to drill, construction of oil field facilities and pipelines).

Using complex economic tools, they must decide whether the revenue from the oil and natural gas sales will exceed the past and continuing expenses to decide whether it is a commercial discovery.

The process of leasing, evaluating, drilling, and developing an oil or natural gas field typically takes five to ten years. Some fields come online sooner. Others are delayed by permitting or regulatory delays or constraints in the availability of data acquisition and drilling equipment and crews. Large projects and those in deep water may require a decade or more to ramp up to full production.

As you can see, oil and natural gas exploration is not simple and it is not easy. It requires geological ingenuity, advanced technologies, and the time to do the job right. It also requires access to areas where exploration ideas can be tested—the greater the number of areas available for exploration, the higher the chance of finding oil and natural gas traps.

U.S. consumers are burdened by high crude oil prices. Conservation and efficiency improvements are necessary responses, but equally important is increasing long-term supply from stable parts of the world, such as our very own federal lands and Outer Continental Shelf.

As Congress considers measures to deal with high crude oil prices, I urge caution. Policies that increase exploration costs, decrease the available time to properly evaluate leases and restrict access to federal lands and the Outer Continental Shelf do not provide the American people with short-term relief from high prices and undermine the goal of increasing stable long-term supplies.

I am happy to further discuss these ideas. Please contact me through our Geoscience & Energy Office in Washington, D.C. at 202–684–8225 or 202–355–3415.

Sincerely,

WILLARD R. (WILL) GREEN,
*President, American Assoication of Petroleum Geologists.*

And when they talk about these speculators, there are people that speculate in gas futures and oil futures, there is no question about that. But the minute we say we're going to drill here in this country, you watch those prices drop; you watch those speculators start getting out of the market and selling what they have. And that will force the price

down on oil, it will force down the price of gasoline, and it will help this country.

And let me just say to my colleague—and I really appreciate him yielding to me—if we don't get with the program, if my colleagues on the other side of the aisle and the Senate and the House don't work with us on this side of the aisle, we're going to end up with gasoline prices being $5 or more per gallon. And if we have a conflict in the Middle East, as we've heard talked about here tonight, it could go much higher than that. That will put extreme pressure on this economy.

And I hate to predict this, but I really believe that if we don't get control of this situation and start drilling onshore and offshore in our territory, I think we could have a severe economic recession in this country. And when I say severe, I mean severe. The price of food is going up rapidly, the price of gasoline is going up rapidly. The price of products that are shipped across this country, which is almost—everything is going up very rapidly, and we're not doing a darn thing about it because we're depending on the Saudis.

We had Senators go over to the Saudis just recently and ask them to open up more oil fields so we can buy more of their oil. Why are we doing that? Why aren't we drilling in America so we don't have to depend on foreign oil? It makes absolutely no sense to send billions and billions and billions of dollars overseas and to other countries that don't even like us when we won't even drill here in the United States.

And so I am so happy that my colleague has taken the time and the effort to get the message out to our colleagues that they ought to sign onto this petition. And I know he feels like I do—and we come down here night after night talking to each other—that we would like, if we could talk to the American people, to put pressure on their Congressmen and Senators to sign onto this policy of drilling in America, to sign this petition so we can move toward energy independence. If we do that, and I would say this to my American friends all across this country, if we do that, you watch the price of gasoline go down. It will go down like a rock. You will see gasoline below $3 before you know it. But we have to say that we're going to drill for oil in this country, onshore and offshore. The minute we do that, America, just watch these prices go down. But first of all, we have to get this body and the other body, the House and the Senate, to get together and say, okay, we're going to drill. And we can't do that unless the American people put pressure on their Congressmen and Senators to sign on.

You have done yeoman service to this country, Congressman WESTMORELAND, because you've got 191 Members that have already signed that. And I'm going to work with you to get 218. And as I said before, the minute you get 218, I will walk with you to the Speaker's office and say, hey, it's time to bring this to the floor.

You're doing good work. I'm proud of you.

Mr. WESTMORELAND. I want to thank my friend from Indiana. And I want to get 300 signatures because I would like for the American people to know that way more than just a simple majority is behind them for making sure that, not necessarily those of us that are our age, but our children and our grandchildren will not have to go through the things that we're going through today. Because in 1995, this Congress passed drilling in ANWR and President Clinton vetoed it. And by all estimates today, 13 years later, we would be getting one million barrels of oil a day.

And as Senator SCHUMER said over in the Senate about 2 weeks ago, if we could get OPEC to increase oil production by one million barrels a day, it would lower the price of gas 50 cents a gallon just like that.

We don't need to be sending our President over to foreign countries—and especially those that are not that friendly to us—with hat in hand on bended knee asking them to use more of their natural resources to provide us with oil when we won't use our own natural resources.

In talking about that, because this is the one thing that gets people fired up, Madam Speaker, and really gets those lines hot, that they want to find out if their Congressman has signed this very simple one sentence, is that it says, ''In a recent interview on al Jazeera, Chavez''—now this is Hugo Chavez from Venezuela—''Chavez called for developing nations to unite against U.S. political and economic policies. What can we do regarding the imperialist power of the United States? We have no choice but to unite,'' he said. ''Venezuela's energy alliances with nations such as Cuba, which receives cheap oil, are an example of how we use oil in our war against neoliberalism,'' he said. Then there was another date, on March 15, 2005, in the Washington Post, Mr. Chavez says, ''We have invaded the United States, but with our oil.''

Now, that would make your blood kind of boil, Madam Speaker, but this is what really gets people off is the fact that every day American families and businesses in this country write Hugo Chavez a check for $170 million. That $170 million could be going to our country. It could be going to provide energy independence. It could be going to provide jobs and build an industry, put into infrastructure; $170 million a day to Mr. Chavez.

Now, what we've been doing this week with the Democratic majority—and let me remind you, Madam Speaker, that it was back in April of 2006 that then Minority Leader NANCY PELOSI made a statement, and she said, ''Democrats have a commonsense plan to bring down the skyrocketing price of gas.'' And at the time it was about $2.06 a gallon. We are waiting on that commonsense plan to be unveiled. We're waiting on it. And we heard that there were going to be about four energy bills this week. And Madam Speaker, the energy bills that were brought out this week was kind of like putting lipstick on a pig.

H.R. 6377, the speculation bill, this is what it says, ''to direct the Commodity Futures Trading Commission to utilize all its authority.'' In other words, we passed something that's already existing law. That's what we did, we passed something that was already existing law.

I want to read to you what happened in some quotes from H.R. 6. H.R. 6, Madam Speaker, was a bill that the new majority passed in January—I believe it was January 18, 2007—shortly after taking over, after they had promised the American people that they were going to lower gas prices. And I do want to read this one quote before I start reading these others. This is from PAUL KANJORSKI, and this was about 2 weeks ago. It said, ''A man was trying to question Mr. KANJORSKI about his remarks that Democrats had overpromised during the 2006 congressional elections by implying that they could end the war if they controlled Congress.''

□ 1915

''Now, anybody who is a good student of government would know that that wasn't true,'' Mr. KANJORSKI said at an Ashley town hall meeting in August, ''but you know the temptation to want to win Congress back. We sort of stretched the facts, and people ate it up.''

Yep, they ate it up. And right now they're paying a price for it.

I want to read you some quotes. These are from January 18, 2007, when we were debating H.R. 6:

Mr. PETER DEFAZIO: ''It is sad to see the Republicans come to this. Now they laughingly say that this will lead to higher gas prices.''

Well, gas was $2.23 a gallon on the day Mr. DEFAZIO made his statement. It's about $4.08 today. So we were probably right. This was no way to lower gas pries.

The same day, January 18, 2007, Mr. JIM MCGOVERN said: ''What we are doing today really is responding to the outcry of the American people who are outraged by the fact that in the midst of being gouged by Big Oil . . . ''

Well, we have had seven investigations into price gouging, and it hasn't lowered the price of gas. In fact, it has gone up almost $2 a gallon since that statement was made.

The same day, JOHN HALL: ''Today we are going to take back the tax giveaways to Big Oil so we can give the American people a break at the pump.''

January 18, floor statement, KATHY CASTOR: ''Instead of giving away billions of dollars to big oil companies which made multimillion dollar profits last year, the new Congress intends to

chart a course in a new direction by investing in alternatives for the American people. This will help America become energy independent and ultimately lower the utility costs for average Americans.''

I would like to tell the gentlewoman that the price of natural gas is twice what it was.

Mr. BURTON of Indiana. Will the gentleman yield for a moment?

Mr. WESTMORELAND. I yield.

Mr. BURTON of Indiana. I just want to follow up the train of thought that you have.

These taxes that they want to put on Big Oil, if there are excessive profits made and there is collusion or something like that, if there is criminal behavior, obviously everybody wants to make sure that doesn't take place. But whatever they're promising, everything that I have seen the opposition party promise, is that they are going to hit Big Oil with more taxes. That isn't going to get one more drop of oil to the——

Mr. WESTMORELAND. Reclaiming my time, evidently taking these tax breaks away is not lowering the price of oil either.

Mr. BURTON of Indiana. No. That's right. They want to take tax breaks away. They want to increase taxes. And when you pass a tax increase on to a business or industry, oil or automobiles or whatever it is, it's passed on to the consumer in the form of price increases. So if they raise taxes, it won't give us one more drop of oil, which we ought to be drilling for right now, but it will make more expenses for the companies, and unless they can prove wrongdoing, those expenses will passed on to the consumer in the form of another price increase. So raising the taxes on the oil companies is only going to exacerbate the problem and make the cost of oil go up more. And I don't understand why my colleagues don't understand basic economics and the law of supply and demand. It makes absolutely no sense whatsoever.

We need to pass legislation that will get more oil to the refineries, build more refineries, as you've said, and start getting the price of oil down because we are energy independent. And just talking about, okay, we're going to hit Big Oil, that may resonate with a lot of people. Some people say, oh, my gosh, they are not paying enough taxes. They ought to be taxed more. They are making too much in profits. That's not going to bring any oil to the market, not a drop.

So I just say to my colleagues, quit beating on a dead horse. We have got to become energy independent. We have to drill here in America. And I hope everybody in the country who may be looking at this, and we can't talk to them, but everyone in the country who is looking at this tonight ought to ask their Congressmen and Senators, Is what you're talking about in Washington going to bring one more drop of oil to the marketplace? Is it going to move us toward energy independence? And if it isn't, they ought to sign that petition. They ought to get on with the program in making us more energy independent.

I thank the gentleman for yielding.

Mr. WESTMORELAND. I thank you for saying that because that's exactly true, and the petition is actually so simple, one line: ''I will vote to increase U.S. oil production to lower the price for Americans.'' And you can go to house.gov/westmoreland and see if the Congressman is there.

Madam Speaker, you would really have been intrigued at some of the things that I heard about why they couldn't sign it.

But I want to continue on. These are quotes from the H.R. 6 debate, which was on January 18 of 2007, after the new majority, the Democrats, had overpromised the American people, as admitted, and now they were coming up with something that was satisfying that radical environmentalist base of theirs, whom they felt like they owed their victory to, at least in part. So they were going to take away the tax breaks and other things.

I'm not a big fan of Big Oil. Don't get me wrong. But I had a high school economics teacher, and I didn't pay that much attention in school, but Colonel Wofford at Therrell High School there in Atlanta taught us that taxing manufacturers or producers does not lower the price to consumers. So for whatever that's worth, I will give that to the majority.

Mr. BURTON of Indiana. If the gentleman would yield, let me just elaborate on that really quickly.

I hope everybody who may be paying attention to this, our colleagues in their offices, realize that business and industry have a certain margin of profit that they have to make to keep the doors open, whatever it is. And as you have just said, if they are taxed and they have a margin of profit of 8 percent and you raise their taxes, they're going to pass that cost increase on to the consumer in the form of a price increase. And that's what my colleagues on the other side of the aisle, your colleagues, don't understand.

We really need to do what's necessary to move toward energy independence, and raising the price of gasoline by taxing these companies is not going to solve the problem.

I thank the gentleman for yielding.

Mr. WESTMORELAND. Thank you.

January 18, and these are quotes from H.R. 6, which was their mantelpiece legislation. This was their commonsense plan, I guess, for bringing down the skyrocketing gas that at the time was $2.23 a gallon:

Ms. SHEILA JACKSON-LEE said: ''The price per barrel of oil is $50 plus.'' Today I think it's about $140.

She goes on to say: ''And so what is this Congress and this leadership doing? It is doing the right thing.''

January 18, floor statement by STEVE ISRAEL: ''This dependence on foreign oil, Mr. Speaker, is a glaring threat to our national security.''

I could not agree with you more. But we are more dependent today than we were when you made that statement.

Mr. JOHN LEWIS, my colleague from Georgia: ''More than ever we need to get our priorities straight. We need to stop dancing while Rome burns and reverse the damage we have done to our environment. The American people need relief from energy costs.''

And I couldn't agree with you more, Mr. LEWIS, but the problem is that gas has almost doubled since you made that statement.

RAHM EMANUEL: ''Mr. Speaker, let's review the score: ''Big Oil, one; taxpayers, zero. Now the score is tied, and we are just getting warmed up.''

Well, I hope you're about as warm as you're going to get, Mr. EMANUEL, because I don't know if we can stand any more of this.

January 18, 2007, floor statement from ALLYSON SCHWARTZ: ''The United States imports 65 percent of the oil we consume. We spend $800 million every day on foreign oil-producing countries. This threatens our economic stability, our environmental security, and our national security, and today we say 'enough.'''

Well, I say ''enough'' too, but if we had said ''enough'' then and started producing our own oil and started using our own natural resources, maybe oil wouldn't have almost doubled since then.

The chairman of the Democratic Congressional Committee, Mr. CHRIS VAN HOLLEN, said this: ''This is the time to change direction, to set a new course on energy policy, to say to the country we're not just talking rhetoric, we mean what we say.''

Mr. JOHN YARMUTH: ''Mr. Speaker, my constituent, like yours, paid over $3 a gallon for gas last year. Isn't that enough?''

Absolutely it's enough. But today we are paying over $4 a gallon, and the reason we are is because we refuse to use our own natural resources for the health of this country and, like so many of these other statements said, for the national security of this country.

STEPHANIE TUBBS JONES: ''Critics of H.R. 6 argue this measure will place an undue burden on oil companies which will lead to higher gas prices.''

Okay. We must have been right because what happened was after H.R. 6, with gas being $2.23 a gallon, today it is $4.08.

What we are trying to do, before I yield to some of my colleagues, we have that petition that my friend from Indiana and I have been talking about, and what it says is ''I will vote to increase oil production to lower the price of gas.'' And what that means is bringing onshore drilling online, offshore drilling online, deepwater oil online, and bring in more refineries online.

If we bring onshore oil online, it will save anywhere from 70 cents to $1.60 a

gallon. To bring deepwater oil online, the Outer Continental Shelf, 90 cents to $2.50 a gallon. To bring new refineries online, and not one has been built since 1976, would save anywhere from 15 to 45 cents. The gas tax holiday, 18 cents. To halt oil shipments to the Strategic Petroleum Reserve, a nickel.

Now, I have got some more quotes on that, and, of course, this was passed in the House probably back in May. We stopped those shipments in July, and so we should find out if it's going to bring it down a nickel a gallon. But if you look at what the Democrat plan was, and this is that commonsense plan, I'm assuming, but ''sue OPEC,'' we have had a lot of success with that. ''Launch the seventh investigation to price gougers.'' ''Launch the fourth investigation to speculators.'' Now, we put that lipstick on that pig today with the speculation bill, that we just really passed something that's already on the books.

''Twenty billion dollars in new taxes on oil producers.'' I can hardly wait to see what that does to lower the price of gas. And we've seen that just not even putting the new taxes on them but just taking tax relief away from them has caused gas to almost double.

And then of course they've got ''halt oil shipments,'' which is a nickel.

You can see that if we put our policies in place that gas today would be somewhere around $2.10, and that's using very conservative savings over there. And you can see that if this works, and we don't even know that this is going to work, it would be about $4.03.

So we hope that we will get 300 signatures on this petition to show the American people that we are not going to lie here in a fetal position or just keep doing repetitious things to make you think we are doing something. So if you could just go to the house.gov/westmoreland and look at it. We had 45,000 hits on it, Madam Speaker, last night. And we have had a couple of Members that have come to us and said, We have heard and we want to go from the ''would not sign'' to the ''sign.'' So we can't do it, Madam Speaker, if people aren't going to be involved with us because we don't have that much influence over the majority.

I would like to yield to the gentlewoman from North Carolina, my classmate (Ms. FOXX).

Ms. FOXX. Thank you so much, Mr. WESTMORELAND. Thank you for leading this Special Order tonight and for the work that you have been doing for the last several weeks on this issue.

I think it's important that we say over and over and over again that the Republicans do have a plan to lower gas prices. We are doing everything that we can to create new sources of American-made oil because we are in touch with the American people. We go home every weekend. Most of us worked for a living before we came here; so we know what it's like to meet a payroll. We haven't been in government all our lives. We haven't served in the Congress for 53, 54 years.

□ 1930

We are out there every weekend talking to the folks that we represent, and we know how the high prices of gasoline are hurting them. I think the Democrats are in strong denial. They think, again, that they can continue to bash the oil companies and hide their heads in the sand about what is going on.

I want to thank you and our colleague from Indiana and our other colleagues that are going to be speaking tonight who are exposing the Democrats for who they are and what they are. Again, as I said earlier, it's important that we let the American people know it's the Democrats who are in control. The President cannot create new gas sources or new oil sources. Only the Congress has the power to do what needs to be done. So we need to set the record straight.

It seems like the Democrats want to do everything possible to avoid creating new oil and bringing down the price of gasoline. They purport to represent the little person, the common person, the average person in this country, but it's obvious that that's not who they care about. They care about the radical environmentalists and toeing their line.

Now I consider myself an environmentalist. My husband and I are in the nursery and landscaping business. I cherish the earth. I am a big recycler. I am very careful about how I spend things. When you grow up poor, you learn to be careful with money.

But we know that our Speaker is the wealthiest person in Congress. Many of the Democrats are among the wealthiest people in the Congress. This really isn't hurting them at all. Again, I think it's very important that we debunk what they are trying to say to the American people about why their ''use it or lose it'' is what needs to be done. Again, they are good at blaming everybody else in the world for the problems that they create or that they can't solve.

I want to talk a little bit about their comment that all we have to do is get the oil companies to use the leases that are available to them and put out some facts. We had the Truth Squad. The Truth Squad hasn't been active lately, but we need to bring it back. As our colleague says, You're entitled to your own opinion, but you're not entitled to create facts.

So let me say something about why we need to do something more than simply pass legislation that has already been passed. During President Reagan's administration, 160 million acres of onshore land was leased for exploration. Today, only 50 million acres are leased. Only 6 percent of Federal onshore land is available for leasing. ANWR contains 10.4 billion barrels of oil, but is 100 percent closed.

I want to say something about ANWR, and I want to say something—I saw these pictures on TV again tonight. When ANWR is portrayed, it is usually portrayed as this meadow with daisies growing in it, animals grazing. That isn't what ANWR is. ANWR is a frozen desert. The temperature gets to 60 degrees below zero there sometimes. Practically nothing grows there.

I was all over Alaska in 2005. I saw the oil fields. And, you know what? The oil fields don't look like the oil fields they show you on TV either. We have got to get those guys to get up-to-date pictures. You don't have these big cranes going up and down and back and forth like this. The oil wells don't even look like oil wells. They are little boxes with some gauges on them. If somebody didn't tell you that they were drilling oil there, you couldn't possibly know it. So we are not going to be spoiling our scenery, and we are certainly not going to hurt ANWR.

The OCS contains 86 billion barrels of oil, the Outer Continental Shelf, but 97 percent of it is closed. Onshore Federal land contains 31 billion barrels of oil, but only 6 percent of it is open to exploration. Oil shale on Federal land contains 2 trillion barrels of oil, but is 100 percent closed.

The Democrats' claims are wrong. They claim that there are 4.8 million barrels and 44.7 billion cubic feet of natural gas per day that may be extrapolated from unused Federal leased lands. Stephen Allred, Assistant Secretary of the Land and Minerals Management, wrote that anyone who makes these claims has a ''misunderstanding of the very lengthy regulatory process. Lessees must comply with permit upon permit, often 27 total permits, without any drilling, and a lease does not equal oil. A lease is not a permission to drill, a lease is a permission to explore.''

The Democrats assume that every acre of leased land can produce the exact same amount of oil and gas as the very best producing acres. This argument is not based on science, fact, or even common sense. A lease doesn't guarantee the discovery of oil and gas. A lessee may never actually find oil or gas. Between 2002 and 2007, 52 percent of all exploration wells were dry.

We have got to set the record straight. We can't let the Democrats get by with talking about things that aren't true and trying to fool the American people.

I see my colleague from Georgia has some wonderful maps here. Let me defer to you to talk about ANWR a little bit.

Mr. WESTMORELAND. Well, what I wanted to point out, this is what ANWR looks like. It's kind of a frozen tundra. I had some young people up here the other day from a school, and one of them asked me a question, said, Are you for drilling in ANWR? I said, Yes, I am. She kind of frowned. I said, Why? She said, I don't want you to ruin all the beautiful trees up there.

I tried to find a tree. I couldn't find a tree on the place. So there's a lot of

misunderstanding out there about what it is. Then you can look at the size of the Arctic National Wildlife Refuge and then the ANWR part as compared to the whole State of Alaska. A lot of people don't understand that Alaska—we have got a map of it somewhere—it's bigger than Texas. I know Mr. CONAWAY is here from Texas. Three times the size of Texas.

In fact, I will let Mr. CONAWAY talk about Texas and ANWR and other things, if he would like.

Ms. FOXX. If I might, before Mr. CONAWAY speaks, I want to make one more comment. I have been getting a lot of letters in the last couple of weeks from boy scouts who are talking about their concerns with what is going on. I got one this week that was really heart-rending. He said, If the price of gas keeps going up, we are not going to be able to go on vacation, we are not going to be able to go to the grocery store. We are not even going to be able to go to church anymore.

I think it's a real shame that we have people out there who are being denied the opportunity even to go to church because they cannot afford the price of gasoline. That is a sad state that we have come to in this country, and it's a sad commentary on the Democrats when they want to allow that to continue, when they have the power to do something about it.

I yield back.

Mr. WESTMORELAND. Let me say this, that it is a shame that we are having to limit so much of the travel. We need to conserve, but we can't conserve our way out of this. The real shame of this is when winter comes and natural gas is twice what it was. Mr. PETERSON from Pennsylvania was down here the other night and really opened my eyes to it. Not only are people not going to be able to leave their home, they are not going to be able to stay warm in their home when the winter comes and the price of natural gas.

To another one of my classmates and colleagues, Mr. CONAWAY from Texas.

Mr. CONAWAY. Well, I thank my classmate from Georgia for hosting this hour tonight.

We spend an awful lot of time at these microphones, both sides, basically talking past each other. Usually, the rhetoric is heated, and we don't listen. My experience is this is the worst 435 listeners on the face of the Earth because we are clearly more interested in hearing what I have got to say than listening to what you have got to say.

It happens time and time and time again at these microphones, basically because we tend to polarize and take the absolute positions, knowing full well that the best path for America is somewhere in the middle.

The best path for America includes working all the other alternatives and trying to develop those and trying to see as far over the horizon as we can for a day in which crude oil and natural gas will no longer be available, not by choice but by the fact it has all been used up. It is a finite resource. We should be conserving everywhere we get, not on an individual basis but collective as well.

Yes, from our position, we should be exploring and developing and producing American resources; crude oil, natural gas, uranium, nuclear, oil shale, tar sands, the full gamut of these resources.

So if we can actually spend some time and sit together and try to work out our differences, I think there is a solution here that is really best for America.

When I first read the ''use it or lose it'' bill, my first reaction was how can 236 of my colleagues on the other side of the aisle and all of their staffs and all of their hired consultants know so little about a fundamental industry that is so vital to our national security, our economic security, and that is the oil business. Then I came to the cynical conclusion that I was wrong; they do know about it.

They do know exactly what they are doing by this bill that was up earlier today on a suspension calendar that we were able to defeat because over a third of us said that is wrong-headed.

Here's a quick basic. When an oil and gas oil company, generally a major oil company because it requires so much money, leases in the Gulf of Mexico, where we have been drilling for a long, long time, they pay a lease bonus, which is a sizable amount of money that is given to the Federal Government, that says for a time certain I get exclusive rights to explore and try to find crude oil and natural gas on this particular parcel of land. That bonus money is a sunk cost because if they find oil, they get to produce it. If they don't find oil, too bad.

This industry, much maligned from these microphones, is a group of dedicated, hardworking, patriotic, honest people who have an incredible tolerance for risk in this environment.

So they put up the lease bonus money, sometimes millions and millions of dollars, just for the right to wade into the bureaucratic morass that we have created around these circumstances, where you have got 27 permits and all kinds of stuff to get to just until you get to start the process. The process includes geological studies, geophysical studies, evaluation to try to find where on that parcel of land the best spot may be. You have got sunk costs, regulatory compliance costs.

Then, once you have decided where you are going to drill, that you decided that you think there are commercial reserves in place under that dirt, under that ocean, then you still don't know it until you drill it. Then you have got the cost of drilling, all the expense there. Then, if you find commercial quantities of crude oil, you have to build a production platform that has got to be uniquely built for the particular formation you have got, and that has got to be moved out into the gulf and anchored.

So what you have is many millions and millions, in some instances, billions of dollars of shareholder equity and debt that's been invested in trying to find crude oil and natural gas. Most of that is sunk cost. The only way they get a return on their investment, the only way they justify to their shareholders that they are making the right decision is to produce whatever crude oil and natural gas is in place.

So there are plenty of incentives already built in to produce. The idea that they would ''sit'' on production in the hopes that this price gets even higher, which they know the price is too high now, is just wrong-headed.

Mr. WESTMORELAND. Not only that, reclaiming my time for a minute, did not the Democrat majority in 1992 extend that lease period to 10 years? Was it prior not 5 years or 7 years what it was?

Mr. CONAWAY. The traditional offshore lease needs to be at least 10 years because from start to finish—we have got some graphs here that we can show you the logical, businesslike progression that companies have to walk down. What is not mentioned so far is all the litigation costs that are associated with these leases, particularly in the Rocky Mountains. If a company is able to win a lease, they are immediately sued by environmentalists to prevent their exploring for it. This current price of gasoline and crude oil is a product of supply and demand.

□ 1945

About 86 million barrels a day of production, about 85 million barrels a day of usage, and that varies from day-to-day. Inventories start dropping. That means demand has gone beyond the current production supply.

The most immediate area for quick relief in this regard would be Iraq. The Iraqi government has recently reached out to ExxonMobil, Shell, BP and Chevron to ask them, ask the experts, the folks who have the money to be able to do it, to come into Iraq and help them increase the amount of production that Iraq produces from oil and gas. They are about half of what they were under the Shah. And their fields are on land and the most quickly responsive to getting new oil and gas supplies to the market.

CHARLES SCHUMER, a colleague on the other side of the building, immediately weighed in, said that is wrongheaded and said he wants to find out some way to prevent Iraq from developing Iraq's resources.

It is not good enough that we prevent America from developing America's resources, but now we want to tell the Iraqis how they should be able to do it as well. We are about to run out of time. That is one of the things I wanted to say, and I appreciate getting to weigh in on this.

Here is the bottom line: Post-World War II, we have developed an American lifestyle that was incredibly dependent on inexpensive gasoline, suburbs, rural

America, that requires being able to drive to and from work, to and from recreation. Maintaining these high prices, as our colleagues across the aisle are intent on doing, is, in my view, an attack on that way of life.

You can call it partisan or not, but if you look at where the bulk of the Democratic support is in the Congress, it is in big cities, where they have access to mass transit, trains and buses and those kinds of things. But in rural America, flyover America, where most Republican support is, we don't have access to that.

I can assure you, the folks who live at Lake LBJ, named after Lyndon Johnson, and work in Marble Falls and Llano and Burnet, there are no buses to get to and from work. They have got to drive their cars.

So as we continue to on purpose maintain these high gasoline prices, this is an attack on our suburban way of life, an attack on rural American and the rural way of life and a lifestyle that has served us well since post-World War II.

One final statement: When I go home, this is all my constituents talk about. And if I were to come up here and take the position that I am going to ignore what they are saying, the way our Democrats appear to be doing, I would get tossed out of office, because apparently they are not hearing the same thing that you and I are hearing when we go home. Apparently in Democratic districts the high gasoline prices are not particularly relevant, which begs the question that 71 percent of Americans want to drill.

So I appreciate my colleague letting me speak tonight. We can solve this. We can fix this. But it is going to require some modification on our part, some modification on our Democratic friends' part. But we really do need to start listening to each other and quit demagoging, and particularly with respect to the oil business, considering those folks less than human as we look at what they do for America every day.

I yield back.

Mr. WESTMORELAND. I thank my friend. Now I have got to go catch a plane, but I hope that everybody will go to House.gov/westmoreland, Madam Speaker, to find out who is for drilling and who is for not just drilling, but like the gentleman from Texas said, for producing more of our natural resources to lower the price of gas.

Now I want to yield to my good friend from Nebraska, from the heartland of this country, from one of the corn-producing States, another one of my classmates that came in, and that is Mr. FORTENBERRY.

Mr. FORTENBERRY. Well, I thank the gentleman from Georgia, my good friend. I am so sorry you have to leave quickly, but I understand. I hoped we could dialogue a little bit and perhaps broaden the discussion slightly. Mr. CONAWAY just gave a great segue by saying I think we can get this done, and I think that is what the American people are hungry for.

Mr. WESTMORELAND. Mr. BURTON will dialogue with you.

Mr. FORTENBERRY. You got to go.

Mr. BURTON of Indiana. So you have to settle for me.

Mr. FORTENBERRY. That is fine too, my good friend from Indiana. But I believe the American people are hungry for a bold new energy vision.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for the remainder of the hour as the designee of the minority leader.

Mr. FORTENBERRY. Madam Speaker, I think the American people are hungry for a bold new innovative vision for a sustainable energy future, and I think we have to have an honest conversation about the full range of options in our energy portfolio; looking at the opportunity to increase domestic resources, use of domestic resources in an environmentally responsible way, while also bridging to a sustainable energy future that looks at the full range of opportunities that are presented to us. And one of the things that I don't think is unpacked quite adequately, Mr. BURTON and Madam Speaker, is the issue of how small-scale entrepreneurs can play an increasing role in meeting a sustainable energy policy.

For many years now, by the way, I have powered my home by wind. Now, I don't have a wind turbine in my backyard. I live in the city. But, nonetheless, I used to be on the Lincoln City Council. Nebraska is a public power State. The Lincoln City Council basically has authority over the electric system.

We greatly encouraged them a number of years ago to move forward on wind energy and they integrated wind turbines into their portfolio. Of course, it is a small portion of their portfolio, but nonetheless, I thought it was important to support that. I paid a little bit more than $4 a month extra on my energy bill to help underwrite that new development a number of years ago. Now they have integrated that cost and are sharing it with everyone. But, nonetheless, we have been in front of this trend for some time.

There is a hog farmer in my district, for instance. A couple years ago, Danny Kulthe in Colfax County, he just decided he was going to do something different. He has 8,000 head of hog. He captures that manure in a methane digestion pit, takes that methane, puts into a generator and produces enough electricity to power 40 homes from 8,000 head of hog. And he did this a number of years ago by pulling together the capital through a variety of innovative sources, some grant sources as well.

But a small scale entrepreneur like that is helping lead the way in a whole new energy vision that does several things: He solves an environmental problem, he wedded agriculture and energy policy, and he created additional income for his farm. Small scale entrepreneurs like that I think are yearning to be engaged in this bold, new energy vision to help write the various chapters we are going to need to help solve this.

Mr. CONAWAY said it well. I think we can get this done, but it is going to take bold, new, creative thinking and public policies that I think underwrite this type of vision for a sustainable energy future.

Mr. BURTON of Indiana. If the gentleman will yield just for a minute, I would like to say I agree with my colleague. These new forms of energy, these new technologies, are extremely important. I am kind of awed by the fact that you have taken the lead in Nebraska in getting this done.

But while we are doing that, the one problem that I think we have is we have to realize the transition to the new technologies is going to take time, and while that is taking place, we are going to have to have energy. That is why we ought to be able to drill in the United States, and do it in an environmentally safe way, so we can produce natural gas and oil here at home. And while we are doing the transitioning to the new technologies like you are talking about, we won't have to depend so much on foreign oil and what might happen in another part of the world.

Mr. FORTENBERRY. One of the issues regarding our very heavy dependence on foreign oil as well is that it does entangle foreign affairs considerations. That is a very significant issue. It greatly increases trade deficits, it entangles foreign affairs considerations. It leaves us vulnerable, not only economic, but in many other ways.

So I think it is very important as you are saying to look at full range of options in this portfolio we have, potential portfolio, and have a ''both-and'' discussion about how we bridge to that sustainable energy future by looking at, first of all, the easiest and best thing we can do quickly obviously is to think through the issue of conservation, how we become and continue to be and expand our ability to be good stewards of the resources we have, integrate these new technologies, use the resources we have now to bridge to that sustainable future.

Here is another example for you. I was visiting with a small-scale car manufacturer. They have some proprietary battery technology. I am not an expert in these areas, but apparently this vehicle can go 120 miles on a single charge. It takes 10 minutes to refuel it, so-to-speak, if you have the special equipment. If you don't, you can plug it into your 220 volt outlet, like your dryer plugs into, and that takes about six to eight hours. It goes zero to 60 in about 10 seconds, and it has a 5-star safety rating, crash rating. It is like a regular vehicle, except the engine is different.

So let's be clear: This spike in gas prices is causing great duress for families and farmers and small business

owners, particularly in an area like I represent that I think has some similarities to where you represent as well. And I think it compels all of us to begin to think boldly and innovatively about how we can get this done by looking at that full range of options that we have in our energy portfolio and bridge into that energy future.

Mr. BURTON of Indiana. I want to thank the gentleman for taking this time. I know you have to catch a plane tonight. I think it is important that the people who are watching in their offices and maybe Americans who might be paying attention, that they realize that we are not just talking about oil and gas, we are talking about all forms of energy, and we want to get to that.

But, as you said and as has been said many times, that is going to take a transitional period, and during that transition, while we are trying to encourage more innovation, that we don't sink the ship by not having enough energy to get the job done.

Mr. FORTENBERRY. I really thank you for the opportunity to dialogue on this question and to focus, yes, on the urgency of the moment, while also creatively thinking about where we go. I mean, this is America. This is the land of innovation. We can get that done.

Mr. BURTON of Indiana. Thank you, Mr. FORTENBERRY. Have a nice trip back, and tell the people of Nebraska we said hi.

Madam Speaker, we are about to wrap this up. I just want to say to my colleagues, I see my colleague from down south is waiting patiently for us to end our Special Hour, I just want to say that we all want to work together. We want to solve this problem for the American people. We want to get the price of gasoline down and we want to go to new forms of energy. But it is going to take time. And during that time for transition, it is extremely important that we start moving toward energy independence. And a main cog in that wheel is drilling here at home for oil and natural gas.

So I hope, if I were talking to the American people, that they would talk to their Congressmen and Senators over this July 4th break. They are going to be there for parades and everything else. And I would say to the American people, if I could talk to them, talk to your Congressmen and your Senators. Tell them you want to be energy independent, you want to move toward energy independence, and we ought to drill here in the United States wherever we can.

## REAUTHORIZATION OF THE FLOOD INSURANCE PROGRAM NEEDED

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

Mr. TAYLOR. Madam Speaker, let me begin by thanking all the men and women who work for the House of Representatives. I know that they are anxious to get out of town and begin their 4th of July holiday. But when we come back in July, it will be what I have considered over the course of my life the beginning of hurricane season, and we still have some unfinished business from Hurricane Katrina that affected my district and could potentially affect over half of all Americans, and that is the reauthorization of the National Flood Insurance Program.

If Congress does not act by September, this program that is of vital importance to people in the Midwest from flooding, the people on the Gulf Coast because of hurricanes, the people in New England because of storms, this program is important to everyone, it may not get reauthorized, and I think it would put a lot of Americans in jeopardy. Therefore, I think it is important that we not only reauthorize it, but fix some of the problems that we have discovered in the wake of Hurricane Katrina.

I want to begin with some homes from my hometown. This is one that belonged to Mr. and Mrs. John Hadden in Bay Saint Louis, Mississippi. If you take a look at it, it started about 10 feet off the ground. It had hurricane shutters. It had a low profile roof. It was built to be a hurricane-proof house. It was insured for about $650,000. This is what it looked like the day before Hurricane Katrina. This is what the family came home to when they could get back to Bay Saint Louis.

I mentioned that they had $650,000 worth of insurance with their insurance company, State Farm. Almost 2 years to the day of that, they still had not been paid by State Farm Insurance Company. Corky is a financial planner. He thought he had done everything he should do. What he didn't realize is that he was dealing with a company that instead of saying ''we are your good neighbor,'' went out of its way not to pay him.

This is another home, a much more traditional, older home. In fact, it was one of the oldest homes in my hometown of Bay Saint Louis. It belonged to Jody and Betty Benvenuti. They had it insured for $586,000.

□ 2000

Jody is in the insurance business. He understood the importance of it. He paid his premiums on time. He insured his home for what he thought it would cost to rebuild it. This is what it looked like when he evacuated, as he was ordered to by his Nation, the day before the storm. This is what he came home to. Within a couple of weeks, his good neighbor, the State Farm agent, informed him that he saw no evidence of wind damage, and therefore, he was going to get paid nothing on his homeowner's policy.

Another home in South Mississippi, more of a typical South Mississippi home, belonged to Mr. and Mrs. Pat Street. $250,000 worth of insurance. Prior to the storm, prior to all of the inflation that has taken place since then, that probably would have been a very good amount to be insured for. It certainly should have covered the cost of replacing it should something bad have happened. Again, they were ordered to evacuate. So this is what their home looked like as they were leaving before the storm. That's what they came home to. Again, they were told by the insurance company we see no evidence of wind damage. Notice the tree is knocked over to different angles. So, therefore, we're not going to pay you the $250,000. We're going to pay you $9,000 on this policy.

Madam Speaker, in South Mississippi, we asked the United States Navy to model what happened that day on August the 29th of 2005. What the Navy told us, I found, as a life-long resident of the gulf coast, to be pretty interesting. It's that we've always thought of maximum wind and maximum water occurring at the same time, but in the case of Hurricane Katrina, as you can see, category 2 and 3 force winds, which is up to 140 miles an hour, actually occurred several hours before the water showed up. When I asked the Navy to explain that to me, they said it's pretty simple. You can push air a lot faster than you can push water. The storm was moving ahead of the water.

So, basically, what it translates to is that homes like I just showed you were subjected to anywhere from 2-to-4-hours' worth of hurricane-force winds before the water ever showed up. As a matter of fact, it's not just that area that we're talking about, but as to the entire State of Mississippi, the insurance companies actually paid claims on wind damage all the way from down here on the Mississippi gulf coast all the way up to Memphis, Tennessee. They paid claims in every county in the State of Mississippi.

What was particularly interesting and what should be particularly interesting to the 53 percent of all Americans who live in coastal America is that the claims they chose not to pay were right down here where the winds were the strongest. They somehow would tell people that no, no, no. Your damage was not the result of wind. It was the result of water.

This is in fairness to them. These are the areas in South Mississippi that were affected by both wind and water. This is where the flood went. For those of you familiar with that area, this is I–1 to I–10. It was designed to be a hurricane-proof road, and by and large, the designers did a very good job. They came close to doing that, but there were some areas north of I–10 that flooded.

Our Nation has a plan to help people protect themselves in the event of a hurricane. Most prudent people whom I know, based on the fact that we have had other hurricanes in my lifetime—Hurricane Betsy and Hurricane Camille—don't know whether it's going

to be the wind. They don't know whether it's going to be the water. So a prudent homeowner buys a homeowner's policy. It's supposed to protect you in case of wind damage. If you buy a flood policy, it's supposed to protect you in case of flood.

So the way the claims process should have worked is our Nation should have hired the insurance industry to go out and adjust a claim. If the wind did it, it should have, therefore, been covered under the homeowner's policy. The company would then pay out of its pocket those people who suffered wind damage. If the water did it, then folks who would be covered by the National Flood Insurance Program would have the Nation that would back that program. The Nation would pay the insurance industry to sell the policy. The Nation would pay the insurance industry to go out and adjust the claim. That way, we wouldn't have to have a lot of Federal employees who would be doing all of these things.

Up until Hurricane Katrina, the program worked pretty well. With Hurricane Katrina, though, we saw a very different set of circumstances because what should have happened didn't happen. That insurance company that we were counting on to go out and adjust the claim and to make a fair, proper adjustment of the claim, in many instances, looked after its own best interest against the interest of the homeowner and, by the way, against the interest of the American taxpayer.

Now, why is that?

The law calls on the insurance companies to do a proper adjustment of the claim, and we give them total discretion as to who is going to adjust that claim. Think about it. I can't think of anyone else in America who can send a bill to the United States of America for $250,000 for the cost of that claim, another $100,000 for the cost of the contents, and no one second-guesses it, and no one looks over his shoulder and sees if it's a proper claim. In this instance, it was the case. So some insurers interpreted the law to allow them to blame everything on the water.

What does that mean?

It means that, for starters, a typical homeowner's policy says that, if your—the homeowner's—house gets hit by a meteor tonight or if your house catches on fire tonight or if a trucker loses control of his vehicle and, unfortunately, plows into your living room and your house is uninhabitable, a typical homeowner's policy will not only pay to get your house fixed; it will pay to put you up for up to 24 months until your house can be repaired. But when the insurance company walks onto your property and says, ''We see no evidence of wind damage. We're not going to pay your homeowner's policy,'' then they escape those things. They don't fix your house, and they don't pay the cost of putting you up.

Again, the law calls on them to call for the proper adjustment of a claim, but what had happened in the case of Katrina and what I fear could happen to you if you live in coastal America is that the policy is that the companies do what they did in South Mississippi, which is, within days of the storm, they send their adjusters notices that say, when you see wind and water both occur, blame it all on the water.

What that means is, as I've told you, that there were 4 hours of hurricane-force winds at homes like the Benvenutis' and the Haddens' and at others. They had substantial damage because of the wind, but the insurance company took the policy that if there was one 2-by-4 left standing after 4 hours of hurricane-force winds and then a wave came along and knocked down that last 2-by-4 that they had escaped all liability for what the wind did and that the taxpayer would pay all of the cost of getting this fixed, that they would escape all liability of rebuilding that home, all liability of putting that family up until their house could be repaired. The taxpayer was going to foot the bill. Well, flood insurance doesn't cover cost of living expenses. So, right off the bat, that cost was borne by the taxpayer.

How do they get away with this?

Well, buried in a typical 25-page contract, that was the norm for State Farm Insurance Company. On Page 10 of a 25-page contract, buried in there despite a contract with America that calls for a fair adjustment of the claim, they told folks we do not insure any coverage for any loss which would not have occurred in the absence of one or more of the following excluded events:

We do not insure for such loss regardless of: A, cause of excluded event, B, other causes of the law, C, whether other causes acted concurrently or in any sequence with the excluded event to produce the loss or, D, whether the event occurs suddenly or gradually, involves isolated or widespread damage, arises from natural or external forces or occurs as a result of any combination of these.

If you are confused, don't feel alone. A Federal judge, Judge Lou Guirola in South Mississippi, ended up suing his insurance company because they told him he couldn't read his policy. The former president of the United States Senate, Trent Lott, also an attorney, was told ''We're sorry, Senator. You can't read your policy,'' which leads to the question:

If a U.S. Senator and a Federal judge can't read their policies, what chance do you have? What chance does a high school football coach, a corrugated box salesman or a housewife have if those guys are told ''you can't read your policy''?

That goes back to the conflict between the law that says you can do a fair adjustment of the claim and a company that says, if both things happen, we're not going to pay.

I'm quoting from the National Flood Insurance Program regulations, section 44 CFR. ''The primary relationship between the 'write your own company'' that's your insurer—''and the Federal Government will be of a fiduciary nature; i.e., to ensure that any taxpayer funds are accounted for and are appropriately expended.

''The entire responsibility for providing a proper adjustment for both combined wind and water claims and flood-alone claims is the responsibility of the 'write your own.' ''

In effect, our Nation said we're trusting you, State Farm. We're trusting you, Nationwide. We're trusting you, Allstate, to do a fair adjustment. If the water did it, Nation pays. If the wind did it, you pay.

So how did the insurance industry respond to being given this huge leeway?

Within days of the storm, within about 13 days to be exact, State Farm was writing their adjusters and was saying, where wind acts concurrently with flooding to cause damage to insured property, coverage for the loss exists only under flood coverage. What does that translate to? The homeowner gets screwed out of his policy, and you, the taxpayers, get stuck with the bill.

This is an internal e-mail from an engineering firm, one of the ones that was hired by State Farm to go out and adjust these claims. It had been fired by State Farm for actually doing what the law said to do, which was to say this much wind damage, this much water damage, but now they have reached an agreement with State Farm, saying, ''Okay. We'll go back and revise those things.'' Meaning, we'll scratch out all efforts to say that the wind did it, because we're going to now say the water did it, and the taxpayer pays. So this is from Randy Down to Bob Kochan. This is an internal memo that we've been given access to:

''I have serious concerns about the ethics of this whole matter. I really question the ethics of someone who wants to fire us simply because our conclusions don't match his or hers. In my opinion, we need to find a more rational and ethical client other than State Farm to be dealing with. They have already contradicted themselves regarding the reports, wanting percentages stated, and his counterpart calling a few days later and telling us to resubmit two reports that had shown percentages and saying that SF,'' State Farm, ''absolutely does not want them shown because they would then have to settle for the portion that was reportedly caused by wind.''

In the House of Representatives, we have passed language to try to correct this. The people who have objected to this have been, by and large, from the insurance industry. The insurance industry, in their claims, will tell you that they had settled 95 percent of the Katrina claims within the first year. What they will not tell you is that there were hundreds of thousands of wind-only claims in Louisiana, Mississippi, Alabama, Florida, Tennessee, and Georgia where there was no flooding. So in any place they couldn't

blame flooding, in any place they could not put the bill on the government, they had no choice but to pay.

So, yes, they did pay thousands of claims. Disputes over wind and flood damage were confirmed to the portions of the coastal counties and parishes that experienced both flooding and the most severe wind damage.

Bob Hardwick of the Insurance Information Institute testified in Congress: ''A claim was completely excluded, for example, because it was not covered under the policy to begin with, which wouldn't be in these statistics to begin with. We consider a claim when there is some damage that is compensable under the insurance policy. In other words, these statistics don't consider all of the claims filed, only those that the insurer decided to pay.''

To put it simply, the claims of the three folks that I showed you when I first walked in would have been considered by the insurance company to have been settled because they were told ''no.'' Maybe in State Farm's mind that case was closed. It certainly was not in the case of those three families, and it was not just three families. I could bring thousands of similar photos before you with thousands of similar sad stories.

So those families were screwed out of their policies, but the point I want to make to you, to the taxpayers of America, is that you got stuck with bills. The Nation got stuck with bills that the insurance companies should have paid.

I think there was fraud. The insurance companies tell you there was no fraud, but the Government Accountability Office, the GAO, finds ''an inherent conflict of interest exists when the same insurance company is responsible for determining the extent of the flood damage that the National Flood Insurance must pay and the extent of the wind damage that is the responsibility of the company, itself. FEMA, a parent organization of National Flood Insurance, cannot determine the accuracy of flood insurance payments because it does not require companies to explain how they divided wind and flood.

□ 2015

''Property owners with separate wind and flood policies cannot buy insurance and know in advance what hurricane damage will have been covered.''

The Inspector General of the Department of Homeland Security went on to say because FEMA oversight on wind-water claims is minimal, the inspector general subpoenaed records from 15 insurance companies to investigate their proceedings. Adjusters working for the insurance companies, or for the companies, have a conflict of interest when handling flood claims.

Concurrent causation. Remember, that's what we talk about, page 10 of a 25-page document. Language in the insurance policies creates the potential to bill flood insurance for damage that is caused by both wind and flooding.

Let me make it perfectly simple. You are a claims adjuster, you're 25 years old, you have a mortgage. You have kids in school, Christmas is coming up, and you have the opportunity to walk on that property and do a fair adjustment which says my company has to pay some, the Nation has to pay some, or you have the opportunity, in fact you have been instructed by your boss to say when there is wind and water, stick it to the government.

What do you think they did? And as we saw from that internal company memo, the ones who did it right were threatened with being fired.

Not only does the insurer not pay for the house to be rebuilt, they don't pay the living expenses for the property owner who would be entitled to them if the claim was approved.

So who pays? You pay. In the case of south Mississippi, let me start by saying we are eternally grateful to the American people for the kindness and generosity that they have shown us because at one point there were 42,000 families just in south Mississippi living off the generosity of the people of America. They were living in what has now been called a FEMA trailer, a 28-foot travel trailer that our Nation was generous enough to buy and put on their property, hook up to water and sewer, but not without a cost. In fact, the cost of those 42,000 trailers turns out to be, that we paid on the average $15,000 per trailer to buy them, and $16,000, which I know is an outrageous cost, to put them on that property. That was a no-bid deal to one of the President's buddy's, Bechtel, Incorporated.

But the fact of the matter is it did happen and it will happen again next time. And the combined cost of this for those 42,000 families, our Nation, you and I, pitched in $31,000. The cost of that just in Mississippi alone was $1.3 billion that the Nation paid that in most instances an insurance company should have paid. But because they said there was no wind damage, we are not paying on your homeowner's policy, so somebody got stuck with the bill. Our Nation did.

You would like to think that maybe they did that because funds were tight or maybe it threatened the survivability of those companies. That certainly wasn't the case. In 2005, even after paying the Hurricane Katrina claims that they did, the insurance industry made $48.8 billion in profits.

In 2006, we were fortunate to have fewer hurricanes, they made $67 billion in profits.

Last year, $65 billion in profit.

We have before us a situation where it is the perfect storm of everything that can go wrong for the consumer.

Number one, you would think why isn't Congress doing something about this. For starters, you can open the Federal Code from the first page to the last code and you won't find one word of regulation of the insurance industry. It gets worse. The insurance industry, the same folks that are supposed to be our good neighbor, we're supposed to be in their good hands, they're supposed to be on our side, it turns out that they are exempt from the antitrust laws that regulate every other business in America. It is perfectly legal for State Farm to call Allstate to call Nationwide and say, You know what, let's raise everybody's rates. So be it your health insurance, your automobile insurance, or your homeowner's insurance.

It is also legal for them, as I am pretty well convinced they did after the storm, to call each other up and say: You know what, if you don't pay claims, State Farm, and I don't pay claims, Allstate, and Nationwide doesn't pay claims, there won't be anybody saying they are getting screwed, because they're all getting screwed; but it's just the way it is.

If any other business in America did that, they would go to jail. But the insurance industry is exempt from the antitrust laws. Congress has not addressed that, but I want you to be aware of it. They were given this exemption based on a Supreme Court ruling in 1944 that says, wait a second, you're doing interstate commerce, you have to be regulated by interstate commerce. Instead, Congress came back in 1945 and passed something called the McCarran-Ferguson Act which in effect is granting an immunity from the antitrust laws to the insurance industry. I had hoped we would address that. We didn't. But Congress did do something.

First, I would like to tell you I'm sure some of you are thinking, that is just a Mississippi problem. Why are you boring us? I will tell you it is definitely a Mississippi problem. State Farm won't sell property insurance policies in Mississippi. Farm Bureau will not renew wind coverage. Allstate, no new wind coverage sold in south Mississippi. Nationwide, no wind coverage sold in south Mississippi. But it is not just our problem, it is America's problem.

Massachusetts is a long way from south Mississippi. Since 2003, ten insurance companies have dropped homeowner coverage in Cape Cod, affecting 44,000 homeowners.

In New York, Allstate stopped writing new homeowners' policies for single-family homes in New York City, Long Island, and Winchester County. Allstate held 26 percent of the market share for homeowners in these counties in 2006.

In Maryland, the second largest homeowner insurance in the State, Allstate, Allstate will stop writing new policies in many coastal areas.

North Carolina, the North Carolina State Insurance Plan, the beach plan, saw liability increase by over 260 percent, so that is a State-run system picking up for the fact that the private sector has pulled out.

In Virginia in 2006, State Farm stopped writing insurance business. Travelers Insurance stopped selling and

renewing residential insurance in Virginia Beach.

South Carolina insurance companies have dropped the last 16,000 homeowners' policies since 2006.

In Florida, State Farm has announced it will stop writing residential renters and commercial properties on March 1, 2008.

Texas, Allstate won't write new homeowners' policies in 14 coastal counties.

Louisiana, the State insurance plan that jumped in to take the place of the private sector is now the third largest homeowner's insurance.

In Alabama, State Farm won't write policies to cover the beach towns.

The point is that although the coastal counties of America constitute only 17 percent of the total land mass, it represents 53 percent of all Americans. That is why this is a problem that affects every one of us, at least half of us. Every one of us who lives in a coastal State, half of all Americans.

Unless we change the law, Congress will allow this system to continue and taxpayers to continue to foot the bill when the next hurricane strikes.

So what's the solution? The solution is what the House of Representatives has already passed that the Senate has not passed that we will go to conference in the next month on, and that I would hope as a result of this that the American people would encourage their Senators to help us find a risk-based, actuarially sound national pool to allow property owners to purchase coverage for both wind and water, a revocation of the insurance industry's antitrust exemption that allows them to fix prices.

The multi-peril bill that passed this House with the help of Speaker PELOSI and Chairman FRANK, Chairwoman WATERS, and a lot of other folks, including a number of my Republican colleagues, would allow property owners to buy both wind and flood coverage through the National Flood Insurance Program.

It would increase the coverage, and I am one of the many people who lost my home that night, and I for one was shocked at the incredible cost of replacing my house. And, quite frankly, the $250,000 that the National Flood Insurance covers, I would have told you 5 years ago was a lot of money. Based on my experience of building a 1,400 square foot house, I realize now it really doesn't cover enough. So we have increased the coverage up to $500,000 per structure, $150,000 for contents. For non-residential, it's a million for the structure and $750,000 for contents.

Property owners would be able to buy insurance and know in advance that hurricane damage will be covered without disputes. That you don't have to hire an engineer to say whether the wind did it or the water did it, you don't have to hire a lawyer, and you don't have to wait 2 years to get justice. If you leave your home, if you evacuate the way your Nation told you to get out of there, and you come home to a substantially damaged home, or if you come home to nothing, which is what thousands of my friends and neighbors did, you know that if you paid your policy, if you built your house the way you should have, that you are going to get paid.

The premiums for this new coverage would be risk-based and actuarially sound. Under the new rules of the House, under the Democratic majority, we can't start any new program that doesn't pay for itself. That's the way it should be. So the premiums would be more than enough to cover the liabilities and so there would be, unlike the present situation where $1.3 billion went to pay for FEMA trailers by folks who got screwed by the insurance companies, where billions of dollars went for homeowners' grants in Louisiana and Mississippi to pay people who didn't get paid by the insurance companies, in these instances those people who had the policy who paid the premiums who built the houses the way they should, they're going to be covered and you, the taxpayer, will not have to subsidize this by one dime.

Wind storm insurance would be available where the local governments adopt and enforce the international building code or equivalent.

The Federal multi-peril program will spread the risk geographically. If you think about it, Mississippi has a fairly small coastline so it is fairly safe to say that if a storm hits, the entire coastline is going to get hit. That is not spreading the risk. On the other hand, if 53 percent of all Americans live on the coast, the chance that every coastal community is going to get hit by a storm that year is minuscule. In fact, it would probably be called Armageddon, and we hope that doesn't happen.

Taxpayers would benefit where more damages are covered by the insurance industry instead of the inefficient governmental disaster assistance programs. Insurance companies could return to coastal communities to sell fire, theft, and liability coverage and excess coverage above the $500,000 that this policy would cover.

A multi-peril bill was introduced in the House in February. It had 33 cosponsors, 27 Democrats, 6 Republicans. Ms. WATERS, the chairman of the subcommittee, included the text in the National Flood Insurance Program. It passed this House by a vote of 263–146. It did not get a lot of help in the United States Senate. It will go to conference this summer.

If you live in coastal America, I would give you a couple of words of advice.

Number one, if you have a homeowner's policy, break it out. See if it has the words ''concurrent causation'' in that policy because if it does, that becomes the same excuse that the insurance companies used to screw thousands of south Mississippians out of their money. Demand a clarification from your insurance agent as to what that means for you. Does that mean you are going to find an excuse not to pay me? Or does that mean that you're going to come through like a good neighbor, like I'm going to be in your good hands, like you're supposed to be on my side.

The second thing I would ask you to do, if you belong to the home builders or the realtors or the bankers, encourage those organizations to back this program because, again, for 53 percent of all Americans, they are in peril at the thought of not being able to cover their home for wind damage.

But I will take this a step further. It has come to my attention recently that there has been as much tornado damage around the country for the past 20 years as hurricane damage. Tornadoes happen to be very fierce in a smaller area, but the cumulative effect of all those tornadoes has caused as much damage dollar-wise as the hurricanes have.

In fairness, we ought to cover that, too. In fairness, those people who are waking up in Indiana and Ohio and Iowa from the devastation of those floods and from the devastation of those tornadoes, they need to know that they are protected, too.

I would hope that as this bill goes to conference that our Nation would step forward and assume the responsibility and provide every American the opportunity to purchase multi-peril insurance. Hopefully we can start out with hurricanes because we know the present system isn't working there. But I think every American ought to know that if they build their house right and pay their premiums and something terrible happens to them, that their Nation is going to be there for them. And yes, they have paid into a fund that will help cover that cost when it happens.

We will have that opportunity next month, and I would hope that every American, no matter where you live in America, would see the value of this and would ask their Senators to agree to this, and that we can do something that's good, not just good for my State, not just good for Alabama and Louisiana, not just good for Maine and Massachusetts and North Carolina, but good for every American.

The insurance industry let us down. The insurance industry makes huge money. The insurance industry is exempt from the antitrust laws. The insurance industry has the most favorable tax treatment of any industry in America; and the truth of the matter is, instead of having all of those benefits and turning around when the people were down and saying yes, we are going to help you, they screwed the people of south Mississippi.

□ 2030

What I don't want is them to do that to you.

This is not going to be an easy fight. This is truly a case of the citizens against the lobbyists. In 2004, the insurance industry donated $36 million in

political contributions. In 2006, $31 million. Most of that money went to Republicans, but in fairness, now that the Democrats are in the majority, they're probably writing checks to Democrats, too.

They're doing this because they want to hang on to their greedy practices. They want to hang on to their antitrust exemption. They want to hang on to the fact that they can collude. They want to hang on to the fact that they can turn around and have the lowest taxes in America and that they have zero Federal regulation, that there is nothing that the Federal law can do to stop them from these practices.

But you know what? We have right on our side. We have the best interest of the homeowner, whether he's in Kansas, Massachusetts, Mississippi, California, when we think that there's better ways to offer an all-fairness insurance, backed by our Nation, that's going to be there when we need it.

So Madam Speaker, with that in mind, I'm going to yield back the remainder of my time. And for the very, very patient staff of the House of Representatives, I kept you here as late as I did, but I appreciate this opportunity to speak to the people.

## PEAK OIL

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

Mr. BARTLETT of Maryland. Today oil, I think, went to its highest price ever, about $140 a barrel. So all of America is now thinking about energy and oil, and I would like to start this evening's discussion by referring to some comments made in a speech 51 years ago, the 14th day of this past May, by Hyman Rickover, the father of our nuclear submarine, to a group of physicians in Saint Paul, Minnesota.

I would encourage everyone to pull this speech up, a Google search for ''Rickover'' and ''energy speech'' and it will pop up. Or you can go to our Web site, and you will find a link there to it.

Hyman Rickover was a very perceptive person, and every time I read this speech I am again amazed at how prophetic and insightful he was. He says in this speech 51 years ago, Remember now, there is nothing man can do to rebuild exhausted fossil fuel reserves. They were created, he says, by solar energy 500 million years ago and took eons to grow to their present volume. In the face of the basic fact that fossil fuel reserves are finite, the exact length of time these reserves will last is important in only one respect—and this is 51 years ago—the longer they last, the more time do we have to invent ways of living off renewable or substitute energy sources and to adjust our economy to the vast changes which we can expect from such a shift. This was counseled 51 years ago.

What he's saying is that it's obvious that oil cannot be forever. That it is finite; one day it will run out. He noted that at this time we were about 100 years into the age of oil, which he called ''this golden age,'' and he noted that how long it lasted was important in only one regard: that the longer it lasted, the more time would we have to plan an orderly transition to other sources of energy which will, of necessity, be renewable sources of energy.

Then this last little paragraph here is one that I really like. It is so perceptive and so prophetic of what our attitude has been. Fossil fuels, he says, resemble capital in the bank. A prudent and responsible parent, that is the leaders of the world's countries, will use this capital sparingly in order to pass on to his children as much as possible of his inheritance. A selfish and irresponsible parent will squander it in riotous living and not care one wit how his offspring will fare.

The next chart is an additional quote from this same speech. He says, I suggest this is a good time to think soberly about our responsibilities to our descendents. We really haven't done that, have we? I have 10 kids and 16 grandkids and two great-grandkids, and I think a lot about our responsibility to our descendents, those who will ring out the fossil fuel age. Hyman Rickover noted that in 8,000 years of recorded history that the age of oil would be but a blip in the history of man.

We might give a break to these youngsters by cutting fuel and metal consumption so as to provide a safer margin for the necessary adjustments which eventually must be made in a world without fossil fuels.

Our behavior has in no way indicated that we recognize the inevitability of reaching a maximum production of oil and then less and less and less oil until finally there is none of it left. Obviously, it is not infinite. Obviously, one day it will be gone. Where are we? Where are we in this long sequence of events from the discovery of oil, its massive use, and finally the waning use of oil until we finally transition to other fossil fuels?

The next chart shows what's happened in our country, and we need to go back 52 years ago to kind of put this in perspective because 52 years ago, the 8th day of March, in San Antonio, Texas, an oil geologist by the name of M. King Hubbert gave a speech to a group of executives and other oil people assembled there in San Antonio. And he told them that in just 14 years, the United States—which was then, I think, king of oil, producing more oil, consuming more oil, exporting more oil than any other country in the world—he said in just 14 years, our country is going to reach its maximum production of oil. And after that, no matter what we did, the production of oil was going to fall off, as you can see from the chart here which shows the production of oil in our country.

And he was predicting the lower 48, Texas and the rest of the U.S.A., and to him the rest of the U.S.A. was the rest of the 48 States. And in 1956 at this point he was predicting that in 1970, just 14 years later, that we would reach a maximum oil production. After that, it would fall off.

Now, we found a lot of oil in Alaska, and we found some oil in the Gulf of Mexico, and we learned to get more natural gas liquids; but in spite of this huge discovery in Alaska and through that 4-foot pipeline—and I've been to Dead Horse, to Prudhoe Bay and seen the beginning of that pipeline—through that for a number of years flowed 25 percent of our domestic production.

In spite of that, except for this little blip, it's been down, down, down. And now in the lower 48 we produce well less than half of the oil that we did in 1970.

We have tried very hard to make M. King Hubbert out a liar. We have drilled more oil wells than all the rest of the world put together. We are really, really good at finding oil. We're really, really good at pumping oil.

The next chart shows that another prediction M. King Hubbert made has, in fact, almost certainly come true. In 1979, that's just 9 years after we peaked in our country, using his same analysis technique, he predicted that the world would be peaking about now.

Just a word about his analysis and how he did it. It's no magic. He observed that in our country that an individual oil field increased its production until it reached a maximum production, at which time about half the oil had been pumped, and then the last half of the oil, as is reasonable, was harder to get and so less and less was pumped. So you had a little bell curve produced by that.

And he reasoned that if he knew how many little bell curves there were in our country and how many more fields we would find, that he could then predict when we would be reaching our maximum oil production. And using that technique, he predicted correctly that we would reach our maximum production in 1970, just 14 years after he made that prediction.

Using that same technique, he looked at the world and the world fields and all of the countries producing oil, and he calculated that we should be reaching the world maximum production, called ''peak oil,'' about now.

On this chart are two curves. These are data collected by the two entities in the world that probably do the best job of keeping track of the production and consumption of oil, and of course they're the same. We use what we produce. This is the IEA, it's an international organization, and the EIA, the Energy Information Administration, a part of our Department of Energy. And both of these, as you can see, have oil production essentially flat for the last 36 months.

Now, what's happened with this flat oil production for the last 36 months is

shown by this lower curve here, and obviously this is a bit old because this shows oil at only $95 a barrel. I didn't make it all that long ago, this chart. It now would be well off the top. I think it hit $140 a barrel today. Well, that's what happens when you have a static supply and an increasing demand. The price goes up and up.

The next chart, and this is a really information-filled chart, and if you had only one chart to use, this would be the chart because it has so much information in it. The bars here show the discoveries of oil and the year on the abscissa here on which they were discovered. And you see that we were finding a lot of oil back in the 1940s. By the way, I can remember when gasoline was kind of a little gas war, and it was kind of on sale. It was $6 per gallon. Another age, wasn't it?

□ 2045

Then we found a bunch in the 1950s, and boy, it really peaked out in about the 1970s, which is interestingly the time that M. King Hubbert said that we would reach our maximum oil production.

And then ever since then, it's been down, down, down, down, down, and that's with ever better techniques for discovering oil. We now have 3–D seismic. We have computer modeling. And still our discoveries of oil, year by year, on average have gone down, down, down.

The solid black line here represents the consumption of oil, and we're going to see this curve on several of the other charts that we're going to show. And this shows a very interesting exponential growth through the Carter years, with a stunning statistic.

Every decade up through the Carter years, we used as much oil as we had used in all of previous history. Now, think about that for a moment. Had we continued on that path, when you have used up half of your oil, you would have just 10 years of oil remaining. But fortunately, we didn't think it was so fortunate at the time. Fortunately, we had the Arab oil embargo price spike hikes in the 1970s, and a worldwide recession resulted from that, and there was actually a decrease in the use of oil. It actually fell off.

Following that, we really put some effort into efficiency. Your refrigerator is now two or three times more efficient than it was then, and most of the energy using things, your refrigerator, your air conditioner, are very much more efficient than they were then. So now the rate of growth is very much slower, as you can see. Notice what would have happened had we not had that shock and put some effort into efficiency. This curve would have gone off the top of the chart here.

Well, you know that if you integrate under a curve, the area under the curve represents, in this case, the volume used. You can understand that, if you note that, you could round off these discoveries by putting a line like so, and the area under that line would represent the totality of the discoveries. So the area under this line represents how much we have used.

From about 1980 on, we have found less and less on the average each year, and we've been using more, but we had a lot of reserves back here that we hadn't used. So now we are dipping into these reserves, and we're filling in this area here with reserves from back here.

Now, yes, here are some reserves, and we'll find some more. There's a lot of dispute about how much more we're going to find, but I will tell you that most of the world's experts believe that we have probably found about 95 percent of everything that we will find, and the new finds are really interesting. The big one in the Gulf of Mexico, for instance, was under 7,000 feet of water, 30,000 feet of rock, and they haven't yet started to exploit it with oil at $140 barrel because it's very hard to get here.

Now, what will the future look like? Well, you're going to have to make some guesses and educated guesses as to how much more we're going to find. Those who put this chart together think that on the average it will be like so, but obviously, it won't be as nice, smooth like that. It will be up and down, but on the average like that. I'd draw the line a little lower actually if I were averaging, a little lower than that.

Then we have all of these reserves back here we haven't used, and so we now, in addition to what we find in the future, we can use more because we can use them back here. And so we will be going down, down, down. If we go up, up, up, by the way, you're soon going to run out of these and fall off of a cliff, but fortunately, geology won't let us do that because we can only get it so fast, which is our problem today. We aren't able to produce oil any faster than we are now producing it. Within some limits, we can control what the future looks like with enhanced oil recovery and so forth, but one thing you cannot do is pump oil that is not there.

I'd like now to return to the next chart to another quote from Hyman Rickover. He says: Whether this golden age, this age of oil which he called the golden age, will continue depends entirely upon our ability to keep energy supplies in balance with the needs of our growing population.

That is precisely what we have not done. You saw in one of the previous charts, the demand has grown and the supply is static, and when that happens, of course, you have an increase in price, and the price has gone up from $10 a barrel a relatively few years ago to $140 a barrel today.

The next chart is from one of four studies that our government has paid for. This was the first of those four studies and the biggest. This one was done by the big SAIC corporation, Science Applications International Corporation, a huge, very well-regarded company. And the study was headed by Robert Hirsch, and so this is called the Hirsch Report, and they present a chart there which is a very interesting one.

For reasons that are difficult to understand, some, including some in our Energy Department, are predicting that we will find as much more oil as all the reserves that are yet to be pumped. And it's a really interesting story how they got there to that conclusion. But they're predicting that we will find almost as much oil as we now know exists that we can pump.

Most of the world's experts—and this number will be up and down a little bit—but most of the world's experts believe that the recoverable oil at the end of the day will be about 2 trillion barrels. This table has it at 2.248 trillion barrels, roughly 2 trillion barrels. They're predicting that we'll find enough more to represent 3 trillion barrels. That's a lot more oil to find from that previous chart we showed. You would have to reverse the trends of the last 30 years, where it's been down, down, down, and now you're going to reverse that and it's going to go up? Laherrere says that what they're proposing is absolutely implausible. Laherrere is a French expert in this area.

But I show you this chart because even if we found that much more oil, the maximum production of oil would be pushed out only, according to this chart, to 2016. That curve that I told you you would see again and again, the rapid increase in use through the Carter years, the oil price spike shocks of the 1970s, the reduced demand worldwide, and then the slower rate of growth now, they're predicting a 2 percent growth. This is 2 percent.

By the way, exponential growth, Albert Einstein was asked what the next great force in the universe was going to be after nuclear energy, and he said the greatest force in the universe is the power of compound interest. You see, 2 percent growth, and that's so small that our stock market really doesn't like that, and it begins to go negative with 2 percent growth. But 2 percent growth doubles in 35 years. It's four times bigger in 70 years. It's eight times bigger in 105 years. And it's 16 times bigger in 140 years. So even very modest growth like 2 percent, gee, that's not much, but it's 16 times bigger in 140 years. And we still expect our children's children to be around in 140 years.

Now, this chart has another illustration on it. Suppose we're able to use some enhanced oil recovery and really suck it out fast, and you now continue up to 2037. You've now pushed the peak over to 2037, and then you fall off a cliff. Again, you cannot pump what is not there.

I will tell you that this is most unlikely to happen. I do not think the technologies are there to pump the oil that fast, but the point that I wanted to make in this chart was that even if

we found as much more oil as all of the oil that's now known to be there that can be pumped, it would push the peak out—this chart says only to 2016. That's not very out. That's just around the corner.

As a matter of fact, that Hirsch Report said that unless you anticipated peak oil by two decades you would have some economic consequences. If you anticipated it by only a decade, you would have very serious economic consequences. So even if this is true, even if this is true that we find as much more oil as all the oil that we currently know is out there to be pumped, it would push it out only to 2016. So we should have started an aggressive program of renewables a couple of years ago if we're going to avoid serious economic consequences.

The next chart is just another chart showing this same phenomenon, how little additional time you get with enormously increased discoveries of oil, and you need to think about this when you're thinking about pumping the oil in ANWR and on the Outer Continental Shelf and under our public lands. If ANWR has 10 billion barrels of oil—and that's the 50 percent probability. The 95 percent probability is considerably less than that, and 95 percent is more probable obviously than 50 percent probability. But suppose it has the 50 percent probability, that oil would last the world only 120 days. Now, I say the world because under present circumstances it is impossible not to share your oil with the world, because if we use oil that we produce, then the oil we might have bought from Venezuela or Saudi Arabia or Iran, someone else can buy. So, in reality, you are sharing your oil with the world.

Well, the only way not to do that, by the way, is to own so much oil that you don't need to get any from the outside, and then to use it all for yourself, even though others may need the oil more than you. Obviously we're not going to be doing that because we have only 2 percent of the known reserves of oil, and we use 25 percent of the world's oil.

This chart shows that roughly 2 trillion again. They show it as 1.92 trillion, and they show the peak occurring about 2010 roughly now with that. But if we find, again, this huge amount of additional oil and it goes up to 2.93 trillion, roughly the 3 trillion that you saw in the previous one, that will move the peak out only to about this point. It's a little different in their calculation, how far it moves the peak out, but all of this is within the lifetime of our children. And then they think that we will find a lot of unconventional oil. In a little bit I think we'll have a chance to talk about some of that unconventional oil. We may get a lot of that. We may not get much of that.

There's another dimension in this whole discussion that I have a couple of charts on, and the next chart introduces this, and that is the geopolitical implications of where we are.

This was a statement by Condoleezza Rice, our Secretary of State in 2006: We have to do something about the energy problem. I can tell you that nothing has really taken me aback more as Secretary of State than the way that the politics of energy is, I will use the word, ''warping'' diplomacy around the world. We have simply got to do something about the warping now of diplomatic effort by the all-out rush for energy supply.

And I'm sure that she had in her mind when she said that the next chart, which is a really interesting chart. And this shows the world according to oil, and this shows you what our world would look like if the size of each country was determined by the amount of oil that it had.

And you see here that Saudi Arabia really dominates the landscape, and it should because Saudi Arabia has, we believe, 22 percent of all the reserves in all the world. And notice the countries very near them: Iraq, tiny little Kuwait, Iran. These are one, two, three and four in terms of supply of oil in reserves in all the world. United Arab Emirates, you almost have to have a magnifying glass to find them on the map, and look how much oil they have. Here we are, United States, bunch up there in Canada and the Lower 48 here. We only have 2 percent of the oil in the world. This represents one-fiftieth of the land mass here.

□ 2100

And our biggest supplier of oil is Canada. Our third biggest supplier of oil—it was the second until a few months ago—is Mexico. And notice, they have less oil than we. As a matter of fact, together I don't know that they have any more oil than we have. They're exporters, because in Canada there aren't very many people, and in Mexico the people are too poor to buy the oil, and so they're able to export it. Now our second largest supplier is Saudi Arabia. Notice, Venezuela dwarfs everything else in this hemisphere.

Another really interesting thing to look at is the size of China and India in this ''World According to Oil.'' Here they are, China and India; about 2.3 or 4 billion people total, having less oil than the United States, with a booming economy. The economy in China, the last data I saw, growing at 11.7 percent. Japan in its heyday never grew faster than that, and notice the tiny amount of oil that they have.

Notice Russia. Russia is one of the largest exporters in the world today. They don't have the most oil by any means, but they're very aggressively pumping their oil and exporting it. And they are considerably larger, many times larger than we, and they have a much smaller population than we have. Well, very interesting map. And this points out some of the geopolitical realities in the world.

The next chart shows China's response to this reality. China has seen this ''World According to Oil,'' and this is their response to it. This shows our globe, and it shows the countries on it. And these little symbols represent who is buying the oil. Now, there are a few dollar signs, not very many, as you see. And there are a lot of these symbols that represent China. As a matter of fact, they almost bought Unocal in our country. Remember all of the hysteria over that possibility a couple of years ago?

Look what they're doing in the Middle East. Look what they're doing in northern Africa. Look what they're doing in Indonesia and in Russia. They're buying oil all over the world. At the same time, thinking about this geopolitical picture, at the same time that they are aggressively buying oil they are aggressively building a blue water navy. Why would they buy the oil when in today's world it doesn't make any difference who owns the oil? We own only 2 percent of the world's oil, but we use—and the next chart will show that. The next chart shows that we use 25 percent of the world's oil, owning only 2 percent of it. And we import almost two-thirds of what we use. And we're able to do that because he who comes to the auction block with the dollars buys the oil.

So why would China buy oil when in today's world it doesn't make any difference who owns the oil? The country that comes with the dollars buys the oil. Could it be that they're buying this oil and building this huge blue water navy because one day they may have to tell the rest of the world, gee, I'm sorry, we have 1,300,000,000 million people clamoring for the benefits of an industrialized society and we just can't share this oil. Something to think about, isn't it?

The next chart is another look at this geopolitical reality that we're in. And there are two bars here. The bar on the right shows the top 10 oil and gas companies on the basis of how much reserves they have. Well, pretty obvious from looking at that ''World According to Oil'' that most of those are going to be over in the Middle East. As a matter of fact, among the top 10, 98 percent of all the oil is owned not by companies, but by countries. And only 2 percent is owned by Luke Oil, which is kind of a company. One might argue that it had a lot of national control.

The bar on the left represents the top 10 oil and gas companies on the basis of how much they produce. Now, the really big guys that a lot of our people are concerned about because they're making big profits, they don't look big at all when you look at it from a world perspective. They own none of the oil of the top 10. They don't even count in the top 10 countries or companies that own oil. And they represent only 22 percent of the production of oil. They're pumping somebody else's oil is what that means, and not much of that relative to the oil that's produced by these countries.

The next chart is another quote from the Hirsch Report. And this came out

in '05. Our country has paid for four reports, all saying essentially the same thing. And you may ask a really legitimate question, how come I haven't heard about these? All saying essentially the same thing: ''The peaking of oil is either present or imminent, with potentially devastating consequences.''

The first report was the Hirsch Report early in '07. Later in '07 was another report by the Army Corps of Engineers saying essentially the same thing. Then last year, in '07, there were two reports, one by the Government Accountability Office, and another requested by the Secretary of Energy and the President, the National Petroleum Council. They came out last year in '07. All four of these reports say about the same thing, the peaking of oil is either present or imminent, with potentially devastating consequences. Now, how come you haven't heard about this? Why hasn't your government told you about this? And why haven't you heard about a really aggressive program to address the challenge presented by this reality?

World oil peaking is going to happen. This was in the Hirsch Report, '05. ''World production of conventional oil will reach a maximum and decline thereafter.'' It happened in our country in 1970. The same person who predicted that predicted the world would be peaking about now. I have a very simple question I've asked myself over and over again. If M. King Hubbert was right about the United States—and he was, incontrovertible evidence that he was right about the United States—and if he predicted in 1979 that the world would be peaking about now—and by the way, by 1980, we knew of a certainty that he was right about his prediction of the United States because, in looking back from 1980, we can see, gee, he was right. In 1970, we really did peak, and we're now over the peak and sliding down the other side. Shouldn't someone have said, gee, if M. King Hubbert was right about the United States, might he not be right about the world? And if, in fact, he is right about the world, shouldn't we really be doing something about this? It's an interesting question. I'm not sure I know the answer to it.

People tend to hear what they want to hear, they tend to see what they want to see. My wife tells me that I shouldn't be talking about this. She said, don't you know that in ancient Greece they killed the messenger that brought bad news. And I tell her this is really a good news story. The good news is that if we start today to fix this problem, the ride is going to be less bumpy than if we start tomorrow. And the second good news about this is that—I'm really exhilarated by this. There is no exhilaration like the exhilaration of meeting and overcoming a big challenge, and this is a huge challenge. I believe that America is up to this. If America knew what the problem was, if America knew what needed to be done to solve the problem, I think that we would do now what we did in World War II. And I lived through World War II. I was born in 1926. Yeah, you've done the arithmetic right, I'm 82 now. And I lived through World War II, and I remember how everyone was involved in that war. And I think Americans would do that again.

This maximum is called the peak. A number of competent forecasters project peaking within a decade. That was in '05. Now, 3 years later, this is within a decade, and most of them were predicting it peaking about now. Some uncertainty, and a lot of things contribute to that uncertainty, and that's what he talks about here in the rest of this paragraph.

''Oil peaking presents a unique challenge.'' And then this statement, ''The world has never faced a problem like this without massive mitigation more than a decade before the fact.'' Now, if peaking is upon us, it is impossible to do this mitigation a decade before the fact. ''Without massive mitigation more than a decade before the fact, the problem will be pervasive and will not be temporary. Previous energy transitions, wood to coal and coal to oil, were gradual and evolutionary. Oil peaking will be abrupt and revolutionary.''

The next chart is additional quotes from this Hirsch Report. ''The peaking of oil production presents the United States and the world with an unprecedented risk management problem.'' As peaking is approached, liquid fuel prices and price volatility will increase dramatically.'' Wow, that's exactly what's happened in the last few months, isn't it? ''And without timely mitigation''—which we have not done—''the economic, social and political costs will be unprecedented.''

Now, these are the words of a very serious study done by one of the most prestigious organizations in our world today. ''Without timely mitigation, the economic, social and political costs will be unprecedented.''

The next chart. And if a picture is worth a thousand words, this may be worth a million, huh? Here is a guy with his huge SUV, and he's standing beside the dwarf of a pump there, ''Demand and Supply.'' And he says, ''Just why is gas so expensive?'' That's what happens when the demand exceeds the supply.

The next chart looks at U.S. energy consumption by sector. I would like to spend a few moments now looking at the gross energy picture. Energy, by the way, is a very unique entity. You use it once. You can't recycle it. All energy eventually ends up in the lowest form of energy, which is heat. And then it gets radiated to space and it's gone. If you want more energy, you've got to either get it from the sun as it comes in, or the consequences of the sun, the wind blowing and so forth, or the waves. Or you've got to find energy that was produced by the sun a very long time ago. And of course it was the shining of the sun that made the little organisms grow in these ancient, subtropical seas that then settled to the bottom and sediment came in. And we believe the Earth opened up, the tectonic plates moved and they were submerged, so they were close enough to the molten core that, under the right temperature, the right pressure, with enough time, finally became gas and oil. And there is no gas there unless there is a rock dome over it to hold the gas, otherwise it escapes, and then you have some really gummy oil that's going to be extremely difficult to get. The Saudis are now trying to exploit a field like that, the Khurais field, I think they call it. And they may get 1,000,200 million barrels a day starting next year, but it's a very technical field. They've spent billions of dollars drilling wells. They're going to inject seawater under pressure to periphery the field to try to move the oil, which is very stiff and sticky, to the center of the field where they can then move it out to the well.

But this shows the U.S. energy consumption by sector. Electric power, 40 percent; transportation, 28 percent; residential and commercial, 11 percent; and industrial, 21 percent.

The next chart shows us what we use to produce the electricity. And I wanted to look at this because I want us to remember that we have two basic kinds of energy we use today; one is electric energy and the other is liquid fuels energy. And there is some ability to use one or the other, but there is a limit to what this transferability is. But some of the energy we use to produce electricity could be used in our cars and trucks and trains and so forth.

Coal, actually, we could use that; the Germans did it, the South Africans did it when they were producing oil from coal by the Fisher Tropes method. It's a 100-year-old method, we know how to do it. And we could convert our coal into a gas or a liquid. Here is natural gas, and you see city buses running on natural gas. Nuclear, that just produces electricity. Hydro, that just produces electricity. Petroleum liquids and coke, not very much there. About 3 percent of our electricity is produced by diesel, by liquid fuels.

I just wanted to show that, by conserving in electricity or by producing a lot more of our electricity with nuclear, which now produces only about 20 percent, we could free up some of the natural gas and some of the coal that could be converted to a gas or liquid because our really big challenge in the future is liquid fuels.

□ 2115

I'm pretty sanguine about what we can do electricity-wise for the future, much less sanguine about what we can do for liquid fuels.

We use some renewables. The next chart shows us the renewables that we're using. And I want you to look at the scale of this. This is 1 percent. I think totally 2½ percent of all of our electricity is produced by renewables.

And we have lots of wind machines. We have lots of solar panels on the roofs of houses. And the biggest one of these is wood and then wind.

By the way, this is wood waste used by the timber industry and by the paper industry. The opportunities to massively grow this are not all that much. Waste energy is a great idea, but we need to remember that a huge waste stream is largely the result of profligate use of fossil fuels. In a fossil fuel-deficient world, that waste stream will be nowhere near as big as it is now. But for the moment, it represents an opportunity to create more electricity, and I think we ought to be exploiting it.

This is true geothermal. That's tapping into the molten core of the Earth. You go to Iceland. I didn't see a single chimney in Iceland. They get all of their energy there, as far as I know, from geothermal. We have some places in our country where we are close enough to the molten core of Earth that we could do that.

Here is solar, and I'm a big fan of solar. I have a little getaway place in the mountains of West Virginia, and I'm off the grid. All I have is solar there. But notice the trifling amount. This is 1 percent here, 1 percent, this whole thing. Notice the trifling contribution that solar is making now.

The next chart, this is an interesting one because what it does is it shows us how much of our energy we are getting from fossil fuels.

We are very much like the young couple whose grandparents have died and left them a big inheritance, and they now have established a life-style where 85 percent of all the money they spend comes from their grandparents' inheritance and only 15 percent of the money comes from their income. And the inheritance, if they live a normal life span, the inheritance is going to run out before they die, before they retire even. So, obviously, they have got to do something. They have got to either spend less or make more. That's precisely the predicament that we are in. It's the predicament that Hyman Rickover was cautioning about 51 years ago. We get 85 percent of all of our energy from coal, petroleum, and natural gas, and we get only 15 percent of it from other sources. The major part of those other sources is nuclear power, which provides 8 percent of our total energy for the country, about 20 percent of our electrical energy.

And here are the renewables. These are the things that Hyman Rickover was talking about, which we inevitably will transition to. Now, we may for a long time be able to get a lot of energy, maybe much more than this, from nuclear. But except for nuclear energy, this list, and you could make it a little bigger and include a few more things in it, but this is the kind of the things that we are going to have to be living on in the future. We will inevitably transition to renewables. Oil is not forever. It will run out. The only question is when. So we need to be doing something about this.

The next chart shows some things that I have personally been involved with to help this transition. Renewable energy and energy tax credits, I introduced a bill in the House which is a companion bill to the Senate, Senate 2821, the Cantwell-Ensign bill. And this passed the Senate, by the way, 88–8. And the House bill is 5984. What it does is to continue the tax credits for developing renewables. Without those tax credits, they are not yet competitive with oil. If we wait until they are, the challenge will be even greater and the problem even bigger. So we must get these things going now. We should have had them going a long time ago. And we really need these tax credits. They are about to expire.

Renewable domestic sources, H.R. 6107. I set up, with my good friend TOM UDALL from New Mexico, the Peak Oil Caucus. And we have a resolution that we hope the Congress will vote on, recognizing the reality of peak oil and the necessity of doing something about it.

ARPA–E, I'm a very strong supporter of ARPA–E. DARPA, after which ARPA–E is patterned, is part of our defense organization, and it has been enormously successful in pioneering envelope-pushing things. The Internet is the result of early work by DARPA. All of our unmanned aircraft wouldn't be here if it weren't for DARPA, and we think that we need something like that in energy. The government needs to be involved in this. Some of the things we need to push are not near enough term that businesses can justify investing money in it. That's why we have DARPA. It has been enormously successful for the military. And I'm a big fan of ARPA–E. We need to prioritize what's probably going to work, where we should invest our money.

CAFE standards, I have been a big fan of increasing CAFE standards.

The other day driving to work, I noticed in front of me in one lane was an SUV with one person in it. In the lane next to it was a Prius, and I drive one. I bought the first one in Congress, the first one in Maryland, as a matter of fact. But I noted that the two people riding in that Prius were getting six times the miles per gallon per person as compared to the one person riding in the SUV. We have enormous opportunities for conservation.

Let me note at this point that there's only one thing that will bring down the price of oil. For the moment drilling won't do it because that oil will not flow for years. Investing in renewables will not do it because they will not be of any moment for a while. I'm a strong fan of renewables, and I now signed on to a bill to drill in ANWR if we use all of the Federal revenues to invest in alternatives because we desperately need to accelerate the development of these alternatives. Only one thing will reduce the price of oil, and that is to use less of it. Supply and demand. Now, there is a little bit of speculation in there, but the market will eventually punish them if they are artificially increasing the price of oil. If you buy oil for $140 a month from now if, in fact, it's $130, you've got to come up with $10 a barrel for every future barrel you bought. They cannot forever inflate the market. Ultimately they will pay for their sins if, in fact, this is going on.

Farms can't produce all of their own energy and some for the people living in the city. We're really in trouble for the future.

Tax credit for hybrids, we really need to extend that. People are buying hybrids. You know, $4 gas is a big incentive. We need to accelerate that. We need to incentivize people to park their SUV, to get in this hybrid, which will get more mileage.

Fuel flexibility, neutrality. This is an interesting one, the so-called DRIVE Act, and what this would do would mandate that all of America's cars in the future will be flex-fuel cars. It costs less than $100 per car, to build a car that would burn any fuel. The only cars produced in Brazil are flex-fuel cars. They can burn gasoline. They can burn ethanol. They can burn any percentage mixture of ethanol and gasoline. And we can have flex-fuel cars that can burn any fuel. We have no idea 10 years from now what fuels will be out there to use because the average car stays in the fleet for 16 to 18 years. So we need to be making these flex-fuel cars so we will be prepared to use whatever fuels are available in the future.

The next chart, and this is kind of an expansion of the previous chart we saw. What this looks at is the energy sources that are available to us as we transition from fossil fuels ultimately to renewables. We have some finite sources and we have nuclear. We have finite sources, and these are the tar sands and the oil shales and coal. Just a word about each of those, and I need to come to the floor and spend a lot of time talking about these because there is a lot of irrational exuberance, as Alan Greenspan would say, about the potential for production from some of these sources.

Just a word. The tar sands of Canada are getting a million barrels a day. They know what they are doing is not sustainable. By the way, the world uses about 85, 86 million barrels a day; so a million barrels a day is a bit more than 1 percent of what we use. But it's not sustainable. They're using gas that will run out. They're using water that will run out. They're thinking about putting a nuclear power plant there. I understand if you think of it as a vein which is now on the surface, when that's mined, it ducks under it and overlays; so they're going to have to develop it in situ. They don't know how to do that. There's a huge amount of potential oil there, more than all the reserves of oil in all the world. But how much we can develop it and how quickly we can develop it is really very uncertain at this time.

Oil shales, the same thing can be said about those. Those are in our country out in Colorado and Wyoming and so forth, Utah. We have probably 1½ trillion barrels of potential oil there. This isn't really oil, but with some heating and so forth, it can be converted into oil. Nobody yet is exploiting any of that. A lot of money has been spent there. Shell Oil Company did a big experiment a few years ago. We may get a lot from that; we may get little or nothing from it. It is very uncertain.

Our coal, it's said we have 250 years of coal. Let me hold that discussion for just a moment because we are going to have a little chart in a moment if we have time for it.

Nuclear, I'm a big fan of nuclear. There are three ways to get nuclear power: One is the light water reactor, the fissionable uranium. That is finite. It will run out. We cannot build power plants forever and fissionable uranium. But we can go to breeder reactors, which, as the name implies, produces more fuel than they use. You borrow some trouble when you go to those, transporting fuel for enrichment, weapons-grade fuel, and so forth, but it produces really clean energy.

Then there's nuclear fusion. If we get that, we're home free. That's what the sun does, and that's what we do in the hydrogen bomb. But to control that, we have been working on it for a long while, and it's always very elusive, always way out in front of us. If you think you're going to solve our energy problems with fusion, you probably think you're going to solve your personal economic problems by winning the lottery. I think the odds are probably about the same. By the way, that doesn't keep me from enthusiastically voting for the $250 million a year we spend on fusion because if we get there, we're home free. That's all the energy we could ever need forever. But the high probability is we are going to be using a combination of these renewable sources. The next time I come to the floor, I'm going to spend a lot of time talking about realistic expectations for these renewables.

Two bubbles have already broken: the hydrogen bubble and the corn ethanol bubble. The National Academy of Sciences said if we use all of our corn for ethanol, it would displace 2.4 percent of our gasoline. All of it. And the amount we have used has now driven up the price of food around the world, as you have noted. They made a similar observation for soybeans. If we use all of our soybeans for soy diesel, it would displace 2.9 percent.

By the way, they noted that for corn ethanol, all of the corn going to ethanol, if you tuned up your car and put air in the tires, they said, you would save as much gas as using all of our corn to produce corn ethanol. We get incredible amounts of energy from these fossil fuels. The quality and quantity of energy in these fossil fuels is just incredible.

I mentioned earlier that I was excited by this. This presents a huge challenge to us. We had a huge challenge in World War II. I lived through that. And what I think we need to address this problem is a program that involves everybody in the Nation. And the last time that happened was in World War II. Everybody needs to be involved. We had a victory garden. We had daylight savings time. We saved our household grease. No new cars were built for people in 1943, 1944, and 1945. And then we need the technology focus of putting a man on the moon, and we need the urgency of the Manhattan Project. We are the most creative, innovative society in the world. I'm convinced that, properly informed, the American people can perform miracles. I think we once again can become an energy-exporting country, energy exporting in the terms of exporting the technology it takes to exploit these renewables. I'm excited about this. I think we need challenges. Our young people's lives are just too easy in this country. As I tell audiences, young people, some of them, not a majority of them, spend far too much time watching dirty movies and smoking marijuana. They wouldn't be doing that if they had a real challenge. I can imagine Americans going to sleep at night saying, ''Today I used less energy than I did yesterday and I'm okay.''

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Just one last chart and then I have got to close. The last one.

Using less energy doesn't mean you have a lesser quality of life. It doesn't mean you have a lesser quality of life. This chart shows a number of the countries of the world and the amount of energy they use and how good they feel about life on the ordinate. Here we are, using more energy than anybody else in the world, but notice, there are I think 24 countries, some of them using only half the energy we use, that don't feel as good about life as we do; they feel better about life than we do.

There are lots of opportunities for efficiency and conservation. We will come to the floor and talk about realistic expectations for what we can get out of these renewables and about all of the opportunities that we have for efficiency and conservation.

I'd just like to close, Mr. Speaker, by saying that America really can respond to this. We have performed miracles in the past, we can do it again. So I am excited about this. With my wife's counsel that I shouldn't be talking about this, I think that this is a good news story because America really, really, really responds well to a challenge. We did it in World War II, we did it in putting a man on the moon. We can do it here again.

Thank you, Madam Speaker.

## FURTHER MESSAGE FROM THE SENATE

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

H.R. 5690. An act to remove the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes.

## AFRICAN NATIONAL CONGRESS EXEMPTION

Ms. LEE. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5690) to remove the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

On page 2, strike line 12 through the end of line 21 and insert the following:

*(a) EXEMPTION AUTHORITY.—The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may determine, in such Secretary's sole and unreviewable discretion, that paragraphs (2)(A)(i)(I), (2)(B), and (3)(B) (other than clause (i)(II)) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply to an alien with respect to activities undertaken in association with the African National Congress in opposition to apartheid rule in South Africa.*

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

Mr. ROYCE. Madam Speaker, I reserve the right to object, although I do not intend to object. I do so here for the purpose of debate only. I thank the gentlewoman for her request, and I rise in support of this measure, H.R. 5690. I concur in my colleague's request for unanimous consent to pass this measure as amended by the Senate.

Madam Speaker, this bill corrects a longstanding error on U.S. policy towards South Africa. The House passed the bill on May 8 of this year, and the Senate passed the bill by unanimous consent just a few moments ago.

Madam Speaker, I am honored to participate in the process of updating U.S. immigration law as it applies to visits to the United States by South African officials, such as former President Nelson Mandela, to reflect the appropriate status of the African National Congress, and I look forward to personally sharing news of passage of this bill with Mr. Mandela and the South African government when I visit South Africa next week with Chairman BERMAN.

Ms. LEE. Will the gentleman yield?

Mr. ROYCE. I yield to the gentlelady from California.

Ms. LEE. First, let me thank the gentleman from California for yielding and for his leadership and for his commitment and his assistance in helping

to bring this bill to the floor tonight, or back to the floor tonight.

Mr. ROYCE and I have traveled to Africa. We have actually been to Darfur in the Sudan and witnessed the horrific genocide taking place, and because of your leadership and because of the bipartisan way in which we have worked, we have put, again, the United States on the right side of history on leading the charge for divestment against the Sudanese government.

Here we are tonight, really a remarkable evening. It's 9:40 and we are here on the floor doing what we should do. We probably should have done it a long time. We are here. Thank you, Mr. ROYCE, very much.

Despite his legacy as a hero of the antiapartheid movement, Nelson Mandela's receipt of the Nobel Peace Prize in 1993, and his election as President of South Africa in 1994, Nelson Mandela continues to be included on the United States terrorist watch list due to his leadership and participation with the African National Congress. As a result, former President Mandela and countless men and women like him, who fought for decades, for decades, mind you, a war of liberation against the apartheid government of South Africa, are required to obtain a visa waiver under the Immigration and Nationality Act in order to enter the United States.

This continuing indignity should not be allowed to persist any longer. This year, President Mandela will turn 90 years old. I believe his birthday is July 17. And so as a fitting tribute to his legacy and to the many others who fought against apartheid, all of us tonight believe that we should promptly pass this bill so that the African National Congress and President Mandela can be removed from the terrorist watch list.

Like many, I was very involved in the antiapartheid movement. I remember having to travel to Switzerland and to Austria and to other countries in Europe just to meet with members of the ANC, African National Congress, to determine how the antiapartheid movement in the United States could support their courageous efforts to shatter the dehumanizing, racist system of apartheid.

We could not meet, unfortunately, in our own country here in the United States because they would have been put in jail. It's no telling what would have happened to me and to others who were committed to support the African National Congress and to end apartheid.

I tell you, this has been a remarkable 18 years. President Mandela was released from prison 18 years ago. And so it's amazing that to this day, despite his legacy as a hero of the antiapartheid movement, that he still needs a visa waiver to enter the United States. This is just plain wrong.

Last December, I traveled to South Africa for World AIDS Day with our colleague, Congresswoman DONNA CHRISTENSEN. We met with many, many people in South Africa, and were specifically asked that Congress take action and pass some legislation to remove President Mandela from this terrorist list, and the ANC. Many of us either had forgotten or really did not know that. And so we came back and started working on this bill.

I have to thank Congressman BERMAN, our Chair of our Foreign Relations Committee, and Congressman CONYERS and Congressman PAYNE and Congressman BENNIE THOMPSON and Senator REID and others for really helping to help move this bill forward.

Let me just say, I come from California and I do have to remind tonight the rest of the country that it was my predecessor, Congressman Ron Dellums, now Mayor Ron Dellums, who put our country on the right side of history. I had the privilege to work for Ron for 11 years. For 12 years, he introduced a sanctions bill, and finally, in the eighties, this Congress overturned President Reagan's veto and put America on the right side of history and began the divestment movement.

Our colleague, Congresswoman MAXINE WATERS, was in the State legislature and she work tirelessly on divestment legislation. Her leadership put the State of California on the right side of history. Actually, I believe that California was the first State to move forward with sanctions against the racist regime of South Africa.

Recently, Congresswoman WATERS and Mayor Dellums received one of the highest honors presented to them by the South African government. So we are very proud of them and thankful for their leadership.

In the Bay area and for those who may be listening, if you remember, we really started the antiapartheid movement with the labor unions, the ILWU. Many of us were actually arrested. We refused to unload the ships. The ILWU, great and courageous men and women. They refused to allow any items to come into the Bay area.

And so we were arrested. We fought. We did so much to try to raise the level of awareness and attention as to what was taking place in South Africa. I can remember us carrying little black passbooks, because coming in from the townships, black South Africans had to have IDs, passbooks. And we had a burning-our-passbook ceremony on the steps of city hall to let people understand that the black majority of South Africa could not live in major towns and had to live in squalor and could only come in to work and had to leave with their passbooks.

So I could go on and on. I am saying this tonight because I want those who are listening to say, This is a really significant moment. This has been, again, a long time coming. But I think this is one of those moments where we have seen the Secretary of State, Republicans, Democrats, all of us working together to end this terrible, terrible policy that we have with regard to the ANC and Nelson Mandela.

I have to salute our speaker, Speaker PELOSI; our minority leader, Mr. BOEHNER; Mr. HOYER. Also, Congresswoman CAROLYN CHEEKS KILPATRICK, Chair of the Congressional Black Caucus, and all the members of the Congressional Black Caucus, and those who, when we started talking about this, first of all, couldn't believe that this was still the case but said we have got to do something. We have got to fix it.

So, again, to our staffs. I have to say to Perl Alice Marsh of the Foreign Affairs staff, to Christos Tsentas on my staff, and to all of the staff on both sides of the aisle who have worked so diligently, tonight is long overdue. It's taken a heck of a lot to get here, but we hope that tonight we will be able to say to President Mandela: Happy Birthday, Mr. Mandela.

Mr. ROYCE, hopefully you will be able to take a signed copy of the bill by the President to Mr. Mandela and wish him God speed, happy birthday, and thank goodness we were finally, finally, finally able to take the ANC and President Mandela off of the terrorist watch list.

Mr. ROYCE. We will do that. I thank the gentlelady.

Madam Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

A motion to reconsider was laid on the table.

## 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. COSTA) to revise and extend their remarks and include extraneous material:)

Mr. COSTA, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

(The following Members (at the request of Mr. NUNES) to revise and extend their remarks and include extraneous material:)

Mr. BROUN of Georgia, for 5 minutes, today.

Mr. NUNES, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mrs. BIGGERT, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

Mr. GILCHREST, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

## ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 430. An act to designate the United States bankruptcy courthouse located at 271 Cadman Plaza East in Brooklyn, New York, as the ''Conrad B. Duberstein United States Bankruptcy Courthouse''.

H.R. 781. An act to redesignate Lock and Dam No. 5 of the McClellan-Kerr Arkansas River Navigation System near Redfield, Arkansas, authorized by the Rivers and Harbors Act approved July 24, 1946, as the ''Colonel Charles D. Maynard Lock and Dam''.

H.R. 1019. An act to designate the United States customhouse building located at 31 Gonzalez Clemente Avenue in Mayagüez, Puerto Rico, as the ''Rafael Martinez Nadal United States Customhouse Building''.

H.R. 2728. An act to designate the station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the ''Theodore L. Newton, Jr. and George F. Azrak border Patrol Station''.

H.R. 3712. An act to designate the United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the ''James M. Ashley and Thomas W. L. Ashley United States Courthouse''.

H.R. 4140. An act to designate the Port Angeles Federal Building in Port Angeles, Washington, as the ''Richard B. Anderson Federal Building''.

H.R. 6040. An act to amend the Water Resources Development Act of 2007 to clarify the authority of the Secretary of the Army to provide reimbursement for travel expenses incurred by members of the Committee on Levee Safety.

H.R. 6327. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced her signature to an enrolled bill of the Senate of the following title:

S. 3180. An act to temporarily extend the programs under the Higher Education Act of 1965.

## ADJOURNMENT

Ms. LEE. Madam Speaker, pursuant to the order of the House of today, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until Monday, June 30, 2008, at 10 a.m., unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 379, in which case the House shall stand adjourned pursuant to that concurrent resolution.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7332. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Guaranteed Loans; Number of Days of Interest Paid on Loss Claims (RIN: 0560-AH55) received June 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7333. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Affiliate Marketing Rule [Regulation No. 411006] (RIN: 3084-AA94) received June 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7334. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — Presidential Library Facilities [NARA-07-0005] (RIN: 3095-AA82) received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7335. A letter from the Assistant Secretary, Department of the Interior, transmitting the Department's final rule — Open and Nondiscriminatory Movement of Oil and Gas as Required by the Outer Continental Shelf Lands Act [Docket ID: MMS-2008-PMI-0024] (RIN: 1010-AD17) received June 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7336. A letter from the Deputy Director, NIST, Department of Commerce, transmitting the Department's final rule — Technology Innovation Program [Docket No: [071106659-8716-02]] (RIN: 0693-AB59) received June 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

7337. A letter from the Regional Solicitor, Department of the Interior, transmitting the Department's request for a rehearing of the Federal Energy Regulatory Commission's April 3, 2008, order on the Ten-Year Summary Report under Article 58 of the license for the Don Pedro Project; jointly to the Committees on Natural Resources and Energy and Commerce.

7338. A letter from the Administrator, Environmental Protection Agency, transmitting a copy of a legislative proposal to implement an important new treaty for the protection of aquatic life and the marine environment; jointly to the Committees on Transportation and Infrastructure, Science and Technology, and the Judiciary.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BARTON of Texas (for himself, Mr. DEAL of Georgia, Mr. WHITFIELD of Kentucky, Mr. SHIMKUS, Mrs. WILSON of New Mexico, Mr. PICKERING, Mrs. BONO MACK, Mr. WALDEN of Oregon, Mr. TERRY, Mr. SULLIVAN, and Mrs. BLACKBURN):

H.R. 6376. A bill to expand the authority of the Secretary of Health and Human Services to impose debarments in order to ensure the integrity of drug, biological product, and device regulation, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PETERSON of Minnesota (for himself, Mr. VAN HOLLEN, Mr. ETHERIDGE, Mr. BOSWELL, Mr. CARDOZA, Ms. DELAURO, Mr. STUPAK, Mr. LARSON of Connecticut, Mr. WELCH of Vermont, Mr. MATHESON, Mr. MAHONEY of Florida, Mr. BARROW, Mr. MCINTYRE, Mr. HOLDEN, Mr. MILLER of North Carolina, Mr. BUTTERFIELD, Mr. KAGEN, Mr. HODES, Mrs. DAVIS of California, Mr. SHULER, Mr. POMEROY, Mr. FARR, and Mr. LAMPSON):

H.R. 6377. A bill to direct the Commodity Futures Trading Commission to utilize all its authority, including its emergency powers, to curb immediately the role of excessive speculation in any contract market within the jurisdiction and control of the Commodity Futures Trading Commission, on or through which energy futures or swaps are traded, and to eliminate excessive speculation, price distortion, sudden or unreasonable fluctuations or unwarranted changes in prices, or other unlawful activity that is causing major market disturbances that prevent the market from accurately reflecting the forces of supply and demand for energy commodities; to the Committee on Agriculture.

By Mr. BARTON of Texas (for himself, Mr. DEAL of Georgia, Mr. WHITFIELD of Kentucky, Mr. SHIMKUS, Mrs. WILSON of New Mexico, Mr. PICKERING, Mrs. BONO MACK, Mr. WALDEN of Oregon, Mr. TERRY, Mr. SULLIVAN, and Mrs. BLACKBURN):

H.R. 6378. A bill to expand the authority of the Secretary of Health and Human Services to impose debarments in order to ensure the integrity of drug, biological product, and device regulation, and for other purposes; to the Committee on Energy and Commerce.

By Ms. FALLIN:

H.R. 6379. A bill to expedite the exploration and development of oil and gas from Federal lands, and for other purposes; to the Committee on Natural Resources.

By Mrs. BIGGERT (for herself, Mr. EMANUEL, and Mrs. EMERSON):

H.R. 6380. A bill to amend title XVIII of the Social Security Act to provide payments under the Medicare program for unscheduled physician telephone consultation services in the case that such payments are determined to be cost and quality effective; 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. PALLONE (for himself, Mr. WAXMAN, Mrs. CAPPS, Mr. WEINER, Mr. HINCHEY, Ms. SCHAKOWSKY, Mr. BRALEY of Iowa, Mr. DOYLE, Mr. TOWNS, Mr. STUPAK, Ms. SOLIS, Mr. GENE GREEN of Texas, Ms. SLAUGHTER, Mr. WELCH of Vermont, Ms. CASTOR, Mr. JOHNSON of Georgia, Mr. SCHIFF, Mr. MARKEY, Mr. ALLEN, Ms. ZOE LOFGREN of California, Mr. ROSS, Ms. BALDWIN, Ms. DELAURO, Mr. WEXLER, Mr. BOSWELL, Mr. DELAHUNT, Ms. ROYBAL-ALLARD, Mr. RUSH, Ms. WASSERMAN SCHULTZ, Ms. SUTTON, Mr. MCNERNEY, Mr. HASTINGS of Florida, Mr. EMANUEL, Mr. LIPINSKI, Mr. ROTHMAN, Mr. BACA, Mr. BERMAN, Ms. JACKSON-LEE of Texas, Ms. DEGETTE, Mr. DAVIS of Illinois, Mr. STARK, Mr. JOHNSON of Illinois, Mr. COBLE, Mr. LYNCH, Mr. TERRY, Ms. HIRONO, Mr. CONYERS, Mr. HIGGINS, Mrs. MCCARTHY of New York, Mr. SARBANES, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCOTT of Virginia, Mr. BLUMENAUER, Mr. MEEKS of New York, Mr. HINOJOSA, Mr. WU, Mr. MELANCON, Ms. HOOLEY, Mr. GRIJALVA, Ms. NORTON, Mr. MCGOVERN, and Mr. DINGELL):

H.R. 6381. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to liability under State and local requirements respecting devices; to the Committee on Energy and Commerce.

By Mr. RANGEL (for himself and Mr. GEORGE MILLER of California):

H.R. 6382. A bill to make technical corrections related to the Pension Protection Act of 2006, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYES:

H.R. 6383. A bill to make available for research and development of alternative energy certain revenue received by the United States for all future oil and gas leases; to the Committee on Natural Resources, and in addition to the Committee on Science and Technology, 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 Utah (for himself, Mr. BOEHNER, Mr. SALI, Mr. CANNON, Mr. HELLER, Mr. HERGER, Mrs. MCMORRIS RODGERS, Mr. LAMBORN, Mr. DOOLITTLE, Mr. RENZI, Mrs. MUSGRAVE, Mr. YOUNG of Alaska, Mr. ALEXANDER, Mr. REHBERG, Mrs. CUBIN, Mr. FRANKS of Arizona, Mr. SIMPSON, Mr. PETERSON of Pennsylvania, Mr. PEARCE, Mr. TANCREDO, Mr. UPTON, Mrs. BLACKBURN, Mr. WALDEN of Oregon, Mr. SHADEGG, Mr. WALBERG, Mr. WITTMAN of Virginia, and Mrs. MYRICK):

H.R. 6384. A bill to provide a comprehensive plan for greater American energy independence; to the Committee on Natural Resources, and in addition to the Committees on the Judiciary, Energy and Commerce, Science and Technology, Ways and Means, Agriculture, Education and Labor, Armed Services, Transportation and Infrastructure, and Oversight and Government Reform, 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. KIRK (for himself, Mrs. BIGGERT, and Mr. SHAYS):

H.R. 6385. A bill to provide a large-scale national effort to improve the state of our national security, economy and environment by providing market incentives to produce and deploy alternative energy solutions and reduce our dependence on foreign oil; to the Committee on Ways and Means, and in addition to the Committees on Science and Technology, Energy and Commerce, Education and Labor, Rules, Natural Resources, Agriculture, Armed Services, and 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. MCCARTHY of California:

H.R. 6386. A bill to amend title XVIII of the Social Security Act to extend and revise incentive payments for physician scarcity areas under part B of 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. VAN HOLLEN (for himself, Mr. HOEKSTRA, Mr. LEVIN, Mr. KIRK, Mr. ACKERMAN, and Ms. JACKSON-LEE of Texas):

H.R. 6387. A bill to provide duty-free treatment for certain goods from designated Reconstruction Opportunity Zones in Afghanistan and Pakistan, and for other purposes; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself, Mr. DINGELL, Mr. CONYERS, Mr. OBEY, Mr. RANGEL, Mr. GEORGE MILLER of California, Mr. OBERSTAR, Mr. RAHALL, Mr. SKELTON, Mr. FRANK of Massachusetts, Mr. BERMAN, Mr. SPRATT, Mr. GORDON, Ms. SLAUGHTER, Mr. FILNER, Mr. THOMPSON of Mississippi, Ms. VELÁZQUEZ, Mr. REYES, and Mr. BRADY of Pennsylvania):

H.R. 6388. A bill to provide additional authorities to the Comptroller General of the United States, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. BROWN of South Carolina:

H.R. 6389. A bill to modify Captain Sam's Inlet Unit M08 of the John H. Chafee Coastal Barrier Resources System in Charleston County, South Carolina, and to revise the System map relating to the unit; to the Committee on Natural Resources.

By Ms. CORRINE BROWN of Florida:

H.R. 6390. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for certain caregivers, to expand the dependent care credit, and to increase the exclusion limitation for dependent care assistance programs; to the Committee on Ways and Means.

By Mr. BURTON of Indiana (for himself, Mr. PUTNAM, Mr. PAUL, Mr. SMITH of New Jersey, Ms. WATSON, and Mr. BARTLETT of Maryland):

H.R. 6391. A bill to amend the Public Health Service Act with respect to the National Vaccine Injury Compensation Program; to the Committee on Energy and Commerce.

By Mr. CUELLAR (for himself and Mr. DENT):

H.R. 6392. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to designate an agency within the Department of Homeland Security to modernize the integrated public alert and warning system of the United States to disseminate homeland security and other information, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE (for herself and Mr. PLATTS):

H.R. 6393. A bill to amend titles V, XVIII, and XIX of the Social Security Act to promote tobacco use cessation under the Medicare Program, the Medicaid Program, and the maternal and child health 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 Ms. GIFFORDS (for herself, Mr. REYES, Mr. ORTIZ, Mr. HINOJOSA, Ms. LINDA T. SÁNCHEZ of California, Mr. BACA, Mr. PASTOR, Mr. GRIJALVA, Mr. FILNER, and Mr. MITCHELL):

H.R. 6394. A bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to extend Federal reimbursement of emergency health services furnished to undocumented aliens, and for other purposes; to the Committee on Energy and Commerce.

By Mr. AL GREEN of Texas:

H.R. 6395. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to carry out a program for fellowships and research to enhance domestic preparedness and the collective response to acts of terrorism, natural disasters, and other emergencies, and for other purposes; to the Committee on Homeland Security.

By Mr. HASTINGS of Florida:

H.R. 6396. A bill to establish a commission to make recommendations on the appropriate size of membership of the House of Representatives and the method by which Members are elected; to the Committee on the Judiciary.

By Mr. HENSARLING:

H.R. 6397. A bill to amend title 38, United States Code, to make certain improvements in the basic educational assistance program administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services, Education and Labor, Oversight and Government Reform, Energy and Commerce, Science and Technology, Transportation and Infrastructure, and Natural Resources, 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. HODES (for himself, Mr. DEFAZIO, Ms. DELAURO, and Mr. HINCHEY):

H.R. 6398. A bill to impose a permanent prohibition on the use of funds by the Department of Defense for propaganda purposes within the United States not otherwise specifically authorized by law and to require an investigation into possible violations of the annual Department of Defense Appropriations Act prohibition on such propaganda; to the Committee on Armed Services.

By Mr. HODES:

H.R. 6399. A bill to amend title II of the Social Security Act to prohibit the display of Social Security account numbers on Medicare cards; to the Committee on Ways and Means.

By Mr. HOEKSTRA (for himself, Mr. WALBERG, Mr. ROGERS of Michigan, Mr. UPTON, Mr. MCCOTTER, Mr. CAMP of Michigan, Mrs. MILLER of Michigan, Mr. TIBERI, Mr. KLINE of Minnesota, Mr. GOHMERT, Mr. DOOLITTLE, Mr. HERGER, Mrs. SCHMIDT, Mr. BARTLETT of Maryland, Mrs. BACHMANN, Mr. PENCE, Mr. FEENEY, Mrs. MUSGRAVE, and Mr. CAMPBELL of California):

H.R. 6400. A bill to authorize a State to transfer or consolidate funds made available to such State under certain transportation, education, and job training programs after the United States experiences economic growth at an annual rate of less than 1 percent for 2 calendar quarters; to the Committee on Education and Labor, and in addition to the Committees on Transportation and Infrastructure, and 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. INSLEE (for himself, Mr. DELAHUNT, Mr. HONDA, Mr. MCDERMOTT, and Mr. GRIJALVA):

H.R. 6401. A bill to spur rapid and sustainable growth in renewable electricity generation in the United States through priority interconnection, renewable energy payments, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology, and 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 Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. HINOJOSA, Mr. BRADY of Pennsylvania, Ms. CORRINE

BROWN of Florida, Mr. BLUMENAUER, Mr. SESTAK, Mrs. LOWEY, and Ms. JACKSON-LEE of Texas):

H.R. 6402. A bill to amend the Elementary and Secondary Education Act of 1965 to establish grants to increase student attendance; to the Committee on Education and Labor.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 6403. A bill to amend title II of the Workforce Investment Act of 1998 to establish financial literacy education programs for newly naturalized citizens of the United States; to the Committee on Education and Labor.

By Mr. KINGSTON (for himself, Mr. BARROW, Ms. GRANGER, Ms. WASSERMAN SCHULTZ, Mr. DUNCAN, Mr. MORAN of Virginia, Mr. PICKERING, Mr. HAYES, Mr. KELLER, Mr. FEENEY, Mr. PENCE, Mr. DEAL of Georgia, Mr. GINGREY, Ms. FALLIN, Mr. ALTMIRE, Mr. WALDEN of Oregon, Mr. DAVID DAVIS of Tennessee, Ms. ROS-LEHTINEN, Mr. LATTA, Mr. JORDAN, Mr. CONAWAY, Mr. CARTER, Mr. GOHMERT, Mr. NEUGEBAUER, Mr. SAM JOHNSON of Texas, Mrs. DRAKE, Mr. SMITH of Nebraska, Mr. GARRETT of New Jersey, Mrs. SCHMIDT, Mrs. CUBIN, Mr. EVERETT, Mrs. MUSGRAVE, Mrs. BIGGERT, Mr. SESSIONS, Ms. DELAURO, Mr. HALL of Texas, Mr. MCGOVERN, Mr. WOLF, Ms. KAPTUR, Mr. YOUNG of Alaska, Ms. CLARKE, and Mrs. EMERSON):

H.R. 6404. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America; to the Committee on Financial Services.

By Mr. LARSEN of Washington:

H.R. 6405. A bill to authorize a process by which the Secretary of the Interior shall process acquisitions of certain real property of the Samish Indian Nation into trust, and for other purposes; to the Committee on Natural Resources.

By Mr. LARSON of Connecticut:

H.R. 6406. A bill to elevate the Inspector General of the Commodity Futures Trading Commission to an Inspector General appointed pursuant to section 3 of the Inspector General Act of 1978; to the Committee on Oversight and Government Reform.

By Mr. LEWIS of Georgia (for himself, Mr. PORTER, Mr. MCDERMOTT, Mr. REYNOLDS, Ms. BERKLEY, Mr. RAMSTAD, Mr. EMANUEL, Mr. PRICE of North Carolina, Mr. SHAYS, Ms. MATSUI, Mr. PLATTS, Mr. BLUMENAUER, Mr. KIND, Mr. MORAN of Virginia, and Mr. DOGGETT):

H.R. 6407. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for AmeriCorps educational awards; to the Committee on Ways and Means.

By Ms. MATSUI (for herself, Mrs. MALONEY of New York, Mr. LEWIS of Georgia, Mr. SHAYS, and Mr. DOGGETT):

H.R. 6408. A bill to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. LOEBSACK, Mr. LUCAS, Ms. SUTTON, and Mr. WALZ of Minnesota):

H.R. 6409. A bill to amend the Internal Revenue Code of 1986 to extend the credit for electricity produced from certain renewable resources; to the Committee on Ways and Means.

By Mr. MCCOTTER:

H.R. 6410. A bill to provide for the elimination of agencies and programs which receive ineffective ratings or three consecutive adequate ratings under the Government Performance and Results Act of 1993 and to amend the Internal Revenue Code of 1986 to rebate the savings from such eliminations to the taxpayers; to the Committee on Oversight and Government Reform, 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. MURPHY of Connecticut (for himself, Mr. SOUDER, Mr. CLAY, Mr. TOWNS, Ms. FOXX, Mr. SHADEGG, and Mr. WAXMAN):

H.R. 6411. A bill to strengthen transparency and accountability in Federal spending; to the Committee on Oversight and Government Reform.

By Mrs. MUSGRAVE:

H.R. 6412. A bill to promote the energy security of the United States, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, Science and Technology, Oversight and Government Reform, Armed Services, Foreign Affairs, Ways and Means, and Agriculture, 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. PALLONE:

H.R. 6413. A bill to prohibit the Administrator of the Federal Emergency Management Agency from updating flood maps until the Administrator submits to Congress a community outreach plan, and for other purposes; to the Committee on Financial Services, 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. PALLONE (for himself and Mr. ROTHMAN):

H.R. 6414. A bill to establish a pilot program on the provision of legal services to assist veterans and members of the Armed Forces receive health care, benefits and services, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASCRELL:

H.R. 6415. A bill to provide that goods that are manufactured in a foreign trade zone and comply with the rules of origin under a trade agreement to which the United States is a party may enter the customs territory of the United States at the rate of duty applicable under that agreement; to the Committee on Ways and Means.

By Mr. PAYNE (for himself, Mr. WOLF, Mr. CAPUANO, Mr. TANCREDO, Mr. RANGEL, Ms. LEE, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JEFFERSON, Mr. FATTAH, Mr. VAN HOLLEN, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. RUSH, Mr. CUMMINGS, Mr. JACKSON of Illinois, Ms. WATERS, and Mr. HASTINGS of Florida):

H.R. 6416. A bill to codify existing sanctions against the Government of Sudan until the Government of Sudan meets certain conditions relating to a just and lasting peace in Sudan; to the Committee on Foreign Affairs.

By Mr. BARRETT of South Carolina:

H.R. 6417. A bill to prevent Members of Congress from receiving the automatic pay adjustment scheduled to take effect in 2009; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, 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. POE (for himself, Mr. BOUSTANY, Mr. BURTON of Indiana, and Mr. LAMBORN):

H.R. 6418. A bill to achieve greater national energy independence by terminating longstanding moratoriums on the domestic production of offshore oil and natural gas and to authorize States to petition for authorization to conduct offshore oil and natural gas exploration and extraction in the coastal zone of their State; to the Committee on Natural Resources.

By Mr. ROHRABACHER (for himself, Mr. GOODE, Mr. JONES of North Carolina, and Mr. ROSKAM):

H.R. 6419. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income compensation received by employees consisting of qualified distributions of employer stock; to the Committee on Ways and Means.

By Mr. SHERMAN (for himself and Ms. ROS-LEHTINEN):

H.R. 6420. A bill to toll the congressional notification period for removing North Korea from the state sponsors of terrorism list; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER:

H.R. 6421. A bill to direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program for the Coastal Plain of Alaska, to provide for expanded leasing of the oil and gas resources of the outer Continental Shelf for exploration, to eliminate certain impediments to the development of nuclear energy sources, to promote coal-to-liquid fuel activities, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Ways and Means, Energy and Commerce, Science and Technology, Transportation and Infrastructure, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPACE:

H.R. 6422. A bill to amend the Internal Revenue Code of 1986 to allow small businesses a refundable income tax credit to offset the cost of providing health care coverage for employees; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 6423. A bill to provide for the transportation of the remains of members of the Armed Forces who died in a theater of combat operations when those remains are subsequently recovered; to the Committee on Armed Services.

By Mr. THOMPSON of Mississippi:

H.R. 6424. A bill to establish a homeowner mitigation loan program within the Federal Emergency Management Agency to promote pre-disaster property mitigation measures; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of Mississippi:

H.R. 6425. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to maintain a Response and Recovery Corps to perform functions related to the collective response to

acts of terrorism, natural disasters, and other emergencies, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, 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. TIAHRT (for himself, Mr. MORAN of Kansas, Mr. SHIMKUS, Mr. REICHERT, and Mr. LAHOOD):

H.R. 6426. A bill to prohibit the use of funds by the Department of Defense on the KC-X tanker contract, and for other purposes related to that contract; to the Committee on Armed Services.

By Mr. WELCH of Vermont (for himself and Mr. MARKEY):

H.R. 6427. A bill to provide funding for the Low-Income Home Energy Assistance Program; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and 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. CHABOT (for himself, Mr. KELLER, Mr. FEENEY, and Mr. SMITH of Texas):

H.J. Res. 96. A joint resolution proposing an amendment to the Constitution of the United States to permit the penalty of death for the rape of a child; to the Committee on the Judiciary.

By Mr. HOEKSTRA:

H.J. Res. 97. A joint resolution proposing an amendment to the Constitution of the United States relating to parental rights; to the Committee on the Judiciary.

By Ms. HERSETH SANDLIN (for herself and Mr. BLUNT):

H. Con. Res. 383. Concurrent resolution recognizing the importance of homeownership for Americans; to the Committee on Financial Services.

By Ms. LEE (for herself, Ms. WATERS, Mr. MEEKS of New York, Mrs. CHRISTENSEN, Mr. WAXMAN, Ms. NORTON, Ms. MATSUI, Ms. BORDALLO, Mr. BERMAN, Mr. HONDA, Mr. RUSH, Mr. GRIJALVA, Ms. MCCOLLUM of Minnesota, Ms. KILPATRICK, Mr. SIRES, Mrs. NAPOLITANO, and Ms. SOLIS):

H. Con. Res. 384. Concurrent resolution supporting the goals and ideals of National HIV Testing Day, and for other purposes; to the Committee on Energy and Commerce.

By Ms. ROS-LEHTINEN (for herself, Mr. ENGEL, Mr. BURTON of Indiana, Mr. BERMAN, Mr. WELLER, Mr. KLEIN of Florida, Mr. WEXLER, Mr. FORTUÑO, Mr. PENCE, Mr. SMITH of New Jersey, Mr. MCGOVERN, Mr. WILSON of South Carolina, Mr. MACK, Mr. ROHRABACHER, Ms. WATSON, Mr. MANZULLO, Mr. FALEOMAVAEGA, Mr. CROWLEY, Mr. ROYCE, Mr. BILIRAKIS, Mr. CHABOT, Ms. WASSERMAN SCHULTZ, and Mr. CANTOR):

H. Con. Res. 385. Concurrent resolution condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SALI:

H. Con. Res. 386. Concurrent resolution recognizing and celebrating the 232nd anniversary of the signing of the Declaration of Independence; to the Committee on Oversight and Government Reform.

By Mr. TANCREDO (for himself and Mr. CHABOT):

H. Con. Res. 387. Concurrent resolution expressing the sense of Congress that the United States should sever diplomatic relations with Zimbabwe until such time as the President determines that Zimbabwe meets requirements relating to democratic, free and fair elections, basic civil liberties and human rights, and certain other requirements; to the Committee on Foreign Affairs.

By Mr. BILBRAY (for himself, Mr. CAMPBELL of California, Mrs. BLACKBURN, Mr. ALEXANDER, Mrs. MYRICK, Mr. ROHRABACHER, Mr. GARY G. MILLER of California, Mr. ROSKAM, Mr. MCCAUL of Texas, Mr. COBLE, Ms. GINNY BROWN-WAITE of Florida, Mr. JONES of North Carolina, Mr. SHULER, and Mr. BARTON of Texas):

H. Res. 1306. A resolution recognizing the dedication and honorable service of members of the National Guard who are serving or have served in Operation Jump Start; to the Committee on Armed Services.

By Mr. BAIRD (for himself and Mr. UPTON):

H. Res. 1307. A resolution commemorating the Kingdom of Bhutan's participation in the 2008 Smithsonian Folklife Festival and commending the people and the Government of the Kingdom of Bhutan for their commitment to holding elections and broadening political participation; to the Committee on Foreign Affairs.

By Mr. BILIRAKIS (for himself, Mr. CARNAHAN, Ms. ROS-LEHTINEN, Mr. CANTOR, Mr. PENCE, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. ROYCE, Mr. CHABOT, Mr. WILSON of South Carolina, Mr. POE, Mr. FORTUÑO, Mr. INGLIS of South Carolina, Mr. BOOZMAN, Mr. MCCOTTER, Mr. LINDER, Mr. KIRK, Mr. CALVERT, Mr. WELLER, Mr. SALI, Mr. RAMSTAD, Mr. PORTER, Mr. TERRY, and Mr. SHAYS):

H. Res. 1308. A resolution condemning the broadcasting of incitement to violence against Americans and the United States in media based in the Middle East, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. DRAKE:

H. Res. 1309. A resolution recognizing and honoring the 44th anniversary of the passage of the Civil Rights Act of 1964 and those who worked to achieve this goal; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas (for herself, Mr. FILNER, and Mr. HINCHEY):

H. Res. 1310. A resolution expressing the sense of the House of Representatives that the Government of Iran's lack of protection for internationally recognized human rights creates poor conditions for religious freedom in the Islamic Republic of Iran; to the Committee on Foreign Affairs.

By Mr. FATTAH (for himself and Mr. SOUDER):

H. Res. 1311. A resolution expressing support for the designation of National GEAR UP Day; to the Committee on Oversight and Government Reform.

By Mr. LAMBORN (for himself, Ms. HARMAN, Mr. REYES, and Mr. UDALL of Colorado):

H. Res. 1312. A resolution commemorating the 25th anniversary of the Space Foundation; to the Committee on Science and Technology.

By Mr. LAMPSON (for himself, Mrs. DAVIS of California, Mr. FEENEY, and Mr. UDALL of Colorado):

H. Res. 1313. A resolution celebrating the 25th anniversary of the first American woman in space, Dr. Sally K. Ride, and honoring her contributions to the space program and to science education; to the Committee on Science and Technology.

By Mr. LEVIN (for himself, Ms. KAPTUR, Mr. BARTLETT of Maryland, Mr. GERLACH, Mr. BERMAN, Mr. ANDREWS, Mr. BILIRAKIS, Mr. COSTA, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ENGEL, Mr. HINCHEY, Mr. LANGEVIN, Mr. MCCOTTER, Mr. MCDERMOTT, Mr. MCNULTY, Mrs. MILLER of Michigan, Mr. ROTHMAN, Ms. SCHWARTZ, and Mr. WALZ of Minnesota):

H. Res. 1314. A resolution remembering the 75th anniversary of the Ukrainian Famine-Genocide of 1932-1933 and extending the deepest sympathies of the House of Representatives to the victims, survivors, and families of this tragedy, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MCCAUL of Texas (for himself, Mr. LAMPSON, Mr. BILBRAY, Mr. GINGREY, Mr. SMITH of Texas, Mr. BROUN of Georgia, Mr. CULBERSON, Mr. MARIO DIAZ-BALART of Florida, Mr. CALVERT, Ms. JACKSON-LEE of Texas, Mr. GONZALEZ, Mr. HINOJOSA, Ms. KAPTUR, Mr. MCCARTHY of California, Mr. CRAMER, Ms. WATSON, Mr. SCHIFF, Mr. DOGGETT, Mr. RODRIGUEZ, Mr. GENE GREEN of Texas, Mr. EDWARDS of Texas, Mr. UDALL of Colorado, Mr. ORTIZ, Mr. FEENEY, Mr. LUCAS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. REYES, and Mr. CARSON):

H. Res. 1315. A resolution commemorating the 50th Anniversary of the National Aeronautics and Space Administration; to the Committee on Science and Technology.

By Mr. MCGOVERN (for himself, Mr. ELLSWORTH, Ms. KAPTUR, Mr. DELAHUNT, Mr. HINCHEY, Mr. HALL of Texas, Mr. ORTIZ, Mr. SNYDER, and Mr. JONES of North Carolina):

H. Res. 1316. A resolution honoring the service of the Navy and Coast Guard veterans who served on the Landing Ship Tank (LST) amphibious landing craft during World War II, the Korean war, the Vietnam war, Operation Desert Storm, and global operations through 2002 and recognizing the essential role played by LST amphibious craft during these conflicts; to the Committee on Armed Services.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

327. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 76 memorializing the Congress of the United States to take such actions as are necessary to expedite the reopening of the Arabi branch of the United States Postal Service located in St. Bernard Parish; to the Committee on Oversight and Government Reform.

328. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 114 expressing opposition to S. 40 and H.R. 3200; jointly to the Committees on Financial Services and the Judiciary.

329. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 68 memorializing the Congress of the United States to provide funding for the Louisiana University of Medical Services, Inc., College of Primary Care Medicine; jointly to the Committees on Energy and Commerce and Education and Labor.

330. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 321 memorializing the President of the United States and the Congress of the United States to enact S. 70;

jointly to the Committees on Oversight and Government Reform and the Judiciary.

331. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 36 expressing opposition to the authorization of offshore aquaculture in the Gulf of Mexico; jointly to the Committees on Natural Resources and Agriculture.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 303: Ms. ROS-LEHTINEN.
H.R. 410: Mr. OLVER.
H.R. 423: Mr. WOLF.
H.R. 552: Mr. CROWLEY.
H.R. 583: Ms. KAPTUR.
H.R. 688: Mr. SHERMAN.
H.R. 736: Mr. BOOZMAN, Mr. POE, Mr. CALVERT, Mr. SALI, Mrs. MYRICK, and Mr. SOUDER.
H.R. 1029: Ms. DELAURO.
H.R. 1032: Mr. KENNEDY.
H.R. 1113: Mrs. DRAKE, Mr. HALL of New York, and Mr. LOBIONDO.
H.R. 1117: Mr. TOWNS.
H.R. 1120: Mr. KING of New York.
H.R. 1228: Mr. ENGLISH of Pennsylvania.
H.R. 1279: Mr. MILLER of North Carolina.
H.R. 1283: Mr. ORTIZ.
H.R. 1293: Mr. SENSENBRENNER.
H.R. 1399: Mr. CHILDERS.
H.R. 1428: Mrs. GILLIBRAND.
H.R. 1552: Mr. KUHL of New York.
H.R. 1610: Mr. MORAN of Kansas and Mr. WITTMAN of Virginia.
H.R. 1655: Mr. SPACE.
H.R. 1671: Mr. MARKEY.
H.R. 1709: Mr. BROWN of South Carolina.
H.R. 1755: Mr. HOLT.
H.R. 1866: Mr. KAGEN.
H.R. 1881: Mr. BOREN and Mr. FERGUSON.
H.R. 2053: Mr. SPACE, Mr. DAVIS of Illinois, and Mr. CALVERT.
H.R. 2060: Mr. CANNON.
H.R. 2091: Mrs. MUSGRAVE.
H.R. 2104: Mr. CAMP of Michigan.
H.R. 2123: Mr. YOUNG of Alaska and Mr. SARBANES.
H.R. 2132: Mr. CARSON.
H.R. 2167: Mr. ALTMIRE and Mr. CROWLEY.
H.R. 2188: Mr. WALSH of New York.
H.R. 2279: Mr. GARRETT of New Jersey, Mrs. BACHMANN, Mr. CULBERSON, Mr. WALBERG, and Mr. BROWN of South Carolina.
H.R. 2289: Mr. WHITFIELD of Kentucky, Mr. LEWIS of Georgia, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. MICHAUD.
H.R. 2329: Mr. CARNAHAN, Mr. WALBERG, and Mr. KNOLLENBERG.
H.R. 2330: Mr. GARRETT of New Jersey.
H.R. 2370: Mr. LANGEVIN, Mr. CARTER, Mr. ENGLISH of Pennsylvania, Mr. HOLT, and Mr. TERRY.
H.R. 2384: Mr. LATHAM.
H.R. 2472: Mr. SESTAK.
H.R. 2493: Mr. FEENEY and Mr. GARRETT of New Jersey.
H.R. 2583: Mr. HOLDEN.
H.R. 2606: Mr. JOHNSON of Georgia, Mr. DOYLE, Mr. RYAN of Ohio, and Ms. HIRONO.
H.R. 2676: Mr. ALTMIRE.
H.R. 2686: Mr. WELCH of Vermont.
H.R. 2708: Mr. MARKEY.
H.R. 2712: Mr. LAMBORN.
H.R. 2721: Mr. COSTA.
H.R. 2762: Mr. JOHNSON of Illinois.
H.R. 2796: Mr. ENGLISH of Pennsylvania.
H.R. 2832: Mr. LANGEVIN and Mr. LATHAM.
H.R. 2842: Ms. BERKLEY.
H.R. 2880: Mr. COSTA.
H.R. 2990: Mr. PETERSON of Minnesota.
H.R. 2994: Mr. ALTMIRE.
H.R. 3047: Mr. SCALISE.
H.R. 3089: Mr. BROWN of South Carolina and Mr. CRENSHAW.
H.R. 3094: Ms. GIFFORDS and Mr. MOORE of Kansas.
H.R. 3119: Mr. WEXLER, Ms. NORTON, and Mr. HINCHEY.
H.R. 3186: Mr. LOEBSACK, Mr. SHADEGG, Mr. RUPPERSBERGER, and Ms. DEGETTE.
H.R. 3245: Mr. SHAYS.
H.R. 3289: Mr. LYNCH and Mr. PRICE of Georgia.
H.R. 3329: Mr. MCNERNEY.
H.R. 3396: Mr. DAVIS of Illinois.
H.R. 3406: Mr. BISHOP of Georgia.
H.R. 3485: Ms. SCHAKOWSKY.
H.R. 3652: Mr. WELCH of Vermont and Mr. LOEBSACK.
H.R. 3669: Ms. SCHWARTZ.
H.R. 3679: Mr. WESTMORELAND.
H.R. 3689: Mrs. MALONEY of New York.
H.R. 3929: Ms. LEE.
H.R. 4048: Mr. ALEXANDER.
H.R. 4061: Mr. WAXMAN.
H.R. 4099: Ms. GINNY BROWN-WAITE of Florida.
H.R. 4126: Mr. MOORE of Kansas, Mr. PITTS, Mr. DENT, Mr. KELLER, Mr. CUELLAR, and Ms. DEGETTE.
H.R. 4158: Ms. RICHARDSON, Mrs. DAVIS of California, Mr. FILNER, Mr. MITCHELL, and Mr. BILBRAY.
H.R. 4236: Mr. LOBIONDO.
H.R. 4245: Mr. LAMBORN.
H.R. 4269: Mr. KLEIN of Florida.
H.R. 4344: Mr. FEENEY.
H.R. 4833: Mr. MILLER of North Carolina, Mr. WESTMORELAND, Mr. TAYLOR, Mr. CLEAVER, and Mr. SHULER.
H.R. 4900: Mr. CAZAYOUX.
H.R. 5160: Mr. MCDERMOTT.
H.R. 5236: Mr. BISHOP of Georgia.
H.R. 5267: Mr. CANTOR.
H.R. 5315: Mr. MCGOVERN.
H.R. 5404: Mr. WAXMAN, Mr. MARKEY, Mr. INSLEE, Mr. WU, and Mr. LANGEVIN.
H.R. 5435: Mr. BECERRA and Mr. SALAZAR.
H.R. 5465: Mr. CARSON.
H.R. 5488: Mr. SESTAK.
H.R. 5515: Mr. SHAYS.
H.R. 5535: Ms. HIRONO, Mr. THOMPSON of California, Mr. MARKEY, Ms. BORDALLO, Mr. DELAHUNT, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SUTTON, Ms. LINDA T. SÁNCHEZ of California, Mr. JEFFERSON, Ms. MATSUI, and Mr. UDALL of Colorado.
H.R. 5575: Mr. GRIJALVA.
H.R. 5583: Ms. GIFFORDS.
H.R. 5604: Mr. PETERSON of Minnesota and Mr. LATHAM.
H.R. 5606: Mr. FEENEY and Mr. KAGEN.
H.R. 5629: Mr. PASCRELL.
H.R. 5632: Mr. FORTENBERRY, Mrs. CAPPS, and Mr. LINCOLN DAVIS of Tennessee.
H.R. 5652: Mr. HUNTER.
H.R. 5656: Mr. MARIO DIAZ-BALART of Florida, Mr. GARY G. MILLER of California, and Mrs. SCHMIDT.
H.R. 5674: Mr. MILLER of North Carolina.
H.R. 5731: Mr. ROGERS of Kentucky and Mr. GOODLATTE.
H.R. 5737: Mr. SHIMKUS.
H.R. 5772: Mr. SIRES.
H.R. 5782: Mr. DENT.
H.R. 5793: Mr. KLEIN of Florida.
H.R. 5838: Mrs. GILLIBRAND, Mrs. MCCARTHY of New York, and Mr. MEEKS of New York.
H.R. 5874: Mrs. CUBIN, Mrs. LOWEY, and Mr. LATHAM.
H.R. 5878: Mr. LATHAM.
H.R. 5898: Mr. GRIJALVA and Ms. LEE.
H.R. 5910: Mr. MCCOTTER, Mr. HOEKSTRA, Mr. FRANKS of Arizona, and Mr. JONES of North Carolina.
H.R. 5925: Mr. CROWLEY, Mr. PAYNE, Ms. WATSON, and Mr. WEXLER.
H.R. 5954: Mr. HOLT.
H.R. 6045: Mr. KANJORSKI, Mr. WEXLER, and Mr. BISHOP of New York.
H.R. 6057: Mr. MCNULTY.
H.R. 6064: Mr. CUELLAR.
H.R. 6066: Ms. WATERS, Ms. LEE, Mr. CARSON, Mr. SHERMAN, and Mr. WAXMAN.
H.R. 6067: Mr. LARSEN of Washington.
H.R. 6076: Mr. DAVIS of Illinois.
H.R. 6079: Ms. ZOE LOFGREN of California, Mr. MCCOTTER, Mr. COSTELLO, Mr. PETERSON of Minnesota, and Mr. FRANK of Massachusetts.
H.R. 6089: Ms. SCHAKOWSKY.
H.R. 6091: Mr. MEEKS of New York, Mr. GALLEGLY, and Mr. SOUDER.
H.R. 6100: Mr. GEORGE MILLER of California.
H.R. 6108: Mr. FEENEY.
H.R. 6126: Ms. WASSERMAN SCHULTZ.
H.R. 6130: Mr. STEARNS.
H.R. 6157: Mr. CARNEY.
H.R. 6162: Mr. UDALL of Colorado.
H.R. 6168: Mr. CLEAVER.
H.R. 6169: Mr. CLEAVER.
H.R. 6172: Mr. BONNER and Mr. DAVIS of Alabama.
H.R. 6194: Mr. GARRETT of New Jersey.
H.R. 6199: Mr. NADLER.
H.R. 6207: Mr. KING of Iowa, Mr. DAVID DAVIS of Tennessee, Mr. GARRETT of New Jersey, Mr. RYAN of Wisconsin, Mr. KINGSTON, Mr. DAVIS of Kentucky, Mrs. BACHMANN, Mr. BARTLETT of Maryland, and Mr. GINGREY.
H.R. 6208: Mr. CLEAVER.
H.R. 6209: Mr. PATRICK MURPHY of Pennsylvania, Mr. COHEN, Mr. CAPUANO, Mrs. MCCARTHY of New York, Mr. TOWNS, and Mr. MARKEY.
H.R. 6210: Mr. LIPINSKI.
H.R. 6251: Mr. HASTINGS of Florida and Mr. CARNEY.
H.R. 6252: Ms. GRANGER, Mr. MOORE of Kansas, and Mr. MCHENRY.
H.R. 6256: Mr. TIERNEY.
H.R. 6264: Mr. BISHOP of Georgia.
H.R. 6285: Ms. SPEIER.
H.R. 6288: Ms. GINNY BROWN-WAITE of Florida.
H.R. 6292: Ms. GINNY BROWN-WAITE of Florida.
H.R. 6294: Mr. MILLER of Florida, Ms. CORRINE BROWN of Florida, Mr. CRENSHAW, Ms. CASTOR, Mr. MAHONEY of Florida, Mr. KLEIN of Florida, Mr. HASTINGS of Florida, and Mr. MARIO DIAZ-BALART of Florida.
H.R. 6297: Ms. MATSUI.
H.R. 6299: Mr. ROTHMAN and Ms. GRANGER.
H.R. 6316: Mr. ARCURI, Ms. LINDA T. SÁNCHEZ of California, Ms. SHEA-PORTER, Mr. SIRES, Mr. CUMMINGS, Mr. ROTHMAN, Mr. ANDREWS, Mr. ABERCROMBIE, and Ms. CORRINE BROWN of Florida.
H.R. 6321: Mr. DAVIS of Illinois and Mr. KUHL of New York.
H.R. 6328: Mr. DINGELL.
H.R. 6330: Mr. LAMPSON.
H.R. 6347: Mr. SCOTT of Georgia, Mr. DAVIS of Illinois, and Mr. OBERSTAR.
H.R. 6348: Ms. GINNY BROWN-WAITE of Florida, Mr. KINGSTON, and Mr. WILSON of South Carolina.
H.R. 6353: Mr. DAVIS of Illinois.
H.R. 6368: Mr. CAMP of Michigan.
H.R. 6371: Mr. RAMSTAD, Mr. DOGGETT, and Mr. BECERRA.
H.J. Res. 39: Mr. ROGERS of Michigan.
H.J. Res. 50: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MICHAUD, Mr. SHAYS, and Mr. INGLIS of South Carolina.
H.J. Res. 79: Ms. NORTON.
H.J. Res. 89: Mr. SCALISE and Mrs. MUSGRAVE.
H.J. Res. 91: Mr. FRANK of Massachusetts and Mr. HOLT.
H. Con. Res. 81: Mr. PAUL.
H. Con. Res. 214: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of Mississippi,

Ms. WATSON, Mr. AL GREEN of Texas, and Mr. CUMMINGS.

H. Con. Res. 276: Mr. SHAYS.

H. Con. Res. 284: Mr. FORBES.

H. Con. Res. 296: Mr. ROGERS of Michigan, Mrs. BIGGERT, Mr. LAMBORN, Ms. WATERS, Mr. BOREN, and Ms. GINNY BROWN-WAITE of Florida.

H. Con. Res. 338: Mr. WATT.

H. Con. Res. 345: Mr. POE, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, Mr. FALEOMAVAEGA, and Mr. MEEKS of New York.

H. Con. Res. 352: Mr. ANDREWS.

H. Con. Res. 356: Mr. SHERMAN.

H. Con. Res. 358: Mr. ELLSWORTH, Mr. BOREN, Mr. TAYLOR, Mr. UDALL of Colorado, Mr. LOEBSACK, Mr. LARSEN of Washington, Mr. ABERCROMBIE, Mr. REYES, Mr. CHABOT, Mr. ENGLISH of Pennsylvania, Mr. REHBERG, Mr. ISSA, and Ms. FALLIN.

H. Con. Res. 360: Ms. MCCOLLUM of Minnesota and Mr. CONYERS.

H. Con. Res. 362: Mr. REHBERG, Mr. SARBANES, Mr. SHIMKUS, Mr. GARRETT of New Jersey, Mr. GOODLATTE, Ms. CASTOR, Mr. ALTMIRE, Mr. FILNER, Mr. CARNAHAN, Mr. WELLER, Mr. BISHOP of Georgia, and Mr. LATHAM.

H. Con. Res. 364: Mr. SHAYS.

H. Con. Res. 365: Mr. KUHL of New York.

H. Con. Res. 380: Mr. TOWNS and Mrs. TAUSCHER.

H. Con. Res. 381: Ms. MCCOLLUM of Minnesota.

H. Res. 732: Mr. HILL, Ms. MATSUI, Mrs. SCHMIDT, Mr. CLAY, Mr. GILCHREST, Mr. CLEAVER, Ms. WASSERMAN SCHULTZ, Mr. COURTNEY, Mr. BRALEY of Iowa, Mr. BACA, Mr. HALL of New York, Mr. GENE GREEN of Texas, Mr. BOSWELL, Mr. BERRY, Mr. CHILDERS, Mr. ROSS, Ms. HARMAN, Ms. WOOLSEY, Mr. HINCHEY, Mr. MCDERMOTT, Mr. DELAHUNT, Ms. SCHAKOWSKY, Mr. EMANUEL, Mr. LEWIS of Georgia, Mr. ELLISON, Ms. KILPATRICK, Mr. WAXMAN, Mr. RUPPERSBERGER, Ms. DEGETTE, Mr. MCNERNEY, Ms. CLARKE, Ms. HOOLEY, Mr. RODRIGUEZ, Mr. SIRES, Ms. ESHOO, Mr. CAZAYOUX, Mr. ETHERIDGE, Mr. COOPER, Mr. WELCH of Vermont, Mr. ISSA, Mr. ROTHMAN, Mr. WALDEN of Oregon, Mr. SAXTON, Mr. PERLMUTTER, Mr. SALAZAR, Mr. GONZALEZ, Mr. CARSON, Ms. JACKSON-LEE of Texas, Ms. EDWARDS of Maryland, and Mr. CRAMER.

H. Res. 758: Mrs. DRAKE.

H. Res. 906: Mr. GALLEGLY, Mr. FRANKS of Arizona, Mr. REYES, and Mr. WOLF.

H. Res. 1006: Mr. KANJORSKI and Mr. WILSON of Ohio.

H. Res. 1008: Mr. KUHL of New York.

H. Res. 1012: Mr. JOHNSON of Illinois.

H. Res. 1017: Mr. HONDA, Ms. NORTON, Mr. MOORE of Kansas, and Mr. CLEAVER.

H. Res. 1045: Mr. HONDA and Mr. GRIJALVA.

H. Res. 1111: Mr. KANJORSKI.

H. Res. 1140: Mr. GARRETT of New Jersey.

H. Res. 1179: Mr. GORDON.

H. Res. 1227: Mrs. CAPPS.

H. Res. 1232: Mr. COSTELLO, Mrs. MALONEY of New York, and Mr. MCDERMOTT.

H. Res. 1246: Mr. SCHIFF, Mr. COHEN, Ms. LINDA T. SÁNCHEZ of California, Ms. SUTTON, Mr. DELAHUNT, and Mr. CARSON.

H. Res. 1248: Mr. FRANKS of Arizona, Mr. BUCHANAN, Mr. BARTLETT of Maryland, Mr. JONES of North Carolina, and Mr. EVERETT.

H. Res. 1255: Mr. TAYLOR, Mr. LAMBORN, Mr. MCHUGH, Mr. HUNTER, Mr. ROGERS of Alabama, Mr. SAXTON, Mr. EVERETT, Mr. BISHOP of Utah, Mr. THORNBERRY, Mr. SHUSTER, Mr. HAYES, Mr. WITTMAN of Virginia, Mr. FRANKS of Arizona, Mr. BARTLETT of Maryland, Mr. LOBIONDO, Ms. FALLIN, Mr. SULLIVAN, Mr. DANIEL E. LUNGREN of California, Mr. SAM JOHNSON of Texas, Mr. CALVERT, Mr. NEUGEBAUER, Mr. CARTER, Mr. MCCARTHY of California, Mr. HASTINGS of Washington, Mr. WAMP, Mr. SNYDER, Mr. AKIN, and Mr. ABERCROMBIE.

H. Res. 1266: Mr. CLEAVER and Mr. DOYLE.

H. Res. 1273: Mr. LANGEVIN.

H. Res. 1278: Mrs. MYRICK.

H. Res. 1287: Mr. SESTAK, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. MILLER of Michigan, Mr. BOUSTANY, and Mr. CAMP of Michigan.

H. Res. 1290: Ms. WATERS.

H. Res. 1296: Mr. ROHRABACHER, Mr. SESTAK, and Mr. ETHERIDGE.

H. Res. 1301: Mr. FATTAH, Mr. DREIER, Ms. TSONGAS, Mr. JACKSON of Illinois, Mr. DOOLITTLE, Mr. MCGOVERN, Mr. HINCHEY, Ms. MCCOLLUM of Minnesota, Mr. OLVER, Mr. JONES of North Carolina, and Mr. CALVERT.

H. Res. 1302: Mr. BOEHNER, Mrs. BLACKBURN, Mr. COBLE, Mr. CHABOT, Mr. NEUGEBAUER, Mr. JONES of North Carolina, Mr. SPACE, Mr. ROSS, Mr. GORDON, Mr. CRAMER, Mr. MAHONEY of Florida, Mr. TERRY, Mr. LINDER, Mr. PATRICK MURPHY of Pennsylvania, and Mr. LAMBORN.

## DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5353: Mr. CARSON.

H.R. 6264: Mrs. BOYDA of Kansas.

## PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

285. The SPEAKER presented a petition of the Screen Actors Guild, relative to a Resolution requesting proclamation on behalf of the State of California on the celebration of the Screen Actors Guild's 75th Anniversary; to the Committee on Oversight and Government Reform.

286. Also, a petition of the Citrus County Board of County Commissioners, Florida, relative to Resolution No. 2008-069 requiring that American flags manufactured in the United States, be flown at all Citrus County government facilities; to the Committee on Oversight and Government Reform.

287. Also, a petition of the Council of the City of Tehachapi, California, relative to Resolution No. 07-08 urging the Supreme Court of the United States to uphold the original and historic view of the Second Amendment in its full and complete meaning; to the Committee on the Judiciary.

## DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petitions were filed:

Petition 10, June 24, 2008, by Mr. JOHN R. ''RANDY'' KUHL, JR. on H.R. 5656, was signed by the following Members: John R. ''Randy'' Kuhl Jr., Doug Lamborn, David Davis, Robert E. Latta, Joseph R. Pitts, Charles W. Boustany, Jr., Ron Paul, Michael T. McCaul, John Kline, Randy Neugebauer, Lynn A. Westmoreland, Wally Herger, Patrick J. Tiberi, John Linder, Todd Tiahrt, Terry Everett, Phil English, Steve Chabot, Frank D. Lucas, Trent Franks, Patrick T. McHenry, Tom Cole, Lamar Smith, Kenny Marchant, Geoff Davis, Joe Wilson, Howard P. ''Buck'' McKeon, Ken Calvert, John B. Shadegg, Peter J. Roskam, Jim Jordan, Daniel E. Lungren, Jo Ann Emerson, Sam Johnson, Phil Gingrey, K. Michael Conaway, Cathy McMorris Rodgers, Tim Walberg, John J. Hall, Mario Diaz-Balart, Lincoln Diaz-Balart, Marsha Blackburn, Dennis R. Rehberg, Rodney Alexander, Paul C. Broun, Jean Schmidt, Pete Sessions, Jeff Miller, Jeff Flake, Todd Russell Platts, Mike Rogers, Jeb Hensarling, Darrell E. Issa, Judy Biggert, John L. Mica, Tom Price, John E. Peterson, John Abney Culberson, Tom Latham, Jack Kingston, Mary Fallin, Mike Ferguson, Candice S. Miller, Ginny Brown-Waite, Kay Granger, Michael C. Burgess, Thelma D. Drake, Joe Barton, Mike Pence, Thomas M. Reynolds, Ric Keller, Henry E. Brown, Jr., Nathan Deal, Dave Camp, Harold Rogers, Jim McCrery, Duncan Hunter, Roy Blunt, Jerry Weller, Eric Cantor, Thaddeus G. McCotter, Spencer Bachus, Greg Walden, Gus M. Bilirakis, Fred Upton, Vito Fossella, Donald A. Manzullo, F. James Sensenbrenner, Jr., Dean Heller, Dan Burton, Virgil H. Goode, Jr., John Shimkus, Tom Davis, Marilyn N. Musgrave, Roscoe G. Bartlett, Bill Shuster, Charles W. Dent, James T. Walsh, J. Gresham Barrett, Lee Terry, Scott Garrett, Howard Coble, Bill Sali, John M. McHugh, W. Todd Akin, Adrian Smith, Kevin McCarthy, Jo Bonner, John A. Boehner, Ander Crenshaw, Joe Knollenberg, John T. Doolittle, Tom Feeney, John Campbell, John R. Carter, John Boozman, Steve King, Jon C. Porter, Ted Poe, Sue Wilkins Myrick, Peter T. King, Virginia Foxx, Adam H. Putnam, and Deborah Pryce.

Petition 11, June 24, 2008, by Mr. THOMAS G. TANCREDO on House Resolution 1240, was signed by the following Members: Thomas G. Tancredo and Jean Schmidt.

## DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 3 by Mr. PENCE on House Resolution 694: Timothy V. Johnson.

Petition 4 by Mr. ADERHOLT on H.R. 3584: Trent Franks.

Petition 5 by Mrs. DRAKE on H.R. 4088: Timothy V. Johnson.

Petition 6 by Mr. BOUSTANY, JR. on House Resolution 1025: Pete Sessions.

Petition 8 by Mr. WALBERG on H.R. 3089: Don Young, Thomas G. Tancredo, Jeff Flake, and Mike Rogers.

Petition 9 by Mr. ENGLISH on H.R. 2279: Rob Bishop, Trent Franks, and Michael N. Castle.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, THURSDAY, JUNE 26, 2008 No. 107

# Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of our hopes and dreams, from whom all blessings flow, thank You for Your presence and sustaining power. Strengthen our lawmakers during the rigorous demands of their day. Lord, manifest Your presence and inspire them with Your unchanging love. Help them to remember that greater than the leverage of force is the power of love. Remind them that love can mold wills, penetrate lives, and overcome obstacles. Lord, make our Senators instruments of Your peace and love in a hurting nation and world. Enable them to say with the Psalmist: ''Test me, O Lord, and try me, examine my heart and my mind, for Your love is ever before me, and I walk continually in Your truth.''

We pray in Your loving Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, June 26, 2008.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the Foreign Intelligence Surveillance Act, FISA.

Earlier this week, we were able to work out an agreement to consider two district court judges today. The Judiciary Committee is going to meet today to consider other judges, but we now have two we are going to approve sometime today, and they are William T. Lawrence of Indiana and G. Murray Snow of Arizona. When the Senate considers the nominations, there will be an hour for debate, equally divided and controlled, prior to the votes on confirmation of the nominations. These votes will occur sometime during the day. The second vote will be 10 minutes in duration.

Mr. President, I guess we have to learn from our experiences in life, and I try to do that. I was thinking, coming to work here today, what have I had that is comparable to what we have been doing here this week? And the best I could come up with is, when I was a boy, I would go with my dad and my family to gather wood. We would go up these washes, desert washes, and in these washes grows what we call cat's claw mesquite. That is the only place it grows, in these washes, the reason being that the seeds only germinate when they are pulverized, pounded down these washes. So we would go down there in a pickup—four-wheel drives did not exist or rarely existed at the time—and invariably we would get stuck in the sand. Those back tires would spin—one of them especially—and sometimes it would take a long time. Those tires would spin. That vehicle was going a thousand miles an hour but moving nowhere. But as the day and time progressed, we would put brush under the tires and the rocks, and we would get out eventually.

Well, that is kind of where we are today in the Senate. All week long, we have been stuck in the sand, spinning our wheels. This is Thursday, and Thursday can be a magical day in the Senate, but it is not automatic. It is not automatically a magical day. We have many things to do to, in effect, stop spinning our wheels. We have four major pieces of legislation that need to be considered before we can leave for the Fourth of July recess.

FISA. I received a call this morning from the majority leader in the House, Leader HOYER, and he—a lot of people are responsible for getting this bill to this point, but I think all would acknowledge that his work on this was instrumental—and he, of course, would like us to finish this as quickly as possible. We are currently considering the motion to proceed to FISA. That is the legislative matter now before this body. I hope and I am convinced that we will be able to work out an agreement to move action on this bill.

Housing. Yesterday, the Senate overwhelmingly voted for the Dodd-Shelby bipartisan agreement. So it is not a matter of whether but when the housing legislation will pass the Senate. I hope we can reach an agreement before the end of the day as to how this bill is going to be finished. If we don't, I will just have to look for another opportunity to file cloture and this bill will be completed. As I have indicated to a number of Senators, both Democrats and Republicans, as we proved yesterday, when we have an opportunity, we

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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can move legislation. There was agreement made on amendments, there was compromise on those amendments, and that is what will happen as we proceed down the road. I know there is an issue dealing with whether one Senator can offer an amendment to have the extenders not paid for. That won't happen on this bill. Those who want to do that can do it on some other vehicle, but that won't happen on the housing legislation.

The supplemental. I hope we can reach agreement today to complete action on this bill that was passed by the House overwhelmingly—the House got 355 on that piece of legislation, with just a handful of votes against it. It was truly a piece of legislation that was important to be done. I am sorry, that was not the number on that, Mr. President, but it was passed overwhelmingly, the supplemental, and we need to do it here.

This bill includes the GI Bill of Rights, and it includes an unemployment insurance extension, which people are waiting for us to do today and the President to sign the bill. There are, of course, other domestic priorities, not the least of which is on the Medicaid regulations. Every Senator has received calls from their Governor about the importance of these Medicaid regulations. Passage of this bill will be a victory for the American people, and it is one of those rare instances where we have, as I have said on the floor in recent days, worked with the President, and he has worked with us, and we have a bill he is going to sign without any question.

Medicare. That is the bill that passed by a vote of 355 to 59 in the House. It is an extremely important piece of legislation. We have to complete that before we leave here. If we don't do it before July 1, everyone knows—well, when I walked out of my office, the head of the American Medical Association was there saying: Pass the bill the House passed. She is over there. She is a physician from Buffalo, NY, and she said it is one of the most important things we could do to help the health care delivery system in this country. The AARP yesterday came out for this legislation.

It is an extremely important piece of legislation. The bill is similar to the one drafted by Senators BAUCUS and GRASSLEY earlier this month that every Senate Democrat and nine Senate Republicans voted for. It represents the only chance this body has to head off cuts to doctors before they take effect at the end of this month. So we either will get an agreement today to pass the Medicare doctors fix or, when I have an opportunity, which will probably be after midnight tonight, to file cloture on that. If that is the case—and I can't do that before midnight—then that will mean a weekend cloture vote. So we have to do that. We have no alternative. Everyone wants to go everyplace because the Fourth of July break is coming, but we can't do that until we complete that. I hope that can be worked out as soon as possible.

I am optimistic that this is going to be a productive day in the Senate, but I am also realistic that it may not be. Magic can happen, as I have indicated, when we work together here in the Senate. On Thursdays, a lot of that magic occurs, but it does not mean it is going to happen automatically. I hope it is not a continuation of being stuck in the sand and those wheels are spinning and spinning. I hope we can get something done for the American people today.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## FISA

Mr. MCCONNELL. Mr. President, last April the Director of National Intelligence, ADM Mike McConnell, warned Congress about a serious flaw in the laws that govern our Nation's terror-fighting capabilities. New technologies had made our old electronic surveillance program dangerously out of date, he said, causing us to miss substantial amounts of vital intelligence on foreign terror suspects overseas.

In reaction to these concerns, the Senate passed and the President signed a temporary measure, the Protect America Act. The Protect America Act lived up to its name. We are told that from the time of its passage last August until its expiration in February, it allowed us to collect significant intelligence on terrorists and has been critical in protecting the United States from harm. But the Protect America Act had a signal failure: the telecom companies that may have helped prevent terrorist attacks were not protected from potentially crippling lawsuits. This was no small thing since without these companies, America wouldn't even have an effective surveillance program. Bankrupting the telecoms would be like outlawing fire hydrants—you could have the best firetrucks and the best firemen in the world, but you would still be incapable of putting out fires.

So after several months of new negotiations, the House finally devised and approved last week a revision of the original surveillance law that addresses the DNI's major concerns, including the important telecom protection. As the DNI put it in a recent letter endorsing the House-passed bill:

> This bill would provide the intelligence community with the tools it needs to collect the foreign intelligence necessary to secure our Nation while protecting the civil liberties of Americans. The bill would also provide the necessary legal protections for those companies sued because they are believed to have helped the government prevent terrorist attacks in the aftermath of September 11. Because this bill accomplishes these two goals, essential to any effort to modernize FISA, we strongly support passage and will recommend the President sign it.

That is the Director of National Intelligence.

Passage of this legislation is long overdue. When the Protect America Act expired in February, the DNI warned Democratic leaders in the House once again about the need for an updated law. Yet House Democrats were evidently more concerned about the pressure they were getting from left wing groups such as moveon.org. They brushed the DNI's warnings aside and refused to take up and pass a bipartisan Senate-passed compromise bill that would have easily cleared the House. As a result of Democratic intransigence, our intelligence community has been handicapped in its ability to acquire new terrorist targets overseas. This was grossly irresponsible, and many of us said so at the time.

Now more than a year after the DNI made his initial plea, House Democrats have finally done the right thing. They have acted on the DNI's warnings by passing an updated surveillance law that meets his original criteria and which meets the criteria Republicans laid out during last year's debate—namely, one that gives the intelligence community the tools it needs to protect us, which doesn't put the telecom companies that made this program possible out of business, and which would get a Presidential signature.

Now it is time for the Senate to take up this bill and pass it without any further delay. The bill isn't perfect. I would have preferred for the Speaker to allow a vote on the Senate-passed FISA bill. But it does meet the DNI's criteria, and therefore its passage will mark a serious achievement, though long overdue, in the interest of our national security.

This hard-fought bill represents the epitome of compromise. The senior Senator from Missouri should be singled out for his outstanding work on this most important piece of legislation. He has done a service to the Senate and to the Nation by patiently working all of this out over the course of more than a year.

He was assisted in that effort by very able staff. Louis Tucker, Jack Livingston, and Kathleen Rice were invaluable throughout the process, to every Senator who was involved in this extremely important debate. They also deserve our thanks.

I will support this bill for all the reasons I have mentioned and urge my colleagues to do the same. We must pass this before leaving town and not allow it to be held up by yet another Democratic filibuster.

## HONORING OUR ARMED FORCES

### SERGEANT TATJANA REED

Mr. MCCONNELL. Mr. President, I rise to speak for a brave woman, mother and soldier who has fallen. On July 22, 2004, SGT Tatjana Reed was tragically killed when an improvised explosive device detonated near her vehicle during combat operations in Samarra, Iraq.

Born half a world away, Sergeant Reed came to call Fort Campbell, KY her home. She was 34 years old.

For her bravery in service, she received numerous medals, awards and decorations, including the Bronze Star Medal and the Purple Heart.

Born and raised in Germany, Sergeant Reed chose to make America her own, and she chose to enlist in the U.S. Army to protect it.

To hear Tatjana's younger sister, Rebecca Milliner, describe their time together as children, growing up in Germany sounds little different from growing up in America.

''She had to drag her little sister along to hang out with her friends,'' Rebecca recalls. But ''she never complained about having to take me with her.''

Tatjana graduated from high school in Germany, then later came to America as a young woman in 1991 and graduated from basic training in February of that year. The Army proved to be Tatjana's path to embracing both a new country and a new mission in life.

''She loved the Army,'' says Tatjana's mother, Brigitte Dykty, who also came to America from Germany around the same time as her daughter.

Brigitte remembers that before Tatjana left for Iraq, her daughter ''told me not to worry for her,'' she says. Tatjana reassured her mother by saying, ''It's my job.''

Tatjana became an emergency medic and was stationed at Fort Knox, KY. The Bluegrass State became her new home. In 1993, she transferred to Fort Campbell, and also spent time in Kosovo. In August of 1998, she became an American citizen.

But perhaps the greatest gift in Tatjana's life was her daughter, Genevieve, who tucked a framed photo of herself into Tatjana's bags as a gift to her mom when she went to Iraq.

By the time she was deployed to Iraq, Tatjana was assigned to the 66th Transportation Company, based out of Kaiserslautern, in her native Germany, and served as a heavy-wheeled vehicle operator. At a memorial service for Tatjana, her fellow soldiers described the joy of working with her.

''When I first came to the 66th, Sergeant Reed was the first person I met,'' says Private First Class Melissa Cramblett. ''She took me under her wing. She was a good person, a good [non-commissioned officer,] and she cared a lot for us.''

Other soldiers described a caring woman who was a mother figure to the younger troops under her care. She translated German for the soldiers communicating with the locals, and brewed a strong cup of coffee that became the soldiers' favorite.

''She was an exceptional woman,'' says SSG Agustin Sarmiento. ''There were no other words to describe her. She was a real tender, loving, caring person. She cared for soldiers.''

The compassion Tatjana showed for the people around her was not new. A story her sister, Rebecca, shared with me illustrates that.

When I was eight or nine I was rushed to the hospital to have my appendix removed,'' Rebecca says. ''I was scared because I never had to stay in a hospital before. I remember waking up from the surgery and opening my eyes and looking at my sister. She said, 'How are you doing?' She started joking with me, so I would forget about my pain.

''She was at the hospital with me every day. That is when she became my hero.''

Tatjana always called her daughter Genevieve ''her little soldier,'' and so at Tatjana's funeral, Genevieve did not cry. To remain her mother's little soldier, she said she would cry when she was alone.

Tatjana's passing leaves a hole in the lives of those who knew her that cannot be filled. We are thinking of her mother Brigitte Dykty; her daughter Genevieve Reed; her sister Rebecca Milliner; her brother Torsten Wissmann; her stepfather Joseph Dykty; and many other beloved family members and friends.

Rebecca still remembers the shock of hearing the tragic news. ''My sister was gone just like that,'' she says.

''The one good thing that came out of it [is] she now is a hero to millions of people and not just to me.''

Rebecca and her family can rest assured that this Senate does indeed recognize SGT Tatjana Reed as a hero. And now, her adopted country will forever adopt her, as a brave patriot who made the greatest sacrifice for her Nation.

Mr. President, in Kentucky today a family mourns the loss of a hero and patriot. SGT William G. Bowling was tragically killed on April 1, 2007, when an improvised explosive device detonated near his vehicle as he was on patrol outside Baghdad. Sergeant Bowling hailed from Beattyville, KY, and he was 24 years old.

He received several awards, medals and decorations for his valor, including the Army Commendation Medal, the National Defense Service Medal, and the Purple Heart.

''This is the job he wanted to do,'' says his wife, Jennifer, about her husband's service. ''He wanted to serve his country. . . . He really believed in what he was doing in Iraq.''

In fact, this was Will's second tour of duty in Iraq. He was serving as a military police officer assigned to Headquarters and Headquarters Company, 2nd Brigade Special Troops Battalion, 2nd Brigade Combat Team, 10th Mountain Division, based out of Fort Drum, NY. Will enlisted in the Army in 2003 and then reenlisted in 2005.

The year of his first enlistment, 2003, was an important one for another reason. That year, Will had a job at Affiliated Computer Services, where he got to meet a young woman named Jennifer.

Their first date was on Groundhog Day; they went to see a movie. As he and Jennifer grew closer, he described for her his desire to join the Army.

''He was at a point in his life where he just felt like he needed to enlist,'' Jennifer recalls. ''He thought about joining right after 9/11, and he thought about it some more after that. It was just something he thought he needed to do.

''I knew something could happen,'' she adds. ''But I supported him.''

Will and Jennifer fell in love, and they were married on July 23, 2003, in Richmond, KY. On the very next day, Will reported for Army training.

Will served as an infantryman when he first enlisted, training at Fort Benning, GA, then reporting to Fort Drum. He was deployed on his first tour in Iraq in 2004 and reenlisted while on tour in 2005. Upon returning home, he trained at Fort Leonard Wood, MO, in 2005 and 2006 to become an MP.

Deployed on his second Iraqi tour in August 2006, Will patrolled the streets of Baghdad, and was part of a crew that found and detonated explosives before they could harm other soldiers or civilians.

Looking ahead, Will and Jennifer saw a happy life together. He thought of joining the Kentucky State Police and building a house for his family in Beattyville.

That family included Will and Jennifer's two beautiful daughters, Hannah Katheryn and Allyson Peyton. Sadly, Will never got to lay eyes on his younger daughter Allyson, who was born the day after his funeral.

''I sent him lots of pictures of the girls,'' Jennifer remembers. He ''was very devoted to me and our daughters. [He] couldn't wait to return . . . and was extremely excited about the birth of the new baby.''

Hannah and Allyson will not get to learn firsthand how their father loved the Indianapolis Colts and that his favorite player was Peyton Manning. In fact, that is where Allyson gets her middle name.

They'll miss hearing their father talk about his love of NASCAR and his favorite drivers, Dale Earnhardt and Dale Earnhardt, Jr., Will would even say half-jokingly that he wanted to be a driver someday.

''For our second anniversary, he got to go to the Kentucky Speedway to participate in the Richard Petty Driving Experience,'' says Jennifer. ''He was so excited and had such a great time that day. I can still see the smile on his face. ''

Will liked to have water gun fights with his nephews, build things out of Legos and play a few video games. He enjoyed the bands U2 and the Foo Fighters and the comedian Dane Cook. And together, he and Jennifer would walk their dogs—Oreo, a Siberian Husky, and Java, a German Shepherd.

''He was just an outstanding, respectable man,'' says Jennifer. He ''could be quiet at times, [but] loved to smile and laugh.''

Will was the kind of man who collected many friends. Hundreds of people filled the Booneville Funeral Home

to say their goodbyes, and to recognize his bravery in fighting for such an important cause. I was honored to be able to write a eulogy for Will, which was read at the service.

Our prayers go out to Will's beloved friends and family members today. We are thinking of his wife Jennifer Evans Bowling; his daughters Hannah Katheryn and Allyson Peyton Bowling; his father, Adam Miller; his mother Kathleen Bowling; his parents-in-law James and Cathy Evans; his brother- and sister-in-law Jim and Roxanne Evans; his nephews Michael and Wesley Evans; his grandparents Chester Terry and Francis Bowling; his grandmother-in-law Katheryn Holloway, and many others. Will's grandfather-in-law, Frank Holloway, has also passed away.

Will also served alongside many brave soldiers in the Army, forging friendships that lasted a lifetime and beyond. We are thinking of SGT Billy Messer, SP Travis Tysinger, SGT Brian Marshall, SSG Billy Thompson, SGT Stephen Tucker, and SGT Arthur Briggs.

The town of Beattyville has honored Will by engraving his name on a memorial wall that is erected downtown. That's an appropriate way to remember Will as a soldier and a hero.

His wife Jennifer plans her own way of remembering Will as a husband, a father, and a man.

''I've bought a farm and I'm going to build a house exactly as we had planned,'' she says. ''I will display his die-cast cars . . . and will put his Army memorials on display.''

This Senate will remember SGT William G. Bowling for his life of service, and his enormous sacrifice. We honor his heroism in defending his family and his country. And we will not forget the example he has set for all of us—not least, his two young daughters.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## UNANIMOUS-CONSENT REQUEST—H.R. 6327

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of H.R. 6327—this matter was received from the House earlier further, that a Baucus substitute amendment at the desk which is a 3-month FAA extension and a highway trust fund fix be agreed to; the bill, as amended, be read a third time and passed; and the motions to reconsider be laid on the table with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DEMINT. Reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. DEMINT. I am very supportive of the aviation bill. I do think it is inappropriate to add $8 billion of unrelated spending without debate or amendment, so I regretfully have to object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Mr. President, I am wondering while my friend is on the floor, the highway trust fund, according to the States, is upside down. There is not enough money in it. With the construction season upon us for renovation and repair of streets, highways, and bridges, I say to my friend: Would any smaller amount of money be satisfactory, say, $6 billion?

Mr. DEMINT. Mr. President, I appreciate the question from the leader. I think again it is inappropriate to make a decision on whether it is $6 billion or whatever the figure is. Only a couple of months ago we were all here on a technical correction bill. We had the opportunity to take a lot of money that was saved from projects that were not needed. We talked at the time on this floor about the fact that the trust fund was short. But instead of taking that savings and putting it back in the trust fund, we used it to add additional earmarks and to put more money into projects that were there. So there has been no intent by this body to try to look at the problem with the trust fund. Certainly it is something we need to deal with but not as part of the aviation bill.

Mr. REID. Mr. President, I am disappointed but not nearly as disappointed as 50 Governors. This is a situation where the highways of this country are in desperate need of repair and construction.

With the economy faltering, as it is, and the housing market stumbling, this would be a tremendous help. For the $6 billion, it would create about 300,000 jobs—300 thousand. For every billion dollars we spend, it creates about 47,500 high-paying jobs. The spin-off from those jobs is significant.

This would be vitally important to give our economy a little shot in the arm. So I am disappointed my friend has objected.

We are going to have to continue to work to try to replenish that trust fund. The trust fund is not adequately funded because of the fact that people are not traveling as much. They are not buying enough fuel at least to fill the trust fund. The price of gasoline, when President Bush took office, was $1.46, $1.47. Now it is an average of about $4.12 a gallon.

We have real problems around the country. When gas was at $1.47, the same tax came into the coffers to fill this fund. So it is an issue, and I would say to my friend, the technical corrections bill was just that, it was to take care of other things that were essentially needed at that time.

## FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2008

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6327.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows.

A bill (H.R. 6327) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read three times and passed; the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 6327) was ordered to a third reading, was read the third time, and passed.

## UNANIMOUS-CONSENT REQUEST—H.R. 3661

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 836, H.R. 3661, an act to extend the expiring Medicare provisions; that the bill be read a third time and passed and that the motion to reconsider be laid upon the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GREGG. Mr. President, reserving the right to object, there is obviously a great need to correct the problem of what will occur if we do not fix the doctors' reimbursement schedule.

But there are also more ways to do this than one, and the one that is being proposed is the House-passed bill by the majority leader. We would suggest that since the Senate should be heard on this matter and have the opportunity to put its ideas on the table, Senator GRASSLEY and Senator BAUCUS should have a chance to work on the Senate proposal; that we would rather proceed with an extension of the present Medicare provisions so doctors are not subject to a reduction in reimbursement for 30 days and allow this to happen.

I will be required to object to this on behalf of the leadership over here and myself. Then I would like the courtesy of the majority leader to ask unanimous consent for a 30-day extension.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Mr. President, I say to my friend, this legislation passed the House by a huge bipartisan vote—359, as I recall, House Members voted for this.

Now, as far as putting the stamp of the Senate on this bill, we have already done that. We passed a bill. We had every Democrat and nine Republicans. That is basically what the House has sent back to us—that matter we took a look at earlier.

I say that the chairman of the committee, Senator BAUCUS, is 100 percent

behind this request I have, as is the AARP, the AMA, and many support groups around the country. That is now in the RECORD. We put that in the RECORD yesterday.

So this is something we have to do. I would say to my friend, on the 30-day extension, I understand the seriousness of his proposal. I have said many times on this floor, I will not repeat it in detail, I have the greatest respect for the distinguished Senator from New Hampshire. But it is my understanding that there has been an objection to my proposal, and he will go ahead and offer the 30-day extension, to which I will object.

I will be happy to seriously consider it but not too seriously.

Mr. GREGG. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of a 30-day Medicare extension that is at the desk; that it be read a third time and passed; that the motion to reconsider be laid upon the table.

I think the point is, there are serious reservations on our side of the aisle, and I think legitimately other places, on the way the House has handled elements of the Medicare system in this bill and that is to undermine the ability of many seniors to participate in what is known as Medicare Advantage.

We think there is a better way to do it. We think the Senate can do a better job of this bill, and we think 30 days to work on it makes some sense.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## FISA AMENDMENTS ACT OF 2008—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 6304, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 827, H.R. 6304, an Act to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank our leaders for getting us on this very important bill.

As we have discussed before, the failure to modernize and authorize the Foreign Intelligence Surveillance Act last summer has caused serious gaps in our intelligence capability.

When the Protect America Act that was introduced by our Republican leader, Senator MCCONNELL, and me last year finally passed, we put the intelligence community back in the business of intercepting critical intelligence communications from foreign terrorists talking to each other about possible activities in the United States, or against our troops and our allies elsewhere, and obviously any of those who were threatening the United States.

I can tell you, without going into detail, that the foreign intelligence collection from these has been about the most valuable piece of information we have with respect to terrorist intent. So I appreciate the fact that this body is ready to move forward.

I hope we will have a way forward to get it done by the time we leave for the Fourth of July recess. It is critical we get this done promptly. If we go into late July or even into August without getting it done, serious consequences will start to impact our ability to collect intelligence.

Again, I thank our minority leader, Senator MCCONNELL, for his kind words, especially about my very capable staff who have worked very hard, not only to help put this bill together, but we have briefed Members of both sides of the aisle, their staffs. We have spent a lot of time doing that.

Of course, as I outlined yesterday, we spent a very long 2½ months working with the House. As I indicated, the bill this body passed, the FISA amendments, we passed 68 to 29 in February with the good, strong support of the chairman of the committee, Senator ROCKEFELLER. We worked on a bipartisan basis. We worked with and listened to the intelligence community to do several things that were critical.

No. 1, we wished to make sure there was protection for the privacy and constitutional rights of Americans and U.S. persons here and abroad. For the first time, we included that. We also needed to protect the telephone companies or carriers who have participated in the terrorist surveillance program under the lawful orders issued by the President, under his constitutional authority in article II, an act in good faith by those carriers.

We provided that immunity, or retroactive liability protection, more accurately, that was critical to ensuring that they can continue to participate. They are loyal American citizens, and they wanted to be able to help. But when frivolous lawsuits, seeking billions of dollars in damages, are filed against them, whether they participated or not, and there is no assurance that any telephone company so sued has participated. They cannot use a defense that they did not participate. They have to have protection.

We built in that protection in a way that was acceptable to both sides in this body in the FISA amendments and also satisfied the concerns of the majority party in the House, which, as Leader MCCONNELL said, had the votes, if they had wished to pass our FISA amendments.

We believe this new bill we are considering, H.R. 6304, which passed the House with a strong majority vote of 293 to 129 last Friday, should be passed here.

As with the Senate's original FISA bill passed several months ago, the compromise that is before us required a little give-and-take from all sides. But, in essence, what we have before us today is basically the Senate bill all over again.

I am aware that some on the far left wish to paint this as some radical new legislation. But if you read the language, it is not different. The press picked up on this straight away last week and kept asking me to help them find the purported ''big changes'' in this bill that no one can find. I have not been much help to them because the answer is, there is not much that is significantly different, save some cosmetic fixes that were requested by the majority party in the House.

For example, I am pleased that the strong retroactive liability protections that the Senate bill offered are still in place, and our vital intelligence sources and methods will be safeguarded. I am pleased this compromise preserves the ability of the intelligence community to collect foreign intelligence quickly and in exigent circumstances without any prior court review.

I am also pleased the 2012 sunset, 3 years longer than the sunset previously offered in any House bill, will give our intelligence collectors and those parties we need to have cooperate with us the certainty they need in the tools they use to keep us safe.

I am confident the few changes we made to the Senate bill in H.R. 6304 will in no way diminish the intelligence community's ability to target terrorists overseas, and the Director of National Intelligence and the Attorney General agreed. That had to be the test. They worked with us. They made compromises. When we had a proposal for additional protections for Americans, they agreed. But we had to work out the language to make sure we provided protections without destroying the basic integrity of the bill.

I believe we did that. We did that with the Senate bill, and we did it again with the minor changes the House wanted to make.

Let me address, for the time being, the banner issue of the legislation, which is Congress's affirmation that the telecom providers that may have assisted the Government after 9/11 should have the frivolous lawsuits against them dismissed.

I am confident in the standard of review in title II of the bill on which we agreed with Congressman HOYER and Congressman BLUNT, his counterpart in the House, namely, a ''substantial evidence'' standard, which will ensure that those companies that assisted the Government following the September 11 terrorist attacks obtain the civil retroactive liability protection they deserve.

Unlike the amendment we defeated in the Senate that asked for the court to determine whether the providers acted in ''good faith,'' we affirm in this legislation, as we did in the previous Senate bill, that the providers did act in good faith, and that the lawsuits shall be dismissed unless the judge finds that the Attorney General's actions were not ''supported by substantial evidence.''

The focus is on the Attorney General's certification to the court, not the actions of the providers. We know the providers operated in good faith, and they deserve liability protection. We are allowing, however, the court to review the Attorney General's role in that.

Another way to describe it is that we have essentially provided the district court with an appellate standard of review, just as we did in the Senate bill. Congress affirms in this legislation that the lawsuits will be dismissed, but then we give the district court an opportunity to change that outcome if the judge determines the Attorney General's certification was not supported by ''substantial evidence'' based on the information the Attorney General will provide to the court. So the intent of Congress is clear: the companies deserve liability protections. That principle has been approved overwhelmingly on a bipartisan basis in both the Senate when we adopted our bill in February and the House when it adopted its bill last Friday.

Also, there are clear limits on what documents the court may review and the extent to which parties may participate in legal arguments. Because of these important limitations, I am confident that neither the standard of review nor the court processes will jeopardize liability protections or our intelligence sources and methods. Thus, Congress is again positively reaffirming that these companies should have the lawsuits dismissed.

Mr. President, for the record, I thank publicly these providers—and they know who they are—who came to our Nation's defense in a time of national peril. Thank you for ensuring that our Government could keep Americans safe. Thank you for withstanding years of frivolous lawsuits that you did not deserve. But, unfortunately, that has been your penalty for your patriotism. You are a big factor in why America has not been hit with another terrorist attack since September 11, 2001. You helped keep us safe for nearly 7 years since that terrible day, and you did so without legal relief. I thank you, and those who stand with me today thank you. The least we can do in Congress is to provide you with the legal protections you so rightly deserve.

Now, some Senators would like to strip the providers' civil liability protections in the bill. Some believe the thanks these providers deserve should come in the form of billions of dollars of penalties through frivolous lawsuits that threaten their business reputation. Having reviewed the underlying authorities, the certifications, as one who has practiced a little bit of law in this area, I can tell you there is no way they could or should be held liable for any monetary damages, much less the billions of dollars irrationally requested in the lawsuits.

What these lawsuits do is seek to undermine our program by laying out who participates in it. By getting at the details of the program, we would provide those who seek to do us harm with information on how we collect the information on them that is needed to prevent their attacks. Just as important, bringing them, dragging them through the mud of trials in court would simply assure that their business reputation would be severely damaged in the United States and potentially obliterated abroad. In addition, there is a real likelihood that terrorist activities or other extremists would turn on and attack their property or even their personnel.

I believe seeking to strip liability protection is void of any mature understanding of the threats this Nation faces. That sort of shortsighted pandering to far-left political interest groups endangers our citizens and pays back patriotic service with politically motivated penalty.

I do not join with those who want to treat those who responded to our call for help with disregard and disrespect. I thank the providers for responding to the call, and I will join many others in passing this legislation who will be thanking them with their vote on this important national security legislation.

For those who want to challenge the program, note that we did not ban civil suits against the Government or against any officer of the Government. And criminal suits—if there are any criminal penalties—are not banned. They could be instituted by the appropriate jurisdictions with law enforcement responsibility.

So, Mr. President, there are lots of other points to consider, and when we get on the bill I will be happy to join in discussing any further questions that are raised.

Again, I thank my staff, I thank Senator ROCKEFELLER and his team for having passed the FISA bill. I am very grateful to Mr. HOYER, the majority leader in the House, whose efforts were essential to passing this bill and bringing it to us. We have thanks also for the ranking member of the House Intelligence Committee, PETER HOEKSTRA, who worked with us day in and day out on all of the changes that were requested. LAMAR SMITH, the ranking member of the House Judiciary Committee, he and his staff and his team worked with us throughout.

We have before us not a perfect piece of legislation—I do not think on this Earth we will ever see a perfect piece of legislation. But for the challenges we had to go through and the compromises we had to make, this is the best possible product we can produce that has already gained an overwhelming bipartisan majority in the House. I hope it will also get the same kind of response in the Senate.

Our intelligence community deserves it. The citizens of the United States deserve not only their rights protected, but they need and deserve the protection this act will give them from further attacks like 9/11.

Mr. President, I do not see anyone seeking the floor, so I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. 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.

Mr. GRAHAM. Mr. President, if I could, I would like to be recognized for 15 minutes to speak on the FISA legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, the Senate is taking up a matter that I think is very important to the American people and our national security, and that is to pass the compromise reached by the House and the administration regarding the FISA program.

I want to briefly lay out my view of how the law works in this area. The initial approach by the Bush administration that there was no requirement to comply with the FISA statute, the Foreign Intelligence Surveillance Act, because of inherent authority of the Executive in a time of war I didn't agree with, quite frankly. The idea that an American would be travailed by an agency of our Government if that American citizen was suspected of being involved with the enemy—a fifth column movement, for lack of a better term—and there would be no court review was unacceptable to me.

If an American citizen is suspected of collaborating with the enemy, I think there is a requirement for the Government to have its homework checked, have a judge authorize further surveillance in a kind of balanced approach. Once there is a reasonable belief that an American citizen may be involved with enemy forces, that becomes a crime of treason, potentially.

I do think it is appropriate for Congress to pass a statute that would say when an American citizen is suspected of being involved with an enemy force, taking up arms against the United States—uniformed or not—the FISA statute applies. The inherent authority of the Executive to conduct surveillance in a time of war is limited, or can be limited by the other branches of Government.

Having said that, this idea that at a time of war you need a warrant to surveil the enemy, when no American citizen is involved, is crazy. We have

never in any other war gone to a judge and said: We are listening to enemy forces—for instance, two suspected members of al-Qaida, non-American citizens—and we need a warrant. You don't need that. That is inherent in the ability to conduct military operations, to monitor the enemy.

Those who want to basically criminalize the war, I disagree in equal measure. We are at war, and there is an effort by our intelligence agencies out there to monitor phone calls and other electronic communications of a very vicious enemy that is intent on attacking us again. That program has been shut down because of this dispute.

We have finally found a compromise which would allow the program to move forward, protecting American citizens who may be suspected of being involved with enemy forces, and also allowing the Commander in Chief and our military intelligence community to aggressively monitor networks out there that wish us harm. In this global world in which we live, the technology that is available to the enemy is different than it was in 1978. So we have modernized FISA and made it possible for our intelligence community to be able to keep up with the different technologies that enemy forces may be using to communicate.

I can assure the American people that this program has been of enormous benefit, the terrorist surveillance program. It has allowed us to stay ahead of enemy activity, and with terrorism you do not deter them by threatening them with death. That is something they welcome. Other enemies in the past have been deterred from attacking America because they know an overwhelming response will come their way. In the Cold War, it was called mutually assured destruction. With terrorist organizations that would gladly forfeit the lives of mentally handicapped young people, and others, you have no idea what they are up to, and you just try to isolate them the best you can. Finding out what they are up to and following their movements is essential because you have to preempt them before they are able to attack.

We have a compromise that has come from the House to the Senate that I can live with. The sticking point was the role our telecommunications companies played in the terrorist surveillance program. It is my understanding that the Attorney General—the chief law enforcement officer of the land—and the Department of Justice gave a letter to the telecom companies involved, saying: Your cooperation with our intelligence communities and military surveillance program is legal and appropriate, and we need your help because a phone call made in Afghanistan, because of the global economy in which we live, may be routed through an American system here, and the two people talking are not citizens, but there may be a telecommunications involvement in terms of routing of the phone call, and we need assistance from the telecom companies to be able to track the technology that exists today that is being used by the enemies of the country.

The idea that somebody would want to sue them because they broke the law, after they have been told by the Department of Justice and the Attorney General their help was needed and it was lawful for them to help, misses the point.

What are we trying to do as a country? Are we trying to avoid the fact that we are at war by talking about lawsuits that undermine the ability of our country to protect itself? I am very much for civil liberties. I don't want any American, as I said before, to be followed by an agency of our Government, suspecting they are cooperating with al-Qaida or another terrorist group, and not have the Government's work looked at by a judge. I would not want that to happen to anybody. If you think anybody who is an American citizen is helping the enemy, you ought to be able to go to a judge and get a warrant. But this idea of having the American telecommunications companies, which were cooperating with the Government in a fashion to help our forces and our intelligence community stay ahead of an enemy, be subject to a civil lawsuit is riduculous. That is not the appropriate remedy.

If we allow these companies who have been asked by their Government, through the chief law enforcement officer of the land, to participate in the program—if we ask them to participate and then sue them, who is going to help us in the future? This is pretty basic stuff for me. If we do not protect these companies from lawsuits that are existing out there, when they were willing to help the Government—if we don't give them protection, nobody in the future is going to come and help us. We need all the help we can get. We need help from banks, telecommunications companies, and we need help from all kinds of different corners of the private sector to beat this enemy. We are all in it together.

The terrorists use banks to funnel money. Well, the banks can help us if we suspect that an account exists that is being used by a terrorist organization. We should be able to track that down. We are all in this together.

The private sector plays a role in the war on terrorism. Every citizen can play a role in the war on terrorism by being vigilant. We finally reached a deal that would allow the program to be reauthorized, protecting civil liberty and telling the telecommunications companies that helped us: You are not going to get sued.

To my dear friend, Senator SPECTER—his solution is to let the lawsuits come forward but shield the companies by having the Government take legal responsibility and be subject to being sued. That is not the right answer either. Our Government wasn't doing a bad thing. Our Government was doing a good thing. Our Government was trying to find out what enemies of this Nation were up to before it was too late.

We have had a lot of warnings in the past that were ignored. How many times do we have to deal with this terrorist problem through the law enforcement model to only wake up and find out that we were wrong? The law enforcement model will not work. The law enforcement model punishes people after they commit the crime. We are at war. Our goal is to keep them from attacking us. The military model is the one we should pursue. In every other war, the private sector itself has helped the Government defeat the enemies of this country.

When Senator OBAMA says he would like this provision taken out of the bill—protection for telecommunications companies from lawsuits—that he would like that taken out of the bill, what he is telling the Senate, the House, and the country is that this deal will fall apart. If we took this provision out, there would be no deal. People like me would not allow this process to go forward—and we had to give some. There was a give on the part of the administration and people like myself. There are some programs that I think are inherent to fighting the war that now have to be reviewed by the court. But that was a compromise.

So for Senator OBAMA to come and say that he would take this provision out is saying that he does not believe in a bipartisan deal on the subject matter in question. The left has gone nuts over there—the hard left. They think this is totally unacceptable. So, apparently, he is going to tell them: I don't support this. I am sure that is what they want to hear. But I say to my colleague, deals require giving and taking. It requires sometimes telling your friends what they don't want to hear. This is an example, in my opinion, of trying to tell your friends what they want to hear and positioning yourself in a way to look good with the public in general.

That is not leadership. Leadership requires the common good to trump special interests. It requires political leaders to turn to their allies at times and say: No, your suggestion cannot win the day because if I give you what you are insisting on having, there will be no movement forward.

Senator OBAMA is willing to give the left what they want. The consequence of that would be that the deal would fall apart because many people like me believe if you allow these companies to be sued for helping their country, then nobody will come forward in the future to help their country from the private sector.

In this war, we are going to need support from the private sector, not only in telecommunications but in banking and other areas. So I hope the amendment to strike the retroactive immunity for telecommunications companies will be defeated because, if it is

passed, the deal fails, the movement forward stops, and America is harmed. I am here to support the deal.

Understand that I didn't get all I wanted, but America will be safer if we can get this program reauthorized. Our civil liberties will be better protected, and the ability to understand what our enemies are up to will be greatly enhanced. Every day that we move forward as a nation with this program being compromised is a day that the enemy has an advantage over us. We know what happens if this enemy is not dealt with firmly and quickly. They are lethal, they are committed, and they will do anything to harm our way of life.

We have an opportunity to come together as Republicans and Democrats and move forward on a surveillance program that is vital to our national security, and those who want to undo this deal because of special interest pressure are not exercising the leadership the American people need in a time of war.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes and that the time be counted against the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFUELING TANKERS

Mrs. MURRAY. Mr. President, 4 months ago when the Air Force announced that Airbus, not Boeing, would supply the next generation of aerial refueling tankers, Air Force acquisition officials declared that the contest had been fair, open, and transparent. They said they made no mistakes, and they boasted that the decision could withstand any level of scrutiny.

The Government Accountability Office called all of that into question in a 67-page decision that shows the Air Force competition was unfairly skewed toward Airbus from the very beginning.

The decision, responding to Boeing's protest of the Air Force competition, was damning. The GAO described the contest as ''unreasonable,'' ''improper,'' and ''misleading.'' It found that the Air Force significantly overestimated the cost of the Boeing tanker, that it misled Boeing while helping Airbus, and that the Air Force selected Airbus even though the company failed to meet key requirements of the contract. It concluded that:

> But for these errors, we believe that Boeing would have had a substantial chance of being selected for the award.

It is unclear at this point whether those errors were due to incompetence or to impropriety. But one thing is definite: This contest was anything but fair or transparent.

I want to know how the Air Force got this so wrong. I have already asked for a meeting with Defense Secretary Gates so he can tell me how the Pentagon plans to respond. I will make it clear that the Air Force cannot go forward with this contract and that I expect it to follow the GAO's recommendations. The Air Force must return to the original request for the proposal, rebid the contract, and get this right.

The difference between what the Air Force said about the acquisition process and the GAO's findings are startling.

On February 29, Sue Payton, who is the Air Force's Assistant Secretary for Acquisition, said at a DOD news briefing:

> We have been extremely open and transparent. We have had a very thorough review of what we're doing. We've got it nailed.

A week later, she told the House Appropriations Subcommittee on Defense:

> The Air Force followed a carefully structured source selection process, designed to provide transparency, maintain integrity, and ensure a fair competition.

And throughout the last 4 months, Air Force officials have insisted that they selected the cheapest plane that best met their criteria and that they made no mistakes.

The GAO's decision paints a very different picture of the contest and, as I said, it raises serious questions about how the Air Force conducted this competition. The GAO found the Air Force made a number of errors that unfairly helped Airbus and hurt Boeing. The GAO found that the Air Force changed direction midstream about which criteria were more important. It did not give Boeing credit for providing a more capable plane according to the Air Force description of what it wanted. Yet it gave Airbus extra credit for offering amenities for which it did not even ask.

The GAO found that the Air Force ''treated the firms unequally'' by helping Airbus at Boeing's expense. The GAO found that the Air Force misled Boeing about whether it had fully met the requirements in the RFP, all the while keeping up conversations with Airbus and giving it the correct information.

The GAO said the Air Force deliberately and unreasonably increased Boeing's estimated costs. When the mistake was corrected, it was discovered that the Airbus A330 actually cost tens of millions of dollars more than the Boeing 767. The GAO said the Air Force accepted Airbus's proposals, even though Airbus could not meet two key contract requirements. First, Airbus refused to provide long-term maintenance, as was specified in the RFP, even after the Air Force asked for it repeatedly. Second, the Air Force could not provide that Airbus could refuel all of the military's aircraft according to procedure.

Let me say that again. The Air Force selected the Airbus A330 even though Airbus refused to agree to a key term in the contract and even though the Air Force failed to show that the A330 was even capable of refueling our military's aircraft by the books.

These are serious findings. No matter how one looks at it, this competition was anything but transparent. Even though the Air Force declared its contest was fair, it appears it had its thumb on the scales for Airbus all along.

But the last findings could be the most damaging of all of them. If Airbus cannot actually prove its tanker can do the job or that it will fulfill its obligations, how can it possibly be awarded that contract?

Today the Air Force is contemplating what to do next. As I said, I think the answer is clear. This contract should be rebid. I agree with those who have said we need to get these planes into the hands of our air men and women as fast as possible. I represent Fairchild Air Force Base in Washington State. Those air men and women fly those refueling tankers. I know how important this decision is to them.

This was not an acceptable acquisition process, and it would be unconscionable to go forward with this selection without first addressing the questions that were raised by the GAO's decision. In order to do that, we must have a competition that is not overshadowed by questions of ethics or competence, and we have to get the right plane.

These tankers we are talking about refuel planes and aircraft from every single branch of our military. They are the backbone of our global military strength. We need a competition where the criteria are clear, where the participants can earn credit that is spelled out in the contract and there is no extra credit that is awarded unfairly, and we need a fair evaluation of all the costs.

We need to go back and start with a clean slate, hold a truly transparent competition that does our air men and women justice. That is what our American taxpayers expect, and our American servicemembers deserve nothing less.

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. ROCKEFELLER. 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. ROCKEFELLER. Mr. President, I am going to talk a little about the FISA amendment and the protection of civil liberties of Americans. Some people who are concerned about this bill don't recognize that there have been enormous changes made that specifically speak to civil liberties, and so I would like to talk about that. I wish to take the time to explain how the negotiators of the FISA bill have taken great care in protecting the constitutional right of privacy of American

citizens in crafting this agreement, which was a heavily discussed and worked over matter.

The FISA Amendments Act of 2008 includes strong protections of civil liberties of Americans while still allowing the Government to collect the foreign intelligence it needs to protect the country, literally. Maintaining this balance between civil liberties for Americans and protecting our Nation against foreign attack was obviously my utmost priority, as well as Senator BOND's, during the lengthy negotiation process that produced what I think is historic legislation in modernizing FISA for the first time in 30 years.

The FISA bill protects Americans in a lot of ways by ensuring FISA Court involvement in any aspect of the new procedure for targeting foreigners outside the United States that could involve U.S. persons. It does so in four significant ways:

First, the bill requires the FISA Court to approve procedures used to determine whether the foreign target of the surveillance is outside of the United States. The court's assessment of the adequacy of these procedures will ensure that the new authorities cannot be used for domestic surveillance.

Second, the bill requires the court to approve the procedures used to address any incidental acquisition, retention, or dissemination of U.S. person information. These procedures protect the privacy of any Americans who might be in contact with a foreign target.

Third, by explicitly asking the court to assess whether the procedures comply with the fourth amendment, the bill requires the court to determine whether the privacy interests of U.S. persons are, in fact, adequately protected.

Finally, the bill requires the court to approve targeting and minimization before collection begins, in most instances. The court would be required to review and approve the procedures at least annually. This is called prior approval, and it was something that was not welcomed by some, but through the negotiation process, the prior approval process was incorporated in the bill, and it means that the court has to approve targeting and minimization before collection. The Director of National Intelligence and the Attorney General would only be able to proceed prior to a court order if emergency circumstances exist but for a period of time no greater than 7 days before being required to seek the approval of the court and no more than 30 days while the court is considering the request. Sometimes, but very rarely, emergencies do take place.

The FISA bill also provides unprecedented new privacy protections for Americans abroad. This may be the most important part. For the first time, Americans traveling or working abroad are entitled to the same protection from surveillance and search that they would have if they were in the United States. There are 4 million Americans at any given moment who are outside of the United States, which is equal to the total population of our Nation when it was founded. The requirement is that the Government obtain a court order prior to targeting them for any foreign intelligence collection. So they get the same type of protection as does anybody in the United States. That is a first. Before, the Attorney General could pretty much just say: We want to target these people overseas, and there was no court involved, there was no approval process involved legally. Now that cannot happen. So they are protected, indeed, the same as anybody in the United States.

The bill requires the court to make an individual determination of probable cause before a U.S. person overseas may be targeted for any electronic surveillance or other foreign intelligence collection. Each court order is valid for no longer than 90 days. This is an important new protection that has never before been in place.

Apart from the court review I have detailed, the FISA bill also protects the privacy interests of Americans through other provisions.

The bill prohibits the new procedure for targeting foreigners outside the United States from being used to target anyone inside the United States or from being used to acquire entirely domestic communication. The way it is now—and it is called reverse targeting—within the United States, you take out of the air some communication of somebody overseas who may be contacting somebody in the United States, and that potentially puts the U.S. person at risk. That is reverse targeting. So there is a prohibition now which explicitly includes reverse targeting, where the purpose of targeting somebody outside the United States is to target somebody in the United States. I know it is complicated, but it is important.

Because of the importance of the prohibitions in the bill, the bill requires the Attorney General to adopt guidelines that ensure that the Government obtains individual court orders when required and does not engage in any prohibited conduct, such as reverse targeting, which, in effect, disappears from the lexicon of telecommunication collection. The bill also requires the Attorney General and the Director of National Intelligence to certify to the FISA Court, under oath, that the acquisition complies with the prohibitions in the bill and that the procedures and guidelines are consistent with the requirements of the fourth amendment.

To ensure there are no unintended consequences relating to when a warrant must be obtained under FISA or how information obtained using FISA can be used, the bill does not change the definition of ''electronic surveillance'' in FISA. It is left exactly as it is. People say: Well, why is that? Everything has changed. Well, there can be legislative authorizations to make changes, but only if those legislative authorizations are made can there be changes in electronic surveillance. So the definition remains the same—a good, solid base.

The bill requires extensive reporting to Congress about the implementation of the new provisions, compliance with the prohibitions in the bill—that is important; we have not had that—and the impact of the new provisions on U.S. persons.

The bill sunsets on December 31, 2012, a date which ensures that the reauthorization of the FISA bill will be addressed, in fact, by the next administration.

In addition to protecting the civil liberties of Americans in the new procedures, the bill seeks to prevent any future circumvention of FISA and to ensure that Congress has a complete set of facts about the President's surveillance program.

Well, one might question: How does that happen? In title III of the FISA bill that is before us, we direct the inspectors general of relevant agencies—and that is a whole bunch of intelligence agencies—to complete a comprehensive review of the President's warrantless surveillance program. Then, within a year, the inspectors general must submit an unclassified report to Congress, with a classified annex, if necessary. This IG review provides an important vehicle for ensuring that a comprehensive set of facts about the President's program is available to Congress and, to the extent the classification permits, to the American public itself.

A comprehensive review of the President's program is particularly important given the possibility the courts will dismiss ongoing litigation due to title II. It also ensures that accountability for the program will be directed at the Government, where it belongs.

To ensure that the Government never again relies on an inapplicable statute to argue that warrantless wiretapping is permissible, the bill strengthens the requirements that FISA and specific chapters of title XVIII are the exclusive means by which electronic surveillance and criminal law interceptions may be conducted. The act provides that in addition to the specifically listed statutes, only an express statutory authorization passed by the Congress for surveillance or interception may constitute an additional exclusive means for that surveillance or for that interception. It is a very strong protection against abuse.

Finally, the bill clarifies that criminal and civil penalties can be imposed for any electronic surveillance that is not conducted in accordance with FISA or the specifically listed criminal intercept laws.

In summary, the FISA bill has a multitude of statutory provisions that provide the judicial and congressional oversight that is essential to protecting the civil liberties of all Americans, both here and abroad. They were

not protected abroad. They are now. The House did not pass this bill because they believed there was an insufficiency of civil liberty protections—and they may have been right. So we hammered these out in long meetings in which the White House, all the intelligence agencies, and the leadership—Republican and Democratic—of the House and the Senate were there.

It is a much stronger bill. People will argue that people like me talk about a balance between being able to collect—which is the only way you are going to know if you are going to be attacked—or civil liberties. So people tend to go all the way this way or all the way that way, not recognizing or not being willing to accept that there can be a balance. We have created that balance in our bill. I am proud of that. It is one of the many reasons I am for the bill.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Alaska is recognized.

HONORING ELLADEAN HAYS BITTNER

Mr. STEVENS. Mr. President, I never thought I would have this occasion, but I want to speak today to honor the life of a great woman, my mother-in-law, Elladean Hays Bittner.

Ellie was born February 1, 1919, in Phoenix during the great flu pandemic. She often remarked on why she had no birth certificate—the hospital did not expect her to survive.

Ellie grew up and worked on her family's ranch in Arizona. She studied home economics at the University of Arizona, graduating in 1939. During college, she rode with the U.S. Army cavalry and was chosen to be a member of the Mortar Board, a national honor society.

Ellie married William-Bill-Edward Bittner in 1944 in Arizona. They honeymooned to Alaska, traveling by Alaska steamship and train to Anchorage to meet her in-laws. In 1950, Ellie moved to Alaska with Bill and their children, Catherine—my wife, William, and Judith. Ellie worked for the Anchorage school district, teaching home ec. She started a boys' cooking class and an early childhood education program.

Governor Hickel appointed Ellie to a position with the Alaska Department of Education. She traveled extensively, interviewing women in remote villages and towns and published a study that was a pioneer effort to identify economic opportunities for women.

Ellie and Bill were very active in Alaska, entertaining frequently at their downtown log house in Anchorage and flying all over the territory in their Cessna 180 with their children.

The family began splitting their time between Alaska and Arizona in the 1970s and Ellie returned to ranching. She established the ''Quien Sabe'' outfit, which she was featured with in 2002 at the Cowgirl Museum and Hall of Fame, and is included in ''Hard Twist'', a book on western ranching women. Ellie remained active in ranching until her death.

She was a great lady. She passed away on June 10 in our hometown of Anchorage, AK, surrounded by her family. I had the honor to be with her for part of that time. I speak for all of us and many more when I say this. There is a hole in our lives that will never quite be filled. Ellie left us with wonderful memories. Through these, she will live on.

Every time I hear Willie Nelson I am going to remember Ellie. She loved Willie Nelson. I think the only difference she had with Willie is she hoped her children, her babies, would grow up to be cowboys.

LEAVE OF ABSENCE

Mr. President, I ask unanimous consent I be excused from attendance of the Senate following today's session, until the first vote in July.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

HONORING WILLIAM SHEFFIELD

Mr. STEVENS. Mr. President, I rise today to pay tribute, on his 80th birthday, to a great American and a great Alaskan, Governor Bill Sheffield. My friend Bill Sheffield was the Democratic Governor of Alaska from 1982–86, which was just a short episode in a lifetime of service to Alaska both in government and in the private sector.

Governor Sheffield came to Alaska in 1953, the same year I moved to our great State, to handle television sales for Sears and Roebuck. His exceptional intellect and work ethic were easily recognized. Quickly, he took leadership positions in the Chamber of Commerce and other business groups in Alaska, eventually becoming president of the Alaska State Chamber of Commerce and, in 2006, being awarded the Lifetime Achievement Award in Business by the Alaska Business Monthly. By 1960, he had entered the hotel industry by purchasing his first hotel in Anchorage. The day before the Good Friday Earthquake in 1964, Bill Sheffield had just opened a new hotel, but it would take more than that earthquake to stop Bill. His hotel business continued to grow until he owned 16 hotels throughout Alaska and the Yukon Territory.

As Governor, Bill Sheffield was focused on ''Bringing the State Together,'' the theme of his campaign. His reputation as a problem-solver and his pledge to unite Alaskans resulted in a landslide victory. Governor Sheffield's experience as a businessman served him and Alaskans well during his time in the Governor's Office. His efforts reduced excessive spending in State government and helped save Alaska's natural resources for the use of all Alaskans for generations yet to come.

After leaving government, Governor Sheffield continued his service to Alaskans, taking seats on several private and nonprofit boards of directors. Currently, he is the director of the Port of Anchorage, where he has developed a master plan for expansion of the port through 2014. Governor Sheffield's vision for this expansion of the State of Alaska's largest port will not only serve Anchorage, but nearly the entire geographic area and population of our State. Mr. President, over 90 percent of the goods that come into my State come through the Port of Anchorage. Furthermore, this expansion will serve the national defense needs of the United States by providing vital transportation support and access to four major military installations in Alaska, including the Stryker Brigade at Fort Wainwright. I am proud to have supported the port expansion project and I am proud of Governor Sheffield and the work he is doing for Alaska and all of the United States.

Governor Sheffield's continuing service does not end with the Port of Anchorage. Additionally, he is a trustee of Alaska Pacific University, a member of the advisory board of ENSTAR Natural Gas, a charter member of Commonwealth North, past chairman of the Federal Salary Council and a member of the board of directors of the Alaska Railroad and formerly the railroad's president & CEO. As Governor, Bill Sheffield was instrumental in saving the Alaska Railroad, purchasing it from the Federal Government and then providing the necessary investment in Alaska's infrastructure to assist in our development. In recognition of his service to the railroad and to the State of Alaska, the Alaska Railroad Depot at the Anchorage International Airport was named after Governor Sheffield in 1999.

Most importantly to Alaskans, Bill is also a skilled fisherman and avid outdoorsman. A love of bush Alaska runs through every aspect of this man. I know firsthand of his love for the bush areas of our home State. He and I have enjoyed many days together out on the water whether fishing for salmon on the Kenai River or elsewhere in Alaska.

In this Chamber today, we see a lot of partisan fighting. One of the greatest qualities of my friend Bill Sheffield is the ability to get past the labels of Democrat and Republican. Bill Sheffield is a lifelong Democrat. While he was the Governor of Alaska and I was here in Washington as Senator, we always found a way to work together. As Governor, Bill Sheffield was able to identify what needed to be done for the greater good of Alaska. More importantly, he pushed aside the partisanship, went ahead and did what needed to be done for Alaskans. In both business and government, Governor Sheffield is a leader and a doer. He is a fine example for all of us. I am honored to count Bill Sheffield a friend and I hope the entire Senate will join me in wishing him a happy 80th birthday. Happy birthday, Billy.

Ms. MURKOWSKI. Mr. President, it is with great honor and respect that today I acknowledge the 80th birthday of a great friend and leader in Alaska. Governor William ''Bill'' Sheffield has

been a leader in business and government for most of the 55 years he has lived in Alaska. He served as Governor from 1982 to 1986, following a business career in which he built a company that became one of the largest private employers in Alaska and the Yukon Territory.

Governor Sheffield came to Alaska in 1953 as a regional sales representative for Sears Roebuck in charge of television sales and service. He became one of the top salesmen in the nation during the 1950s and began his leadership in business groups such as the Jaycees and the Chamber of Commerce. In 1960, he purchased an Anchorage hotel, and founded Sheffield Enterprises. In 1964, literally the day before the great Alaska earthquake of March 27, 1964, he opened a new hotel in Anchorage. This began an expansion that eventually saw his company grow to 16 hotels with 750 employees. He sold the company in 1987 to Holland America Line-westours, one of the major players in Alaska's growing tourism market. While in business, Sheffield served as president of the Alaska State Chamber of Commerce and the Alaska Visitors Association.

As a candidate for Governor in 1982, Bill Sheffield's theme was ''bringing the state together'', a reference to a pair of divisive ballot initiatives that same year. His message of inclusion and cooperation helped him win the governorship in a landslide. Governor Sheffield then turned his attention to curbing the runaway growth in State government, promoting efficient business-style management of public works projects and saving more of Alaska's energy revenues for future generations.

Currently, Governor Sheffield serves as port director of the Port of Anchorage, where he oversees a critical and all-encompassing port expansion. The port is a military strategic port and serves 80 percent of Alaskans with 90 percent of their goods. He is also a trustee of Alaska Pacific University, a member of the advisory board of ENSTAR Natural Gas, and a charter member of Commonwealth North, one of Alaska's leading public affairs forum. He is the past chairman of the Federal Salary Council; recently he received the Lifetime Achievement Award in Business from the Alaska Business Monthly; the former president and CEO of the Alaska Railroad Corporation and now serves on its board of directors. In recognition of his service to the railroad and to the State of Alaska, the Alaska Railroad Depot at the Ted Stevens International Airport was named in his honor in 1999.

Governor Sheffield has always believed that wisdom comes with the experience of making your own payroll. He credits his success in business and government from having the experience of workers depending on him alone for their paycheck.

Lastly, Bill Sheffield, a lifelong Democrat, is one of the best examples of someone who puts partisanship aside, rolls up their sleeves and works with anyone who is also dedicated to achieving important goals for the greater good. Whether in business, politics, education or many other endeavors that have benefited so many people, he is a leader and example for all of us.

I would also be remiss if I didn't mention that Bill is an excellent duck hunter, fisherman and avid outdoorsman. Mr. President, I am proud to call Bill Sheffield a friend and I hope the entire Congress will join me in wishing him well on the 80th anniversary of his birth. Happy Birthday, Bill.

Mr. President, 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. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

STUDENT AID

Mr. BROWN. Mr. President, as I travel my State, I have held close to 100 roundtables of 15, 20 people gathered together as a cross section of the community in some 65 or 70 Ohio counties.

I hear more and more people talking about how difficult it is for middle-class kids, for kids from working families, especially for first-generation and potential first-generation students being able to go to college.

We have made some progress in the Senate in the 15, 16, 17 months since the Presiding Officer and I and others have been in this body. One was the College Cost Reduction Act, an investment in America's students. It was a promise that I and my other freshman colleagues campaigned on 2 years ago. We have delivered.

The increases in student aid that are beginning to go into effect next week are a downpayment of America's future prosperity, on its future competitiveness. This investment could not have come at a better time. With college costs at an alltime high, neither student aid nor family incomes have been able to keep up.

In my home State of Ohio, between 2001 and 2006, the cost of attending college increased 53 percent at 4-year public colleges and universities, and almost 30 percent at 4-year private colleges, 53 percent at public universities, close to 30 percent at 4-year private schools.

During this same period, the median household income in Ohio increased only 3 percent. In the 2004–2005 school year, 66 percent of students graduating from 4-year institutions in my State graduated with student loan debt. The average debt was $20,000.

This bill will help students manage the debt they are incurring and give them more options after they leave school. One of the most important provisions of the bill is a new income-based repayment program that will allow students to pay their debt as a percentage of their income. This initiative, along with the Public Service Loan Forgiveness Program, will help students manage their debt and allow them to pursue careers in public service without fear of student loan payments they simply cannot afford.

In April, I held a Health, Education, Labor, & Pensions Committee public hearing at Ohio State University to discuss student debt issues. One of the witnesses we heard from was a young woman from Cincinnati whose distraught mother wrote me about the crippling debt her daughter had accrued trying to pay for college.

She testified she never believed an education could cost so much and how she worried about how she was going to help her family and advance her career now that she was saddled with so much student loan debt.

As I said, as I travel the State, I hear stories such as these from students and parents who tell me it is becoming harder and harder to afford a college education for those Ohioans, for millions of others across this country. This bill will finally provide some much-needed relief. I would add that as Governor Strickland, the new Governor of the State who has been in office some 17 months or so, has frozen tuition at public universities, which has made a big difference, obviously, in the affordability of college. And coupled with what the State is trying to do now in Ohio, after the State did very little to rein in college costs, coupled with what we are doing here, it will make a big difference, particularly for first-generation students, but for all people who want to go to college whose parents do not make quite enough for them to be able to afford it. This is a major step, a positive step, in changing the direction of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICARE ADVANTAGE

Mr. DURBIN. Mr. President, pending before the Senate is an important measure about compensating medical providers who treat Medicare patients. Medicare patients, of course, are the elderly and the disabled. This program that was started over 40 years ago reaches 40 million Americans. It is an important lifesaver. It is a lifeline for many people who have reached a point where they can no longer afford to pay for their own major medical bills. Many of these people are on fixed incomes. Many of these folks have no health insurance, other than Medicare. They are desperate to find the kind of care they need.

Medicare, a program that was once criticized as being too much government and socialism, has turned out to be one of the most valuable programs the Federal Government offers. For 40 million Americans, it means they have the peace of mind that when they are sick, there is a place to go and someone to pay for it, that they will not sacrifice their savings and everything they have because of a medical catastrophe. There is a suggestion of cutting the compensation to Medicare providers by 10 percent. The fear is, if we cut that pay to these Medicare providers, fewer doctors will take Medicare patients; they will decide that the economic benefits are with other patients who might be paying more through private health insurance or even out of their own pockets.

We have a deadline. On July 1, this 10-percent cut goes into place. We have been trying, week after week, month after month, to pass in the Senate a provision that will protect these Medicare providers from this proposed cut of 10 percent. Imagine, if you will, that seniors who have doctors' appointments in the first or second week of July call to find that the appointments have been canceled because their doctor no longer takes Medicare patients. I don't want that to happen in Illinois. I don't think it should happen anywhere across this country.

A bill comes through the House of Representatives which proposes that we stop this 10-percent cut and make sure Medicare does not suffer this change and that the Medicare beneficiaries are not disadvantaged. The vote was called earlier this week in the House of Representatives. The final vote was 355 to 59. By a margin of 5, or 6 to 1, a bipartisan vote in the House of Representatives, they voted to take care of this problem and do it now before the July 1 deadline kicks in. The bill that passed in the House is supported by physicians, consumer groups, pharmacists, hospitals, and many others. Who opposes this bill? Two groups. I should say two entities—the health insurance industry and the White House. Why? Because the bill provides for savings from private fee-for-service Medicare plans. In other words, the additional 10 percent that is going to be paid to these Medicare providers, part of it at least is offset by saying that private health insurance companies are going to receive less in reimbursement for treating Medicare patients.

Why should they receive less, you ask? Because the so-called Medicare Advantage plans, private health insurance plans providing benefits that look a lot like Medicare, charge more than the Medicare plan, 12 to 13 percent more. Those aren't figures dreamed up by Congress. They come to us from the executive branch of Government. We suggested some savings in the amount of money paid to private health insurance companies and the resistance comes, obviously, from those companies, the White House, and this morning from the Republican side of the aisle. They refuse to let us cut any reimbursement to the private health insurance companies that charge more for the same services that Medicare is providing.

So we have reached an impasse. It is an impasse that has to be broken to the benefit of Medicare beneficiaries. I think we should be guided in breaking it by what happened in the House of Representatives by a vote of 355 to 59. Private fee-for-service plans are paid more than what it costs to treat the same Medicare patient in the traditional Medicare Program. We are paying these private insurance companies more than the ordinary Medicare reimbursement.

For some on the other side of the aisle, this is all well and good. They want to privatize Medicare. They want to end this so-called Government health insurance plan. I am not one of those. After more than 40 years of success in Medicare, I don't want to see this program go away. This program has been a lifeline when all else has failed. Medicare Advantage plans, those private health insurance company plans I talked about, cost taxpayers, on average, 13 percent more than Medicare for the same benefits. Private fee-for-service Medicare Advantage costs even more, 19 percent. This payment disparity gives private fee-for-service plans a competitive advantage over traditional Medicare. In other words, they can offer a little bit more, some bells and whistles, and they charge dramatically more when it comes to billing taxpayers and the Government for their services. We are trying to trim that back a bit.

The howls and screams from the other side of the aisle come because they want to protect these private health insurance companies. These unjustified higher payments are fueling large increases in enrollment in these types of plans that charge more because they offer a little bit more here and there. Even CMS has been concerned about the marketing practices of these private fee-for-service plans. Understand, these private health insurance companies, trying to enroll Medicare beneficiaries into their private health insurance alternative to Medicare, are going door to door, using telephone, mail, soliciting many seniors. Some of them are misled. Some of them are confused by the solicitations. There is outright fraud taking place. There have been numerous reports of sales agents using strong-arm tactics to enroll Medicare beneficiaries in these plans without the beneficiaries understanding how the plans differ from traditional Medicare.

Yesterday, the Government Accountability Office released a report that shows that private Medicare Advantage plans spent less on medical care than they report to the CMS which, in turn, earned them $1.14 billion in additional profits over what was expected. This is money going directly into the pockets of the insurance industry, not for the health benefits of Medicare patients. This report confirms the deal that was offered to Medicare beneficiaries and American taxpayers by these private plans is even worse than we thought. Yet today, on the Republican side of the aisle, they are objecting to this fix in Medicare to protect these private health insurance plans that have been found over and over again to charge too much, to be abusive in their marketing and, frankly, to provide less medical care than they promised.

In this report, for the first time in the history of the Medicare Advantage Program, GAO compared the private plans' projected spending on medical care and profit margins with their actual profit margins and spending on medical care. They found that in 2005, the Medicare Advantage plans projected spending 90.2 percent of total costs on medical services but actually spent 85.7 percent. By spending less on helping Medicare patients, these plans increased their profits. That is what it is all about—giving the Medicare patients as little as possible.

These private health insurance plans are big winners when it comes to making money but at the expense of medical care for the Medicare patients. These are the same companies Republicans are trying to protect by objecting to our fixing this Medicare reimbursement problem.

It is a shame we are putting the health of America's seniors on the line for the profit of a handful of private insurance companies. The Bush administration is disguising the truth. They claim the Medicare Advantage plans are helping, when they aren't doing a good job. This GAO report is more evidence of waste and abuse in this program, evidence which those who object to our moving forward refuse to even read or acknowledge. The changes in this bill are modest. They are nowhere close to payment cuts the House approved earlier this year. What Republicans and the White House are objecting to is taking away another special advantage that private fee-for-service plans have been given, the ability to deem a doctor or hospital as part of its necessary work. This bill merely requires private fee-for-service to enter into contracts with health care providers, as all other private Medicare plans already do. This reform is good for patients, good for health care providers, and good for taxpayers.

The overwhelming vote in the House for this bill shows Congress will no longer allow the Bush administration, as it is packing to leave town over the next 6 months, to protect the health insurance industry at the expense of Americans, our families, and Medicare beneficiaries.

I urge my colleagues, support the Medicare Program, make sure Medicare providers are adequately funded. Don't stand in defense of private health insurance at the expense of this valuable program.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

UNANIMOUS CONSENT REQUEST—H.R. 2264

Mr. KOHL. Mr. President, I rise today to ask unanimous consent that the Senate take up the No Oil Producing and Exporting Cartel Act, NOPEC. This legislation will authorize our Government, for the first time, to take action against the illegal conduct of the OPEC oil cartel. It is time for the U.S. Government to fight back on the price of oil and hold OPEC accountable when it acts illegally. Our amendment will hold OPEC member nations to account under U.S. antitrust law when they agree to limit supply or fix price in violation of the most basic principles of free competition.

NOPEC will allow the Attorney General to file suit against nations or other entities that participate in a conspiracy to limit the supply, or fix the price, of oil. In addition, it will specify that the doctrines of sovereign immunity and act of state do not exempt nations that participate in oil cartels from basic antitrust law. This legislation will not create any private right of action nor require any action by the Attorney General, it will simply give the administration the option to bring an antitrust action against OPEC member nations. Passage of this legislation will mean that OPEC member nations will face the possibility of real and substantial antitrust sanctions should they persist in their illegal conduct.

I have introduced this legislation in each Congress since 2000. This legislation passed the full Senate by a vote of 70 to 23 last June as an amendment to the energy bill before being stripped from that bill in the conference committee. The identical House version of NOPEC passed the other body as stand alone legislation in May 2007 by an overwhelming 345 to 72 vote. It is now time for us to at last pass this legislation into law and give our Nation a long needed tool to counteract this pernicious and anticonsumer conspiracy.

As we consider the causes of rising gas prices—now exceeding the once unthinkable $4 per gallon level, up 74 percent since the beginning of last year—one fact has remained conistent—any move downwards in price ends as soon as OPEC decides to cut production. And whIle the OPEC nations enjoy their riches, the average American consumer suffers every time he or she visits the gas pump or pays a home heating bill. The Federal Trade Commission has estimated that 85 percent of the variability in the cost of gasoline is the result of changes in the cost of crude oil.

The most fundamental principle of a free market is that competitors cannot be permitted to conspire to limit supply or fix price. There can be no free market without this foundation. And we should not permit any nation to flout this fundamental principle.

Mr. President, the suffering of consumers across the Nation in the last few years has made me more certain than ever that this legislation is necessary. When I first introduced this legislation in June 2000, the worldwide price of crude oil was $29 per barrel. It has now more than quadrupled. How much longer must consumers wait for us to take action? I believe we need to take action now.

I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 169, H.R. 2264, at a time to be determined by the majority leader, following consultation with the Republican leader, and that the bill be considered under the following limitations: that no amendments be in order to the bill; that there be 2 hours of debate, with time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of the time, the Senate proceed to vote on passage of the bill without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Nevada.

CLEAN ENERGY

Mr. ENSIGN. Mr. President, in the last few days, we have been talking about the housing bill. Last night I got to speak as I had the day before about an amendment I have been trying to get onto the housing bill. I would like to speak about the importance of that amendment, once again.

This country is facing high energy costs right now, with gasoline over $4 a gallon. Home heating oil is being affected by the price of energy. Natural gas prices have gone up by over 70 percent. It is affecting literally every single family and business in the United States. We need to have a broad-based approach to finding all the sources of American energy we can possibly find to help make us less dependent on Middle Eastern oil and other energy supplies coming from outside the United States. It is important for our national security, and it is also important for our economic security.

The amendment I wanted to offer to the housing bill deals with alternative renewable energies. These are energies such as solar, wind, geothermal, and many others. This amendment is identical to a bill Senator MARIA CANTWELL, a Democrat, and myself worked on together. In total, 45 Members have cosponsored this bill. We actually offered this legislation as an amendment to housing bill the last time that bill was on the Senate floor in April.

At that time, our amendment passed with 88 yea votes and only 8 nay votes. Rarely does something around this body pass 88 to 8 in such a bipartisan fashion in these partisan days. We should take advantage of that bipartisanship and do something right for the American people.

Not only do we want more American energy, but whenever we can, we should certainly try to incentivize bringing more green energy to the United States. That is the reason we introduced this bill, and it is the reason there was such a strong vote on it.

There have been a couple of objections as to why we should not include this amendment on the housing bill. It has been said that this amendment has nothing to do with housing. I would beg to differ. First of all, the stronger the economy, the more people will be able to afford to buy and retain homes. This renewable energy tax bill literally will produce probably 100,000 to 200,000 jobs in the United States and billions of dollars worth of investment in the United States. When people have jobs, there is a better chance they can afford homes.

Second, there are many provisions in our renewable energy tax bill that directly relate to housing. My amendment provides incentives to expand energy efficiency in new homes, existing homes, and appliances used in homes. For example, if you want to invest in solar energy in your home, if you want to help the country out by taking some of your electricity demand off of the power grid and actually produce your own electricity with solar energy in your home, we have tax credits to encourage this activity. If somebody is building a more energy-efficient home, we have tax credits in there to do that. In addition, we encourage the production of more energy-efficient appliances for your home. So this amendment is directly related to housing.

One of the other provisions the managers of this bill—and especially the Democratic leadership—do not want this amendment attached to the housing bill is that it is ''not paid for.'' Well, there are already $2.4 billion in tax-related items that are not paid contained in this housing bill. I will not go into the details because they are fairly complicated, but know there is almost $2.4 billion in unpaid-for tax incentives in this bill.

The Democratic manager of this bill said the Democrats in the House of Representatives would not go for our particular renewable tax credit legislation because it was not paid for, that there were too many Democrats in the House of Representatives who would object to it. Well, how do they expect $2.4 billion in other tax incentives that are not paid for to be accepted over there and then argue that ours would not be accepted as well? So I think we should do absolutely everything we can at this time—with high energy prices on gasoline, home heating oil, and natural gas going up in the United States—we should do everything we can to get Senator CANTWELL's and my amendment on renewable energy tax credits put onto this housing bill.

Another reason it is important to have this amendment on this bill, instead of waiting for another bill in the future, is that a lot of the contracts and the financing of renewable energy projects—whether they are solar, geothermal, wind, or any of the other

clean energy we have in the United States—it is critical for the financing of these projects that we have predictability and we get the Clean Energy Tax Stimulus amendment done as soon as possible. For each quarter that passes—and the Senator from Washington has spoken eloquently about this—that is more projects that do not get financed. Projects will not always be financed in the future if they have lost their financing now. Investors lose confidence.

So we need to have predictability, and we need to enact my amendment soon as possible. The housing bill, everybody around here knows, is going to be one of the few bills that will be signed into law this year. So we need to have the renewable energy tax credits on a bill that is going to be signed into law. If we actually care about advancing use of renewable energy in this country, if we care about jobs in the renewable energy sector of our economy, then we need to have this amendment passed into law.

The Democratic leader has already said he is going to pull the bill and we are going to come back to the housing legislation after the Fourth of July break. I encourage all Americans to contact their Senators and Representatives in the House, and let their voices be heard that this is an important issue to them. Write in, e-mail—do all the types of things that are necessary to participate in our democratic process, to say yes to renewable energy, to say yes to jobs in America.

Let's put this amendment on the housing bill when we get back after the Fourth of July recess. Let's do it as quickly as possible. Let's get the House of Representatives to cooperate with us on something that is good for America. I happen to be a Republican Senator but this is a bipartisan issue. In fact, this should be nonpartisan. This should be something that is done forgetting about whether you are a Republican or Democrat. Let's do something that is good for America. Let's do more of that around this place, and I think we will all be better off for it.

I conclude by imploring my colleagues: Think about this during the break. Think about what is at stake with the tens and tens of thousands of jobs, the billions of dollars in investment in renewables, and the chance that we can do something good for America and bring more green energy, more clean energy to the United States.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

PAUL LAURENCE DUNBAR

Mr. BROWN. Mr. President, I rise today to honor the birth of Paul Lawrence Dunbar.

It was the African-American poet Maya Angelou who made the verse ''I know why the caged bird sings'' widely famous, but it was Paul Laurence Dunbar from Dayton, OH, who penned that powerful poem more than a century ago. That seems to be the true story of Paul Lawrence Dunbar, as a trailblazer who paved the way for later generations of African-American poets and writers.

While academics continue to debate Dunbar's stature in the pantheon of American poets, there is wide agreement that he is a seminal figure in African-American literature, the first to achieve national—and some would argue international—recognition among African Americans.

Paul Lawrence Dunbar was born into meager circumstances in Dayton, OH. His birthday we honor tomorrow on June 27, 1872. He was the son of former slaves who escaped to freedom. He was raised by his mother Matilda, who had little to give him in terms of material wealth. Her job as a washer woman provided little more than food and clothing for Paul and his four brothers and sisters. Instead, she instilled in him something much greater. Paul's mother taught him the arts of song and storytelling and instilled in her son a lasting love of poetry and literature. Because of his mother, the poet fell in love with the power of words at a very early age, some accounts having him reciting and writing poetry as early as age 6. This love for literature grew over the years as his mother encouraged him to read and reinforced the importance of school.

By the time young Paul reached high school, he was the only African American in his class at Dayton Central High. While he faced so many difficulties because of his race, he achieved so much during this time in his life. In the face of prejudice, he became a member of the debating society, editor of the school paper, and president of the school's literary society. Working with his classmates and his friends in Dayton, Orville and Wilbur Wright, Paul Laurence Dunbar published an African-American newsletter. All the while, he helped support himself by working as an elevator operator in Dayton's Callahan Building.

Dunbar's birthday, June 27, came to be a very important day for the poet, as it was on that day when his abilities to write were first showcased in his hometown and then many years later again on his birthday when he received national recognition—it was June 27, 1892, when giving the opening welcome before the Western Writers Conference at the Dayton Opera House.

As the story goes, Paul was asked by his teacher Helen Truesdell only days before to give the opening remarks. He was nervous not only about writing the remarks but also about enough time away from his job as an elevator operator to give them.

As Jean Gould describes in her book, ''That Dunbar Boy'':

> Speaking to the Western Writers Conference afforded Paul his first opportunity to be heard by writers beyond the Dayton region, a special birthday gift that began the launching and the cementing of his writing career. His welcoming address received a burst of eager applause as he bowed and made a dash for the backstage exit of the Opera House—he was due back at the Callahan Building as the elevator operator in just 10 minutes!

This experience for Paul underscored his love of writing and his desire to make it his career. Soon after, he published his first book of poems, ''Oak and Ivy.''

It was on June 27, 1896, that William Dean Howells, a prominent literary critic of the times, published a column in Harper's Weekly enthusiastically praising Dunbar's second book, ''Majors and Minors.''

Howell stated:

> There has come to me from the hand of a friend, very unofficially, a little book of verses, dateless, placeless, without a publisher, which has greatly interested me.

So that established Dunbar as a national literary figure. From there, he went on to write four collected volumes of short stories, four novels, three published plays, lyrics for 12 songs, 15 books of poetry, 400 published poems, 200 unpublished poems, uncounted essays on social and racial topics in periodicals and newspapers in a career of less than 13 years.

Literary critics to this day continue to debate Paul Lawrence Dunbar. It has been argued that the author should be considered one of the earliest crusaders for equal rights and that his work belongs in the long tradition of protest writing. Other critics argue against this sort of designation—a controversy that speaks to the complexity and richness of his writing.

There is no debate that Paul Lawrence Dunbar and his works have enriched the history and character of his hometown, Dayton; his State—my State—Ohio; and our great country. Paul Lawrence Dunbar is known throughout the world for his literary genius. He is recognized as a man of humanity and integrity and determination, thus becoming the first African American to be accepted by the discipline of American literature.

Tomorrow, actually, is the date of his birth, but I stand today to honor this Ohioan and his work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is postcloture on the motion to proceed to the FISA bill.

Mr. KERRY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ZIMBABWE ELECTIONS

Mr. KERRY. Mr. President, we are known happily as the world's greatest deliberative body and the world's greatest democracy. There are times when I have been here when we have indeed lived up to that reputation, and it has been exciting and rewarding. We also are blessed to serve in an institution where very frequently we extol the virtues of our commitment to spreading freedom around the globe. We take that seriously. I don't think there is a Senator here who doesn't believe in our responsibility to do that and who isn't proud of America's role in being able to do that in many parts of the world where we have made a difference.

However, in recent days here in Washington, the news earlier this week that Morgan Tsvangirai, the leader of Zimbabwe's main opposition party, was forced to withdraw from a runoff election that was scheduled for tomorrow, that news was regrettably met by an absence of the kind of outrage that it demands and, frankly, by an absence of action of any kind in the global community.

It is important for the Senate, in my judgment, to forcefully condemn a shockingly brutal campaign, an overt, visible for everybody to see, disdainful, arrogant campaign of violence and intimidation that has been launched by President Robert Mugabe and his henchmen which rendered free and fair elections in Zimbabwe impossible.

Morgan Tsvangirai's courageous decision not to put his supporters at further risk in an election that Mugabe explicitly said he would not respect if he did not win ought to be a wake-up call for the world and especially to the African leaders who have the most influence over Zimbabwe.

Action is long overdue. For months now, Mugabe's thugs have savaged opposition politicians, civil society activists, and anyone else who dared to dream of a peaceful end to his rein of terror. Villagers have literally been handed bullets by soldiers and told to choose between democracy or their lives.

Since the initial balloting in March, the MDC—the Movement for Democracy—believes that at least 86 of its supporters have been killed, over 10,000 have been injured, 2,000 unlawfully detained, and 200,000 have fled their homes. In fact, the details of this campaign of violence and intimidation are even more horrifying than the statistics convey. Women have been burned to death. Young men have been tortured and dismembered, and the elderly have been savagely beaten.

In fact, it is hard to imagine a campaign of political murder as brazen and visible to everybody as the one that has been unleashed on unarmed innocents, with a sense of complete inability to be touched by any civil forces outside. Mugabe very matter of factly stated last week:

> We are not going to give up our country because of a mere X on a ballot. How can a ballpoint pen fight with a gun?

I believe someone with that kind of attitude—willing to strip away democracy that all of the African nations, European nations, civilized nations of the world, and United Nations have agreed is the right of the people of Zimbabwe—that kind of attitude deserves the outrage and action that it asks for.

We know that even if Tsvangirai had not withdrawn, there was a unanimous consensus that Mugabe would have stolen the election by simply rigging the ballots. Once again, this unapologetic dictator telegraphed his intentions, saying that only God, not the voters of Zimbabwe, could remove him from office.

Democracy in Zimbabwe is not the only casualty of the news this week. Every bit as damaged, frankly, is the moral authority of the international community. Make no mistake, Mugabe is thumbing his nose at the international community. Daring them, with a sense of complete impunity, he is inviolable in whatever thuggery he wants to engage in. That is because he has heard the world say ''never again'' again and again. Then he has watched the world engage in collective handwringing as mass atrocities unfold and nothing happens, just like the last time.

Well, this can't be allowed to continue. Until recently, there was little hope of vigorous international response. But Tsvangirai's selfless act of courage hopefully now can act as a catalyst for change.

On Monday, the United Nations Security Council, including China and Russia, issued its first condemnation of violence, acknowledging it would be impossible for a free and fair election to take place. A day later, some of Africa's influential leaders called Mugabe out for the savagery of his intentions in this free election process. That has now made it, thankfully, more difficult for him to try to disguise the violence as a struggle against postcolonial bullying. Yesterday, that international community demanded that he postpone the runoff elections and negotiate with Tsvangirai.

Just yesterday, on his 90th birthday, Nelson Mandela lent his voice of moral authority to condemn what he called the ''tragic failure of leadership in our neighboring Zimbabwe.'' Those are strong words, and I think obviously those words—coming from Nelson Mandela, the former President of South Africa and really founding President of their democracy today—those words diminish Mugabe's legitimacy.

Obviously, words aren't going to save Zimbabwe's people. The international community needs to take action, and it needs to take action that sends the regime in Zimbabwe a simple, unequivocal message: Mugabe must go. If he thinks only God can remove him and shows such extraordinary disrespect for the people of his country, clearly the international community has a responsibility to make it impossible for him to do anything else but go.

The Senate passed a resolution that I submitted in late April, but, frankly, resolutions don't get the job done. They indicate an intent, a desire by the Senate, perhaps; they indicate that we are taking notice of what is happening. But this is now a matter of life and death. It is also a matter of the credibility of the international community.

If words such as ''never again'' with respect to a holocaust mean something or if the lessons of Bosnia, Herzegovina, and the other disruptions that we have seen in other parts of the world mean anything, then we have to do whatever is necessary to be able to bring about a timely end to the violence and a peaceful transition to democracy.

The U.N. Security Council needs to impose, immediately, quickly, targeted sanctions on Mugabe. It needs to impose them on his cronies and his family. It needs to make it clear to them that they cannot do what they are doing with impunity. Freezing bank accounts and imposing further travel restrictions are punishments that may lead those around Mugabe to begin to reassess their own self-interests, without doing harm to the people who have already had harm done to them by this dictatorship.

The real leverage and legitimacy to motivate, mediate, and monitor a negotiated solution lies in the heart of Africa itself. The Southern Africa Development Community and the African Union have, frankly, too often been willing to sit on the sidelines. They need to play a sustained and active role in resolving this crisis in a way that respects the will of Zimbabwe's people. They need to do that now with the help of the European Community, ourselves, and the U.N. itself.

If Mugabe refuses to step down, both the Southern African Development Community and the African Union should suspend Zimbabwe's membership immediately and consider applying their own sanctions. I met the other day with the ambassadors from Botswana in South Africa and Zambia, and they agreed that if Mugabe stays now in a situation where he has nullified unilaterally the ability to have an election, he is, in fact, an unconstitutional leader of the country. Under the charter of the African Union, the Constitution, they would be completely within their rights—in fact, it would be imperative that they move to isolate him because he no longer would be a legal leader of that country.

The United States and the European Union need to stand squarely alongside African governments in withdrawing recognition from the illegitimate Mugabe regime and impose additional sanctions targeting his criminal cabal. Until recently, a few African leaders have proven to be an obstacle to the crisis. South Africa's President Thabo

Mbeki is perhaps the most prominent example, sadly. I think many people had a much higher expectation of President Mbeki. I have known him and worked with him. I regret that in this situation Mr. Mbeki has chosen to ignore the warnings of his predecessor and icon and of others. It has been some time now that the world has been waiting for Thabo Mbeki in South Africa to weigh in squarely with respect to Zimbabwe's future.

I believe President Mbeki is going to be judged by history for his response to this crisis. As the leader of the region's powerhouse in the southern African community, the development community's mediator in this crisis, President Mbeki still has an opportunity to turn up the heat on Mugabe, while also helping facilitate a respectable way out.

The world cannot afford for President Mbeki to remain out of step with other countries in the region, not to mention his own political party, in condoning Mugabe's brutality. If he chooses to continue on this ineffectual path, then President Mbeki will remain, in fact, complicit in the tragic events in Zimbabwe and risk isolating himself internationally, as well as in his own country. If Mugabe surrenders and a genuinely democratic government, committed to implementing the needed economic and political reforms, is formed, Zimbabwe's new leader will be left to pick up the pieces of an economy that has been run into the ground by Mugabe.

Annual inflation is reportedly running at over 150,000 percent. Unemployment stands at over 80 percent. Hunger grips 4 million people. An estimated 3,500 people die each week from hunger, disease, and other causes related to grinding poverty. The United States and the international community must be prepared to provide a comprehensive, economic, and political recovery package that will help the people recover from so many years of abuse and neglect.

Right now, our most urgent challenge is to protect the innocent people in Zimbabwe who have been devastated by violence, starvation or inadequate access to essential care and services. We need to do that by pushing Africa's leaders to restore and expand humanitarian aid, deploying a civil protection force to prevent attacks, help victims, and pursue vicious criminals. Matching words with action is a great challenge of this body, the Senate, and particularly it is the responsibility of this administration. This is a test for our collective moral authority, our willingness to lead with our values, and a test of whether we are going to send the strong, necessary message to the people of Zimbabwe, and indeed the people in all of Africa, that we support their aspirations for a free and democratic country.

We are losing lives almost every single day in Iraq. We are spending $12 billion a month. We invaded that country, purportedly, to bring them democracy. We support other countries in the Middle East—Lebanon and others—that are struggling to have democracy. We can't be regionally selective about where the virtues of democracy make a difference. In Africa, where for too long people have been neglected, even abandoned—and too many times they believe the rest of the world doesn't care—this is an opportunity for us to send a different kind of message and make a different kind of difference. I hope they will know that the free world will stand with the aspirations of those who are willing to risk their lives to have a better future and to actually give meaning, through our support, for free elections and democracy everywhere in the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

WINNING IN AFGHANISTAN

Mr. CASEY. Mr. President, today, I rise to convey my growing concern—and I think the American people share this concern—on an issue that the three major television networks' evening newscasts devoted just 46 minutes of coverage to so far this year: The war in Afghanistan.

The White House has become distracted and weighed down by the war in Iraq. It has knowingly ignored dealing with the real threats that endanger American interests. It is time now to refocus our efforts and concentrate on the real front in the war on terror, and it is time to get serious about winning in Afghanistan.

The United States has one overarching priority when it comes to this region: to ensure that al-Qaida or any other terrorist group does not gain the sanctuary it requires to plot, plan, or train for another terrorist attack on American soil or against our allies.

However, despite some 62,000 NATO troops in Afghanistan, including approximately 34,000 American forces, and more than 140,000 Afghan troops and police, Taliban and al-Qaida forces have regrouped and become stronger over the past 2 years. Finding sanctuary in the southern and eastern parts of the country and along the border with Pakistan, Taliban and pro-al-Qaida forces are threatening to undermine hard-fought international efforts to bring stability and peace to Afghanistan.

The assessment from our top experts in the field is bleak. Retired General James L. Jones, who until the summer of 2006 served as the supreme allied commander of NATO, found in one report that:

> NATO is not winning in Afghanistan. . . Afghanistan remains a failing state. It could become a failed state.

2007 was the deadliest year since the fall of the Taliban, with over 6,000 people killed. Violence continues in 2008. Secretary Gates reported in May that for the first time, more coalition troops were killed in a month's fighting in Afghanistan than in Iraq.

As of this week, at least 451 members of the U.S. military have died in Afghanistan, including at least 20 from my home State of Pennsylvania. Overall, violence has risen 27 percent in Afghanistan in the past year, with a 39-percent increase in attacks in the eastern region—where most U.S. troops operate—and a 60-percent surge in Helmand province, where the Taliban resurgence has been the greatest. Suicide bombings rose to 140 in 2007, compared with 5 between 2001 and 2005.

The news in recent days has also been especially troubling. Over the weekend, militants operating in sanctuaries in Pakistan launched rocket and artillery attacks into Afghanistan killing four Afghan civilians, including two children. NATO forces, whose patience has been repeatedly tested by escalating insurgent violence along the Afghan-Pakistani border, have since retaliated by shelling guerrillas along the Pakistani border.

Last week, hundreds of NATO and Afghan forces engaged in one of their biggest battles in years against approximately 400 Taliban fighters in Kandahar. These fighters had bombed the main city jail and freed hundreds of their comrades. One report says that those who have been freed are among the most dangerous.

These setbacks emerged as the Government Accountability Office, GAO, released its latest report concluding that despite spending $16.5 billion, the Pentagon and State Department still lack a ''sustainable strategy'' for developing the Afghan National Security Forces. Only two of the Afghan Army's 105 units are fully capable of fulfilling their mission. No police unit is fully capable. Today, I sent a letter to Secretary Gates and Secretary Rice asking for answers on why our progress in building Afghanistan's security forces is so stunted.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 26, 2008.

Hon. ROBERT M. GATES,
*Secretary, Department of Defense,*
*Washington, DC.*
Hon. CONDOLEEZZA RICE,
*Secretary, Department of State,*
*Washington, DC.*

SECRETARY RICE AND SECRETARY GATES: I read with great concern the U.S. Government Accountability Office's (GAO) June 2008 report on the Afghan National Security Forces (ANSF). Despite investing approximately $16.5 billion to train and equip the Afghan army and police forces over the past six years, I am alarmed to learn that the United States still lacks a comprehensive interagency plan to build the Afghan army and police. More troubling is the fact that only two of 105 army units and zero police units are considered fully capable of conducting their primary mission. I am writing you today to ask a simple question: why are we so behind in this fundamental task?

Building sustainable peace requires having a national army and local police that can provide and maintain security once international forces leave. In the case of Afghanistan, this is especially crucial as terrorists could easily reestablish a safe haven. I recognize and appreciate that building capable

and effective security forces is a difficult and complex undertaking, especially given the well-documented challenges we face in Afghanistan. However, this task must remain an urgent priority at the highest levels of this Administration. The security services, especially the local uniformed police, are the face of the Afghan Government and will determine the fate of security in Afghanistan.

I have several specific concerns regarding our efforts to build and sustain the Afghan National Security Forces.

First, the costs for maintaining the security forces are estimated at approximately $2 billion per year. Given the Afghan government's limited financial capacity, are these costs sustainable or will the international community be supporting the Afghan army and police for the foreseeable future?

Why is the United States' timeline for completion of a fully capable Afghan police force (2012) different from the benchmark used by the Afghan government and the international community (2010)?

How are we effectively evaluating the capability of the army and the police? How are the Defense Department's ''capability milestones'' being evaluated? Too often, we are overly concerned with quantitative indices (i.e. number of troops, weapons, uniforms, etc.) rather than taking a qualitative approach. The United Nations Police (UNPOL) has begun developing a Rule of Law Index (ROLIX) to help qualitatively measure the progress of security sector institutions in their work to establish the rule of law that may be of great value here.

The importance of civilian mentors in building the Afghan security forces cannot be overstated. As the GAO has stated, international peacekeeping efforts in Bosnia, Kosovo, and East Timor have shown that field-based training of local police by international police mentors is critical to the success of establishing professional police forces. Why is there still such a shortage of police mentors? How will this be remedied?

Equipment shortages plague both the Afghan army and police. Combined Security Transition Command—Afghanistan (CSTC–A) officials have stated that equipment shortages are due to competing U.S. priorities in Iraq. Why are the Afghan security forces facing such massive equipment shortages? Why is this not a major priority for the U.S. government?

I look forward to reading your report to Congress on our efforts to assist the Government of Afghanistan in increasing the size and capability of the Afghan Security Forces, including assessments of key criteria for measuring the capabilities and readiness of the Afghan Security Forces. I cannot overemphasize how important it is that we get this right and not squander any further opportunities to help build these basic institutions in Afghanistan. The security of the Afghan and American people depends on it.

Mr. CASEY. The problems plaguing Afghanistan are well documented: a resurgence of pro-Taliban forces, a burgeoning narcotics trade, rampant government corruption, insufficient resources for reconstruction, stalled development, fragile political and security institutions, and sheer, mind-numbing poverty. I spent a day in Kabul last month, where I had the good fortune of visiting with the chairman of the Armed Services Committee, Senator LEVIN, and even during this short amount of time, the magnitude of the challenges we face there was clear.

But what I also discovered is that despite these awesome challenges, there is a strong spirit amongst Afghans and coalition troops to persevere in the face of overwhelming odds. Afghans do not want the Taliban to come back. They may be disappointed by the results of President Karzai's government and broken promises by the international community. But they have been fighting for over 30 years for peace and stability. And they are not going to stop now. Not when they are this close to achieving those goals.

So it is now up to us to demonstrate true global leadership and finish what we started in 2001. This means, as the Afghanistan Study Group so aptly said, replacing the ''light'' footprint approach this administration has taken with respect to Afghanistan with the ''right'' footprint approach.

There is a common sentiment here in Washington that what is needed the most in Afghanistan is resources. If only we had more money, more troops, and more trainers on the ground, we would see more positive results.

It is true that we need to devote more resources to Afghanistan. That is why I was pleased to see that the recent international donors conference in Paris secured about $20 billion in commitments from more than 60 countries and international institutions, including a previous pledge of $10.2 billion from the United States. And that is why I applaud Secretary Gates' and Secretary Rice's repeated efforts in Brussels and other European capitals to secure additional Allied troops for the coalition in Afghanistan, troops that are free to wage combat where they are needed. We do need more to accomplish our mission.

But I do not want to engage in the transatlantic blame-game of which country could be doing more because it glosses over the underlying fault lines that have plagued our strategy in Afghanistan from day one. Ultimately, the real problem is not just one of troops or money or resources.

Rather, our mission in Afghanistan is in jeopardy because we still have not defined our long-term U.S. strategic objective in Afghanistan and, by implication, across South Asia.

We have not linked our relevant military security operations to a political strategy, and, most importantly, we have not made a long-term strategic commitment to Afghanistan in the eyes of the Afghan people. We have decoupled Pakistan from Afghanistan instead of formulating a strategy that would address the inherent and historic relationship between the two nations.

It is time to reformulate our basic fundamentals on how to approach this war. First and foremost, any strategy for turning the tide in Afghanistan must incorporate what is happening in Pakistan. To date, this administration has not fully appreciated Pakistan's security paranoia and the duplicity it has generated. Fueled by a credible fear that the U.S. will once again leave Pakistan in the lurch, as it did in the seventies and nineties, credible evidence exists that Pakistani security forces have renewed their ties to the Taliban to preserve their options.

We must redraw our map of this war to include the border region between Afghanistan and Pakistan. U.S. Army COL Thomas Lynch, a leading Afghan expert, has declared:

The future of Afghanistan can be lost in Afghanistan, but it can only be won in Pakistan.

GEN Dan McNeill, who briefed both Senator LEVIN and me when we were in Afghanistan—he recently left after 16 months of service commanding NATO's international security force—warned that success in Afghanistan would be impossible without a more robust military campaign against insurgent havens in Pakistan.

Second, we must take advantage of the opportunity to work with Afghan security forces. They remain nascent and fragile at this moment, but they have significant potential with the proper investment of training, manpower, and equipment. As our military leaders in Afghanistan told me last month, the Afghan army is made up of proud soldiers who want to fight for their nation and who have a can-do spirit. But we must provide them the tools they need.

We cannot underestimate the importance of properly training the Afghan security forces. Last week, a GAO report said:

Without capable and self-sustaining Afghan army and police forces, terrorists could again create a safe haven in Afghanistan and jeopardize efforts by the United States and international community to develop the country.

In particular, as Senator LEVIN and I recommended upon our return from Afghanistan, we need to assist the Afghan army to take over responsibility for border security functions in the territory adjoining Pakistan. Today, a lightly armed Afghan border police patrols this vital region, and this border police remains underequipped and underarmed. This is unacceptable. The United States and NATO allies should work together with the Afghan army to assume that critical national security function.

Finally, our strategy in both Afghanistan and Pakistan must focus on sustained development assistance. Former U.S. commander, GEN Karl Eikenberry, used to say, ''The Taliban begins where the roads end.''

Despite a massive influx of money into Afghanistan, we are not moving quickly enough to demonstrate to the Afghan people concrete results that improve their lives—building roads, schools, and hospitals.

We need to decouple our military activities from reconstruction assistance and bring our development experts from the U.S. Agency for International Development to the table where they belong. Our development approach thus far has overrelied on private contractors whose goals, missions, and timelines do not correspond with our own.

I have one more paragraph. We have to recognize that this battle against extremism is not going to be won in 2 or 4 or 10 years. It is not going to be won on the military battlefield. It is a generational challenge, a battle for the ages that will require significant resources in basic human development. Extremists exploit poverty, ignorance, and anger. The task before us is to defuse the igniters of that anger before they explode in the form of another failed state in Afghanistan or a terrorist attack in the United States.

We have a great history in this country of helping rebuild societies from ashes. It is time for a new Marshall Plan for Afghanistan, one that links the necessary resources with the right institutional expertise. It is time for us to do what we do best in the world.

In concluding, I go back to the work of the 9/11 Commission. In analyzing the many unexplored connections that led to that fateful day, September 11, 2001, the independent, bipartisan 9/11 Commission found:

> The most important failure was one of imagination. We do not believe leaders understood the gravity of the threat.

That is what was said after 9/11. The same can be said today. Our brave men and women, the troops and diplomats who serve every day in Afghanistan get the picture. They see what this administration chooses to ignore. Failure in Afghanistan is not an option. Our national security, the safety of our families here, depends on what we do in Afghanistan, and preventing another terrorist attack here depends on what happens in Afghanistan and all of South Asia. We cannot fail in Afghanistan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

FOOD VS. FUEL

Mr. GRASSLEY. Mr. President, for the past few weeks, I have been leading an effort to dispel the myths surrounding the impact of biofuels policies on our food prices. You may remember that back on May 15, I came to the Senate floor to announce to my colleagues that the campaign to smear ethanol is a well-funded and seemingly well-coordinated campaign. It is being led by none other than the Grocery Manufacturers Association.

In the weeks since that floor statement, I have been using every opportunity I can to beat back this smear campaign and inject the facts into the debate.

Biofuels are being scapegoated for rising wheat prices, even though the 2007 crop was the largest planted in 4 years. Biofuels are being blamed for the increased price of products such as rice and bananas, which have no correlation to corn production or our biofuels policies.

According to economists across the administration, biofuels have caused a tiny fraction of the increase in global and domestic food prices. They are also responsible for only a small portion of even the increase in the price of corn.

The fact is, the increased cost of oil is the biggest driver behind the increased price of food. In other words, energy and how energy fits into the food chain and the dramatic increase in the price of oil to $130, $140 a barrel is the biggest driver in the increased price of food.

But we also have drought in wheat-producing countries, such as Australia last year, adding to this increase. We have also had increased demand by the middle class of China and India for meats in their diet to a greater extent than ever before. Yet the grocery manufacturers and their association have focused the entire effort on ethanol. They see ethanol and renewable fuels as the root cause and most vulnerable to their attack.

Even with oil at $135 a barrel, they see their victory in undermining biofuels policies. It is important to note that biofuels are actually working to lower the price of gasoline at the pump. In fact, in Iowa, you can buy gasoline with biofuels in it for about 13 cents a gallon cheaper than you can 100 percent gasoline.

So while high energy costs are driving increases in food prices, the grocery manufacturers would have you believe that the solution is less energy supply. That is counterintuitive.

The Grocery Manufacturers Association does not seem to care much about facts. Their criticism and talking points are not based on sound science, sound economics, or even common sense.

While biofuels are easy to blame, it is intellectually dishonest to make these claims. But maybe intellectual dishonesty does not make any difference to the Grocery Manufacturers Association.

They have indicated that they fully support advanced biofuels from biomass rather than food crops, and maybe with ethanol we think of that as cellulosic ethanol, and of course, we are all supportive of efforts to promote the next generation of biofuels. But undercutting the current industry is not the way to get fuels into that second generation coming from biomass instead of from grain.

Those who are determined to pull the rug out from under today's biofuels should know that the next generation will not exist if the current generation is undermined.

I hope the Grocery Manufacturers Association has taken notice that I am not going to sit quietly while they try to undermine 30 years of public policy. In other words, 30 years ago, we decided in this Congress we needed more emphasis on renewable fuels because God only made so much fossil fuel. So you have to get to what you are going to do postpetroleum, and it is renewables. Of course, conservation is the other part of that as well.

So 30 years ago, we started out with incentives for biofuels. It is still not a mature industry, but it is maturing very quickly. If you cut the legs out from under that industry right now and the agriculture that supports it and the jobs in rural America that do the work, you are not going to have the next generation.

I sometimes think, even though I blame the Grocery Manufacturers Association because they announced this campaign of scapegoating ethanol, that somehow it is not just the Grocery Manufacturers Association. I cannot help but think that big oil is back there applauding everything the grocery manufacturers are doing.

Until now, in fact, the only significant opposition to developing renewable fuels over the past 30 years has come from big oil. I was not afraid to stand up to big oil over the last 30 years, and I am not going to stand by while the Grocery Manufacturers Association, with their smear tactics, destroy what the American people have been calling for—an industry so we can produce renewable fuels. And because of our national defense, the stakes are too high.

The Grocery Manufacturers Association's efforts, if successful, will raise prices at the pump in Iowa. I said 13 cents higher if you have 100 percent gasoline instead of 10 percent ethanol and 90 percent gasoline. And in the process, we would be increasing our dependence on foreign oil. Why not keep the money in the United States instead of spending $130 a barrel and sending it over to the Arabs where they will allow terrorists to train against us? Is risking our national and economic security worth the bottom line of a few multimillion-dollar food companies? Don't be fooled. Their campaign is not altruistic. It came directly from their mouths that this campaign is about their ''bottom line.''

Where is the outrage? American consumers need to know that a few big food companies are jeopardizing our efforts toward energy independence so that they can raise the price of food and increase their profits. They want to do away with this industry and, in the process, as Iowa State University tells us, without ethanol, gasoline would be on average about 30 cents higher per gallon. If the increased price of energy goes up, and energy is the cause for about one-third of the increase in the cost of food, then obviously food is going to go yet higher.

We are on a path, from the standpoint of national security and economic security, to reduce our dependence on oil from the likes of Venezuela and Iran. The Grocery Manufacturers Association wants to put the brakes on our efforts toward energy independence. They apparently prefer putting our economic security in the hands of crazy people, such as the President of Venezuela and the President of Iran, rather than putting their economic security in the hands of American farmers growing renewable fuels.

The Grocery Manufacturers Association, through their president and CEO, Cal Dooley, requested to have a meeting with me to discuss the impact of

food-to-fuel policies. Given the association's objectives to ''obliterate whatever intellectual justification might still exist for their corn-based ethanol among policy elites''—and that is what their public relations firm said about ethanol—I was pleased to accept former Congressman Dooley's efforts to talk to me about it.

U.S. Secretary of Agriculture Ed Schafer was also kind enough to accept my offer to participate in that meeting. However, I thought to have a meaningful discussion on their campaign to smear ethanol and my justification for renewable fuels, and so I requested the attendance of chief executives of 15 of the GMA's member companies. I thought it would be important for the CEOs of these companies, who are members of the association, to speak for themselves about the impact biofuel policies are having on their businesses. The companies themselves are in a much better position to explain why they believe the anti-ethanol campaign they have underwritten would be warranted. So I invited the CEOs of Campbell's Soup, Del Monte Foods, Lakeside Foods, Sarah Lee, Dean Foods, Hormel Foods, Procter & Gamble, Kellogg's, Land O'Lakes, ConAgra Foods, General Mills, Kraft, Ralston Foods, Cargill, and Archer Daniels Midland to come to the meeting. I expected to have many of the CEOs jump at the opportunity to tell me I am wrong. I thought I would hear firsthand how the increase in corn prices was affecting the bottom line of General Mills or Kellogg's or Kraft.

Many of the CEOs I invited are members of that trade association's board of directors. Naturally, I expected the CEOs to want to defend their association's campaigns and its tactics. Unfortunately, that is not what I got. Only one CEO—Chris Policinski of Land O'Lakes—agreed to attend, and Cargill offered a senior executive in place of their CEO. But of 15 companies, only one CEO thought it was worth their time to come to Washington and visit with me and Secretary of Agriculture Schafer about their trade association's campaign to smear ethanol. So I had no choice but to cancel the meeting.

They have hired a high-priced public relations firm to coordinate their campaign. One would assume they believe in the policies they are promoting. So why wouldn't they take advantage of this opportunity to convince Secretary Schafer and me that we have it all wrong? This is clearly a high priority for them. They seem to have invested a great deal in it, and a lot of dollars in it. Why wouldn't they attend the meeting? Don't they believe in what they are doing?

It appears all they want to do is to give a thumbs-up to their trade association's hiring of expensive PR firms to do their dirty work, instead of entering into real dialog with those of us who feel strongly that this country needs a policy of renewable energy, and more renewable energy every day.

I don't know whether GMA encouraged these CEOs not to attend. My colleagues might find it amusing, however, that two companies declined my invitation with a form letter. The letter from Mr. Conant, CEO of Campbell's, and the letter from Mr. MACKAY, CEO of Kellogg's, used the same text declining my invitation. Now isn't that something? CEOs of two major companies coming up with exactly the same words in letters signed by them to decline. I don't know who wrote it first, but I might expect CEOs of such primary companies to be a little more original in their communication with me. It makes one wonder who wrote the letter.

Mr. President, I ask unanimous consent to have printed in the RECORD at the end of my remarks these two letters.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. GRASSLEY. Mr. President, I am going to keep pounding home the facts behind the relationship between food prices and biofuels, because it is not supported by economics, it is not supported by common sense, and it is not supported by sound science. The fact is, biofuels are increasing our national security, biofuels are helping our balance of trade, and they are reducing our dependence on Middle East oil and the whims of big oil. Every barrel we use of biofuels is $135 not going to some foreign land where they train terrorists to kill Americans.

So it is time we cleared the air, it is time we looked at the facts, and it is time we recognize, once again, that everything about our domestic renewable fuel industry is good, good, good. I emphasize it is good for the environment—less $CO_2$ in the air—it is good for good jobs in rural America, because a lot of these ethanol refineries are in rural America, where we never thought we would have good-paying jobs, and a lot of these refineries respond to another problem—we don't have enough oil refineries in this country. In a sense, every ethanol plant, every biofuels plant is a refinery. It is good for our national security, which I think I have made very clear, and it is good for agriculture. It is good that we don't have Government supporting surplus grains. We are not having taxpayers' money go out to farmers. Farmers are getting their money from the marketplace now that prices are higher.

So I don't know how many times I have to say it, but there are no negatives about biofuels and everything about them is good, good, good.

EXHIBIT 1

CAMPBELL SOUP COMPANY,
*Camden, NJ, June 18, 2008.*

Hon. CHARLES GRASSLEY,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR: Thank you for your invitation to meet regarding the relationship between US biofuels policies and their impact on commodity and food prices. Regrettably, I am unable to attend.

In my stead, however, the Grocery Manufacturers Association and a number of other organizations with similar concerns plan to participate. I also understand GMA will extend to you an invitation to attend the November meeting of the GMA Board of Directors, where we can have a full and productive discussion regarding our nation's energy policy.

As you know, GMA is working with many farm organizations, including the National Turkey Federation, the National Chicken Council, and the National Cattleman's Beef Association, to improve our federal food-to-fuel policies by accelerating the development of biofuels made from crop wastes and other energy feedstocks. Many experts have concluded that cellulosic biofuels hold enormous promise and will not pit our energy needs against the needs of food companies, livestock farmers and consumers. The Campbell Soup Company strongly supports biofuel policies that boost the income of farmers and simultaneously meet the needs of food companies and consumers.

In light of growing prices for corn and other commodities, we support policies that will reduce the use of food and feed crops to produce fuels. Although there are many factors contributing to rising commodity prices, federal policies that divert one-third of the U.S. corn crop is the only factor legislators have the power to change. Recent studies by the World Bank, the United Nations, and America's leading agricultural think tanks have linked rising commodity prices to these federal food-to-fuel policies.

Again, I thank you for your kind invitation to join you and Secretary Schaffer to discuss these concerns and regret that I am unable to attend. If appropriate, I would be happy to offer Kelly Johnston, Campbell's Vice President—Government Affairs, whom you know, to represent our company. The Campbell Soup Company looks forward to working with you and all interested parties to craft sensible and sustainable energy policy.

Sincerely,

D.R. CONANT,
*President and Chief Executive Officer.*

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KELLOGG COMPANY,
*Battle Creek, MI, June 17, 2008.*

CHARLES E. GRASSLEY
*U.S. Senator,*
*Washington, DC.*

DEAR SENATOR GRASSLEY: Kellogg Company strongly supports biofuel policies that boost the income of farmers and simultaneously meet the needs of food companies and consumers. I sincerely appreciate your invitation to meet regarding these policies on June 24th, Regrettably, I am unable to attend.

In my stead, however, the Grocery Manufacturers Association and a number of other organizations with similar concerns plan to participate. I also understand GMA will extend to you an invitation to attend the November meeting of the GMA Board of Directors, where we can have a full and productive discussion regarding our nation's energy policy.

As you know, GMA is working with many farm organizations, including the National Turkey Federation, the National Chicken Council, and the National Cattleman's Beef Association, to improve our federal food-to-fuel policies by accelerating the development of biofuels made from crop wastes and other energy feedstocks. Many experts have concluded that cellulosic biofuels hold enormous promise and will not pit our energy needs against the needs of food companies, livestock farmers and consumers.

In light of growing prices for corn and other commodities, we support policies that

will reduce the use of food and feed crops to produce fuels. Although there are many factors contributing to rising commodity prices, federal policies that divert one-third of the U.S. corn crop is the only factor legislators have the power to change. Recent studies by the World Bank, the United Nations, and America's leading agricultural think tanks have linked rising commodity prices to these federal food-to-fuel policies.

Again, I thank you for your kind invitation to join you and Secretary Schaffer to discuss these concerns and regret that I am unable to attend. Kellogg Company looks forward to working with you and all interested parties to craft sensible and sustainable energy policy.

Sincerely,

A.D. DAVID MACKAY,
*President,*
*Chief Executive Officer.*

Mr. GRASSLEY. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the time until 2:15 is under the control of the junior Senator from Alaska or her designee.

The Senator from Alaska.

ALASKAN STATEHOOD

Ms. MURKOWSKI. Mr. President, today is an opportunity for us in the next 45 minutes to talk about a celebration. We have had some pretty serious business under discussion here on the Senate Floor, and today I and my colleague, Senator STEVENS, joined by others, rise to celebrate the 50th anniversary of the Senate passage of the Alaska Statehood Act, the act which eventually conveyed statehood upon the great State of Alaska after a fight for equal rights and representation that lasted literally decades.

After a long and contentious battle, both in Congress and across the country, the Senate passed the Alaska Statehood Act 50 years ago, on June 30, by a vote of 64 to 20. The act was signed into law 7 days later by President Eisenhower, and Alaska officially became a State on January 3, 1959. This was the headline in the Anchorage Daily News announcing, ''We're In.'' Our territorial Governor, Mike Stepovich, President Eisenhower, and Secretary Seaton are in this photo that we look to in our State's very young history with great fondness.

This year across the State, there will be celebrations all over put on by communities, by clubs, by businesses, by the State government. To help kick off this celebration, I would like to briefly remember a little bit of the history of a very rough journey toward statehood.

The territory of Alaska was bought from Russia in 1867. I know many students, when they are looking at their history books, learn that it was dubbed ''Seward's Folly.'' It was World War II and the Cold War that really transformed the face of Alaska, however. Having a strategically critical location for both wars, Alaska saw a large increase in Federal money and population in the 1930s and the 1940s.

While the aspiration for statehood had existed for many years and though Alaska had a delegate to Congress since 1906, it was during this time period that a serious and motivated and modern statehood movement rose up and captured the attention of Alaskans across the State.

The Alaska Statehood Committee was formed in 1949. This committee of 11 Alaskans was bipartisan. No more than six could belong to the same party, and at least two members had to come from each of the four judicial districts Alaska had at the time. They were given the task of publicizing and educating the public on statehood, both in Alaska and nationally, as well as framing a State constitution.

As early as 1946, though, 3 years before the Statehood Committee was formed, there was a large majority of Americans who were already very supportive of Alaskan statehood. A Gallup Poll that year indicated that 64 percent of Americans were in favor of statehood, with only 12 percent opposed. The percentage of supportive Americans grew to 81 percent by 1950. But even then, nearly a decade still remained in what became a bitter battle against special interests.

The wealthy salmon canning industry was the primary lobbying group that opposed statehood at the time. The salmon canners would put fish traps at the mouth of some of Alaska's largest rivers, and they caught nearly 30 percent of Alaska's salmon every year, sending the yearly salmon catch plummeting from 924 million pounds to 360 million pounds over a 20-year period. Alaska was in a tough spot. They were powerless to resist. With 99 percent of the territory's land owned by the Federal Government and with very little control over resource policy, the industry was pretty much free to devastate one of the State's most valuable renewable resources, and that was our Alaskan salmon.

This desire for a say in our own affairs only grew the intense desire of Alaskans to attain statehood for themselves. The newspaper the New York Journal-American summed up the situation this way:

> Alaska wants statehood with the fervor men and women give to a transcendent cause. An overwhelming number of men and women voters in the United States want statehood for Alaska. This Nation needs Alaskan statehood to advance her defense, sustain her security, and discharge her deep moral obligation.

In 1950, after years of thwarted attempts to bring an Alaska statehood bill to the floor of either Chamber of Congress despite the strong support of President Truman, a bill actually got a floor vote. It passed the House of Representatives, but it failed over here in the Senate.

Frustrated by repeated legislative defeats, Alaskans decided to write a State constitution. This was done in 1955. We decided to do it to show the country that we were politically mature and genuinely ready for statehood.

After a 75-day Constitutional Convention at the University of Alaska Fairbanks, a constitution was adopted by the delegates and ratified by Alaskans. It was later described by the National Municipal League as ''one of the best, if not the best state constitutions ever written.''

The way it dealt with natural resources was particularly distinctive and ingenious. The State's natural resources were viewed as a public trust and were required to be developed for ''maximum use consistent with the public interest [and] for the maximum benefit of its people.'' Development based on ''sustainable yield'' was constitutionally mandated. To this day, the State continues to operate on this principle in our fisheries, minerals, fossil fuel development, and our timber. One example of the results of this policy is that Alaska is the only region in the United States that has no overfished fish stocks.

Two years after the constitution was ratified and 50 years ago, on May 28, the House of Representatives voted on the bill that would eventually confer statehood upon Alaska. The bill passed the House 210 to 166. The Senate passed it 64 to 20, and then President Eisenhower signed it into law. Over 15 years passed between April 2, 1943, when the first bill was introduced, and June 30, 1958, when the final bill was passed. We were officially a State on January 3, 1959.

I have been perusing the CONGRESSIONAL RECORD to kind of get a sense of the Senate debate at the time, the debate that preceded Alaska's entry into the American Union. I am a born and raised Alaskan. I have found the record absolutely fascinating. It includes enthusiastic and very passionate arguments in favor of statehood but also countered by lawmakers who saw Alaska's entry into the Union as being a huge mistake. There is even an occasional Communist threat reference, a reminder that this debate occurred against the backdrop of the Cold War.

Some of the arguments against statehood included the fact that Alaska was not contiguous with the rest of the United States; Alaska was not sufficiently developed economically or politically to be ready for statehood. There was also a reference to the fact that Alaska doesn't produce enough agriculture.

There were provisions granting Federal land to the State. They alleged it was a huge Federal giveaway, but keep in mind that the Federal Government still owns over half of the State of Alaska. But really the argument centered around the concern that Alaska would be a huge burden on the Federal Government financially.

Senator Richard Neuberger of Oregon, who was a supporter and was presiding over the Senate during the historic Alaska statehood rollcall vote, said that Alaska statehood would afford the United States the opportunity to show that ''we practice what we preach.''

Neuberger said:

For decades we have preached democracy to the rest of the world, yet we have denied full self-government to our vast outposts to the north, despite many assurances that such would not be the case.

He continued on by saying:

The voice of America may talk of democracy, but its message will ring hollowly through the rest of the Free World if America fails to practice democracy. In the crucible of world opinion, we shall be tested by deeds and not words. Statehood for Alaska will be a tangible deed.

Among Alaska's greatest friends in the Senate were both Senators from Washington State, Henry ''Scoop'' Jackson and Warren Magnuson. Jackson told his colleagues that the time was ''past due'' for the admission of Alaska to the Union, while Magnuson said it in another way. He said:

Alaska has sat impatiently in the anteroom of history for 42 years.

These comments represent only a fraction of the Alaska statehood debate which began years before the last frontier became the 49th State, but still they offer some valuable perspective on the challenges and obstacles our forefathers faced on the road to statehood.

A few of my colleagues will be joining us over the next half hour or so to help remember and reenact the debate that occurred 50 years ago. I am grateful for their willingness to join me in celebrating our 50th anniversary of the 49th star on the flag.

I mentioned that Alaska has been referred to as ''Seward's Folly.'' I don't think many people know that we also were referred to as ''Icebergia,'' obviously a reference to the colder environment up there. But Alaska has since made incredibly significant contributions to our great Nation. I do not think anyone considers Alaska a folly. We provide 55 percent of America's seafood, we attracted 1.5 million tourists last summer to the State, and we have been a stable domestic supplier of U.S. oil needs for the past 30 years.

Alaska is proud to be ''the Great Land'' in the greatest Nation in the world. I am privileged to represent its people here in the United States.

With that, I yield the floor to my senior colleague, Senator STEVENS.

The PRESIDING OFFICER (Mr. SALAZAR). The senior Senator from Alaska is recognized.

Mr. STEVENS. I believe I have been allocated 20 minutes to speak.

The PRESIDING OFFICER. There is no previous order.

Mr. STEVENS. Mr. President, that photograph brings back many memories to me. The gentleman on the right was my employer at the time, the Secretary of Interior, Fred Seaton. As a matter of fact, I was standing right behind him at the time that photograph was taken.

I remember the debate here on the floor of the Senate on the Alaska statehood bill. On the day the vote was taken, I was standing up where those people are right now in the Press Gallery. That was unheard of, but I was standing beside my good friend who was the editor of the Fairbanks Daily News-Miner, C.W. ''Bill'' Snedden. He had bought this newspaper. He purchased it a few years before we got statehood, and he turned its policy around to support statehood.

One of the things he created was a cartoon they put on the front page of the paper every day. It was a small thing down at the bottom. This was Sourdough Jack. Sourdough Jack had wise sayings every day. This one day he published this, it was:

All of the valid arguments against Alaska statehood are listed in full on pages 2, 3, and 4.

All blank. That was the attitude of Alaskans. There really was no valid opposition to our becoming a State.

However, I think the Senate should know what the Senate did then and the role of the Senate in Alaska becoming a State—and Hawaii, too, later the same year.

Our delegate at that time in the House of Representatives, Democrat Bob Bartlett, discovered an old rule in the House that permitted matters of constitutional import to be taken to the floor of the House and worked on solely by the Committee of the Whole of the House, bypassing the Rules Committee. So after having tried since 1913 into 1958 to get statehood, our delegate made the motion to bypass the Rules Committee. With a vote of the House, they approved going right to the floor with the Alaska statehood bill. That was an achievement no one could even have expected. But it showed the power of the press at that time. The American press took up the cudgel, they took up the sword to have both Alaska and Hawaii become States. It was really great to see Hearst and Luce and so many of the leaders of the newspaper profession joined together to urge the American people to swell up and demand these bills be passed.

As the bill passed the House and came over here, there was a great problem because the Rules Committee chairman made it very plain that if there was an attempt to have a conference committee on this bill admitting Alaska to the Union, he would see to it that it would never see the light of day in the House. So our job at that time was to get the statehood bill passed by the Senate without one single change—not a comma, no paragraphs, nothing altered, and nothing changed.

I think the Senate today would appreciate that problem because those were the days of the true filibusters. Those were the days before the current rule on cloture. At that time, it took two-thirds to stop debate. It was something to behold, sitting in the gallery as I did, to see the power of Senator Scoop Jackson on the one hand and Senator Norris Cotton on the other—Norris Cotton being a Republican from New Hampshire, Scoop Jackson being a Democrat from Washington—guide that bill through the Senate and overcome the filibuster that was led by my late good friend Strom Thurmond.

It is a total tribute to the democracy we represent that this enormous act of admitting a State—there had not been another State admitted since Arizona had been admitted in 1913. Here we were in a post-World War II period, when part of the momentum for our getting statehood was, in fact, the people who had served in the Armed Forces and were stationed in Hawaii or in Alaska—many of them had been stationed in the territories and went back to the territories after they were released from service after we won World War II.

But this day, the day the Senate finally passed this bill, was a unique one.

The galleries were full. That is one reason I was up in the press gallery rather than over in the normal gallery for visitors. But, very clearly, we knew it was going to be a difficult day for us. We had counted votes and all of the rest trying to predict what was going to happen. But when it happened, I want the Senate to know, this was something significant that happened. The people in that photograph, except for the President, gathered right out in the reception room of the Senate. Then we went to—Republican and Democratic alike—members and people from the gallery, we went to the then-chapel of the Senate, and we offered a prayer to thank the people who had given us this new right.

It was one of the most significant days that I can remember in my life. I am proud of my colleague who has brought upon the Senate the idea of having some remembrance here of what went on in those days. Our State has become a State. We have developed our economy to be one of the great producers of natural resources. Many people have challenged that, and we are currently blocked in exploring the Outer Continental Shelf off our State. Two-thirds of the Continental Shelf of the United States is off our State.

Every well so far that has been tried has been blocked. We have been blocked now for 25 years at getting the right. We thought we achieved it in the 1980 act which set aside 1.5 million acres of the Arctic for oil and gas exploration and development.

I hope we will come to a time where we will realize the errors of our past and we will find that the day will come when the Arctic Coastal Plain will be opened. Once it is, the Alaska oil pipeline, which was built to carry 2.1 million barrels a day—it is carrying less than 700,000 barrels a day now—will be full. Because we know from 3–D seismic and from the well that was drilled,

there is no question that there is oil on the Coastal Plain that some people call ANWR. But the development of that plain will bring us, both the Federal Government and the State, billions of dollars that we want to dedicate to the development of renewable and alternative resources.

For instance, we have half the coal of the United States. We should have mine-mouth conversion for coal gasification, coal liquefaction.

We have those magnificent five military bases in our State. They all need lots of energy. We have to find some way to assure they will have energy for our national defense. I think we are proceeding to the point that the American people know what we must have; that is, we must have the right to proceed to develop our resources.

Fred Seaton, whose picture was photographed there as the Secretary of the Interior, was an appointed Senator from the State of Nebraska. He made only one statement on the floor of the Senate. He was absolutely convinced that Alaska should become a State.

Let me read a portion of what he said:

> Alaska is as deserving of statehood, and as ready for statehood, and as greatly in need of statehood, to come into her own, as were any of the present States when it was their turn before the bar of the Senate.
>
> Let us deal with the American citizens in Alaska no less generously in this manner than were our forbearers dealt with in their respective territories. Alaska, like all other States will keep the faith and carry the grand old United States tradition. Alaska's star has for too long been denied its rightful place on the glorious flag of the United States of America.

We, as Alaskans, are proud of what we have done. From the days we became a part of the United States in 1867 when Secretary Seward led the negotiations to buy the Territory of Alaska from Russia for a mere 2 cents an acre, we have contributed substantially to the income, the resources, and to the well-being of our people.

We are the northern territory for the defense of this country. Our national missile defense site at Fort Greely, AK, has the capability of defending the whole United States, 360 degrees around, from Maine to Florida, from the tip of California to the tip of Alaska. That national missile defense site defends America.

We have committed ourselves to support those in uniform who defend this country and defend our way of life. So I think this is a wonderful thing to celebrate, the fact that the Senate took the action it did in approving the basic approach of the House to take the initiative to bring Alaska into the Union.

We were followed by our great and dear friends from Hawaii. And many people wonder why we are so close, those of us from Hawaii and Alaska. We represent offshore States. When we got here, many of the laws that applied to the 48 States did not apply to us. The effect of our working together has been that Hawaii has four Senators and Alaska has four Senators because we have a lot in common. We do not vote together on issues of national issues, that is not a position. But when it comes to the rights of our States, we have shown what can happen in the Congress of the United States when two delegations say: We are together. And as new States, we deserve to be recognized and treated as equal partners in this Union.

I am proud to speak of the alliance that we have with Senators Inouye and Akaka—that has been achieved in my almost 40 years here.

As I have said, Mr. President, for many days in June of 1958 I watched from the gallery as the Senate debated and finally passed the Alaska Statehood Act. That vote marked the end of our long and difficult road to self-determination.

Alaska was my home. I had been U.S. Attorney in Fairbanks. Working in Washington as Assistant to the Secretary of the Interior, Fred Seaton, I became involved in the battle for statehood.

Some Americans believed Alaska was too remote and too politically immature to become a full partner in the Union.

Alaskans worked tirelessly to show the American people and Congress that the Union would benefit from Alaskan statehood. My friends, Bill Snedden, publisher of the Fairbanks Daily News Miner, and Bob Atwood, publisher of the Anchorage Times, wrote to almost every paper in the U.S. setting forth our positions for statehood and requesting support for our efforts.

Alaskans reached out to their friends and family in the lower 48 asking them to write their Senators requesting they support statehood.

Fifty-five men and women met at our constitutional convention in Fairbanks and devoted themselves to creating what has been called ''the best state constitution ever written,'' proving Alaskans had the political maturity to join our union.

I worked with the Secretary of the Interior, Fred Seaton, and members of the Eisenhower administration to explain the President's support of Alaska being a State.

Six years earlier Secretary Seaton had been a Senator from Nebraska. He served for only 1 year being appointed to fill the vacancy caused by the death of Senator Wherry. In his first address to this body, Senator Seaton spoke strongly in support of statehood for Alaska, recalling the doubts and objections raised when his own State of Nebraska was struggling for statehood.

Senator Seaton said:

> Alaska is as deserving of statehood, and as ready for statehood, and as greatly in need of statehood, to come into her own, as were any of the present States when it was their turn before the bar of the Senate.
>
> Let us deal with the American citizens in Alaska no less generously in this matter than were our forbearers dealt with in their respective territories. Alaska, like all the other States, will keep the faith and carry on the grand old United States tradition. Alaska's star has for too long been denied its rightful place on the glorious flag of the United States of America.

Our delegate to the House of Representatives, Bob Bartlett and our ''Tennessee Plan'' Senators and Representatives, and Alaskan pioneers Ernest Gruening, Bill Egan and Ralph Rivers met with Members of Congress to convince them to support Alaska statehood.

After the House passed our statehood bill on May 28, 1958, opponents in the Senate tried to stop the bill by attaching controversial, unrelated amendments.

Our good friend from Washington, Senator Henry ''Scoop'' Jackson led a bipartisan effort to fend off changes to the bill.

In the 6 days of debate prior to the vote, Senators carefully weighed the prospect of granting statehood to Alaska.

Alaskans are proud of all we have accomplished in the 50 years since that historic vote.

Through responsible development of our vast natural resources we are working to build a strong and vibrant economy.

Prudhoe Bay and the 800 mile Trans-Alaska Pipeline, completed in 1977, have delivered more than 15 billion barrels of oil to the American economy.

In 2007 alone, Alaska's mining industry contributed an export value of $1.1 billion to the national economy.

Through science-based management, our fisheries have been protected and rehabilitated. Because of our success, Alaska's fisheries management principles are now used as models for fisheries across the country. Today half our Nation's total domestic seafood production comes from Alaska.

Modern water and sewer facilities and health care clinics are now located in most rural Alaskan communities. Through these and other projects and development of our natural resources, Alaskans are creating educational and job opportunities in the most remote corners of our state.

Alaskans proved our strategic military value to the Nation during WWII when our Territorial Guard provided a first line of defense and protected the terminus of the lend lease Aerial Bridge at Fairbanks.

Today Alaskans welcome and support the men and women of the 1st of the 25th Stryker Brigade Combat Team based in Fairbanks, the 4th of the 25th Airborne Brigade Combat Team based in Anchorage and the 11th Air Force based at Elmendorf.

They, and our Alaska National Guard, have served our Nation bravely in Afghanistan and Iraq and around the world. Our strong tradition of service has resulted in more veterans per capita living in Alaska than in any other State.

While Alaskans have much to celebrate on our 50th anniversary of statehood, we continue working to accomplish more.

The Alaska Natural Gas Pipeline will deliver 4 billion cubic feet of domestically produced natural gas each day to homes and businesses throughout the United States. Our pipeline will also create 400,000 new jobs nationwide.

Continued development of Alaska's resources, including oil and gas development on the arctic coastal plain and our outer continental shelf, could also help deliver the energy needed to power our Nation's economy.

Recent estimates show that the arctic coastal plain alone could deliver 1.5 million barrels of oil a day to market and contribute billions of dollars in corporate income tax revenues and royalties to the U.S. Treasury.

Alaskans began our journey to statehood in 1867 when the Secretary of State William Seward advocated for the purchase of the territory from Russia for a mere 2 cents an acre. At the time the decision was ridiculed as ''Seward's folly.''

Alaskans have worked hard to realize the full potential of our land and our people. There is no doubt Alaskans have lived up to the faith the Senate showed in us 50 years ago when it voted to grant us statehood. Alaskans have earned the name of our State, ''the Great Land.''

Ms. MURKOWSKI. Mr. President, I want to thank my senior colleague for his comments. It is rare that we have an opportunity to speak from such personal knowledge about the battle for statehood.

As he spoke, I imagined Senator STEVENS sitting up there in the galley watching this debate anxiously as the future of Alaska was being decided. So it is an honor to work with him representing the people of Alaska. But for him to be able to share this historical perspective is wonderful. Our neighbors to the south in Washington have worked with us on so many different issues over the years.

As I mentioned in my comments, Senator Jackson and Senator Magnuson were big advocates for statehood for the State of Alaska.

I am delighted that our colleague, Senator MURRAY, has agreed to join us in talking about Alaska's statehood.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. ''Mr. President, let us vote for the 49th star in the flag.'' Those were the words from the great Senator from the State of Washington, Warren Magnuson, spoken on this floor in 1958, just before this body finally agreed to make Alaska one of the United States.

Today, I am very pleased to join our colleagues from the north in Alaska to say a warm congratulations to the people of Alaska on this 50th anniversary of their statehood. Alaska's statehood, as you heard, was controversial a half century ago. But I think time has proven that the United States is a greater Nation thanks to the Land of the Midnight Sun.

As Senator MURKOWSKI has said, Washington State's Senators, Warren Magnuson and Henry Jackson, were some of Alaska's greatest friends. Their advocacy helped to sway this Senate that Alaskans were ready to join the Union. Today I want to give you a flavor of that debate at the time and their role in it.

Back in 1958, Alaska's statehood had already been an issue for 42 years, and legislation to make it a State had been introduced in every Congress since 1943.

As Senator Jackson said in one speech that led up to that final vote that Congress had held 11 hearings, two of them in Alaska, and others here in Washington, DC. And more than 4,000 pages of testimony had been published.

''It was time to put the issue to rest,'' he argued, and I quote:

> There can be no doubt that the record is complete. Our objective is statehood. It can be achieved now.

Those were the words of Senator Jackson back then. And as the debate continued, Senators Magnuson and Jackson were confident that Alaska was ready.

Senator Magnuson argued that with 180,000 citizens, Alaska had more residents than Missouri, Kansas, Arkansas, Alabama, Nevada, Idaho, and 21 other States when they were admitted into the Union. He pointed out to this body that Alaska was strategically located between the United States and the Soviet Union and that it was home to two important military bases at the time right when the Cold War was escalating.

He dismissed the argument that Alaska could not support itself as a State because that argument had not held up when it was used for his own State of Washington.

He said:

> Alaskans feel confident that they can lick this problem as they have met and solved others. I say, we should give them that opportunity.

So in Senator Magnuson's mind, the controversy was very similar to a family argument about whether a child was ready to leave home. He said:

> These United States, like fearful parents, can waver further in indecision, and allow our lack of confidence to undermine Alaskans and say, ''You will be ready for statehood someday, but not now.'' Or we can be proud of Alaskans' determination to strike out for their true independence through their own real self government.

''The United States should follow through the second course,'' Magnuson said.

He said:

> The territory feels entitled to sit and deliberate with us—be one of us. Alaska wants to work out her own future, just as each of the other 48 partners in our nation have been allowed to do. Alaska's hopes, aspirations, and quiet self-confidence are understandable. She knows that her resources, her people, and their combined potential spell a brilliant future.
>
> Alaska has sat impatiently in the anteroom of history for 42 years. Alaska should be a State.

I am very proud of the role Washington's two Senators played in this debate at the time. Alaska's road to statehood was long and it was hard. But Alaskans are some of the toughest people around. They fought for their rights. They did not give up. And they prevailed.

So as they celebrate across their State I wish them a happy and a successful future. I want to close by once more quoting Senator Magnuson's words to the people of Alaska.

He said:

> We approve and commend your vision, understand and believe your hopes, know that your mission and goal can and will be reached, so good luck and godspeed.

Mr. CRAPO. Mr. President, I am honored to stand and speak today on the occasion of the 50th anniversary of the legislation establishing Alaska as our 49th State. I continue a tradition of sorts: A former Idaho Senator, Frank Church, stood in this same chamber 50 years ago, May 5, 1958, to be exact, to call for Alaska's statehood.

Let me begin, if I may, with the words Senator Church recited that day:

> Wild and wide are my borders,
> Stern as death is my sway,
> And I will wait for the men who will win me—
> And I will not be won in a day;
> And I will not be won by weaklings,
> Subtle, suave and mild,
> But by men with the hearts of Vikings
> And the simple faith of a child;
> Desperate, strong and restless,
> Unthrottled by fear or defeat,
> Them I will guild with my treasure,
> Them I will glut with my meat.
> Send me the best of your breeding,
> Lend me your chosen ones,
> Them I will take to my bosom,
> Them I will call my sons.

These lines come from a poem entitled, ''The Law of the Yukon,'' and were written by Robert W. Service, a Canadian poet who traveled north, caught up in the fever of the Klondike Gold Rush. The poem was inspired by the majesty of the land of the Northwest Territories and the Alaska territory, and for Senator Church set the stage for an impassioned, intricately argued plea for Alaska's statehood.

Senator Church spoke that day of taxation without representation. He referenced the treaty by which the United States acquired Alaska which said that the inhabitants of the Territory ''shall be admitted to the enjoyment of all the rights, advantages and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty.'' Senator Church asked this body the question: ''Can it be that ours, too, will be the error of the Roman senate, which sapped the vitality and strength from the Roman Republic, refusing to extend the right of franchise, until government became a mockery, empty of empty of principle . . .?''

Fortunately for the United States in this matter, right prevailed that year, and those calling for Alaska's statehood were vindicated in their tireless quest.

The admission of Alaska into the Union represents a rejection of the status quo, a manifestation of the very American tendency to look beyond what is to what could be, and Alaska has exceeded all expectations. That historic 1958 debate about Alaska's statehood mentions things familiar today which remain the backbone of Alaska's economy and, by extension, are integral to the U.S. economy, salmon, oil and natural gas to name a few. Alaska enriched our inventory of public land immeasurably: forests rich in wildlife; the majestic mountains of the Denali and the breathtaking flanks and soaring peak of Mount McKinley; glaciers of incredible beauty; rivers teeming with salmon; and bays and harbors with orcas and other ocean wildlife. Alaska holds beauty and riches beyond measure above and below the land, rivers and oceans.

Periodically, the U.S. Senate does something that, in the words of Senator Church that year, falls outside the realm of meeting exigencies of the present. When the Senate bestowed statehood upon Alaska 50 years ago this week, it grasped the brief shining moment history had granted it and looked beyond partisan politics to do something great and glorious for the good of our Nation.

I appreciate the Senator from Alaska's invitation to speak during this auspicious time in Alaska's history. I am proud of the role of Idaho lawmakers in the history of Alaska's statehood, particularly Senator Church, and also Congresswoman Gracie Pfost who also supported Alaska's statehood that year. In fact, an editorial in the Fairbanks News-Miner on May 6, 1958 called Senator Church ''one of Alaska's greatest champions in Congress.''

Idaho and Alaska will always have much in common. Both western Rocky Mountain States, we face similar land use, wildlife and natural resource issues and we both celebrate the staggering beauty of our land. While Idaho does have the largest amount of wilderness area in the continental United States, it is dwarfed, of course, by Alaska which has the largest amount of Federal land of any State. Idaho and Alaska lawmakers can be proud of half a century of working together for the good of our States, our constituents and the mountain west.

Congratulations, Senator MURKOWSKI and Senator STEVENS, on the birthday of your great State.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I thank my colleague from the State of Idaho. As he indicated, Senator Church was a great leader in the statehood fight. Idaho and Alaska have long since maintained that good relationship from five decades ago. I also recognize the comments of Senator MURRAY from Washington. The relationship our two States have had throughout the years through trade and commerce has provided issues on which we have worked jointly. Again, I thank them for taking the time to help Alaska commemorate its 50th anniversary celebration.

I will tell my colleagues, as the first Senator serving in the Senate to ever have been born in the State of Alaska—I was actually born just a little bit before statehood, born in the territory—I am fiercely passionate about my State. My mother was born in the community of Nome in the early 1930s, at a time when Alaska was pretty rough and tumble. My family on both sides was involved in the issues that led to statehood. I am very proud of how we as a State have advanced over these 50 years. To be able to recognize that progress and then look forward with anticipation as we forge the next 50 years, a State that has so much to offer this country, not only our natural resources but the ingenuity and resourcefulness of our people, the fact that our Alaska Natives per capita serve at record numbers in our military, providing for the defense of this country, we are full participants in this great Nation. Even though our geography separates us, there is a sense of patriotism and love for this country that does not go without recognition.

I am honored to stand before the Senate today to celebrate the battle that led to statehood and the recognition of decades of good work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent to print in the RECORD the names of distinguished young Alaskans who have been permitted to be on the floor today to witness the celebration of our 50th anniversary.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR MURKOWSKI'S INTERNS AND THEIR HOMETOWNS

Brian O'Leary—Kodiak, Rochelle Hanscom—Fairbanks, Nychele Fischetti—Anchorage, Taryn Moore—Anchorage, Lyndsey Haas—Petersburg, Kristen Coan—Palmer, Wes Stephel—Soldotna, Haleigh Zueger—Unalaska, Kelsey Eagle—Sitka, Samantha Novak—Anchorage, Cameron Piscoya—Nome, and Alexis Krell—Wasilla.

SENATOR STEVENS' INTERNS AND THEIR HOMETOWNS

Bennett Clare—Nikiski, Castillo Serame—Anchorage, Choi Claire—Anchorage, Downey Michael—Anchorage, Hein Dyle—Juneau, Horstkoetter Paul—Anchorage, Johnsen, Jakob—Fairbanks, Lettow Jaimee—Wasilla, Malmberg Cort—Kodiak, Syversen Karmel—Anchorage, Alguire Coleman—Ketchikan, Eby Eryn—Anchorage, Gilman Rebecca—Kenai, Joynt Marshall—Wasilla, Kazmierczak Jessica—Salcha, Mallipudi Andres—Anchorage, Oh Samuel—Wasilla, Osterman Thomas—Kasilof, and Welch Alisha—Bethel.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wonder if I could add a word to my two distinguished colleagues. I have had the good fortune—and it is good fortune—to have visited every State in the United States and the territories in my nearly 82 years of wonderful life that the good Lord has given me. I would think every American would deem, every American who has a feeling for the outside and the magnificent beauty of nature, that their education would not be complete unless they visit Alaska and see with their own eyes and breathe the air, see the water, all the magnificent beauty. I have enjoyed a number of trips to Alaska, largely sponsored by my dear friend Senator STEVENS, through the years. We have been there together many times, many times in connection with the U.S. military, which finds a wonderful home in Alaska. Alaskans have taken such good care of them.

But you have a great strength. Those of us in the Senate are proud to serve with two fine Senators from the great State of Alaska.

Mr. President, I ask at this point in time if I could address the FISA bill. Is that the pending business or may I ask to speak on that business now?

The PRESIDING OFFICER. The Senate is postcloture on the motion to proceed to the FISA bill.

Mr. WARNER. So it is appropriate at this time to deliver remarks with regard to that bill?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I thank the Chair.

Mr. President, this is one of the most important subjects I have had the privilege of addressing in my 30-some years in the Senate. I and many others will rise in connection with this bill in support of the FISA Amendments Act. It is a critical piece of legislation for America's present and future security. It achieves an important balance between protecting civil liberties and ensuring that our dedicated intelligence professionals have the capabilities they need to protect this Nation.

Currently, Admiral McConnell is Director of our intelligence system. I have had the privilege of knowing him for over 30 years, working with him. We are fortunate that he and General Hayden and many others are carrying the torch for our Nation's intelligence. They have worked very hard on this piece of legislation, as has my dear colleague from Missouri, Senator BOND. I am on the Intelligence Committee. He has done a splendid job in negotiating the conference—hopefully, what will be a settlement. He was supported by our chairman, Senator ROCKEFELLER. It has been a team, with the two of them achieving the juncture we are at now in the consideration of this bill.

The bill ensures that the intelligence capabilities provided by the Protect America Act, enacted in August of 2007, remain sealed in statute. I cannot overemphasize how important that is to ensuring our Nation's security. I wish to underscore, once again, the importance of legal protection for the telecommunications carriers that have voluntarily—underline voluntarily—come

forth for the private sector and have assisted our Government with the terrorist surveillance program, commonly referred to as TSP, which was originated and authorized by the President under appropriate sections, in my judgment, of the Constitution, particularly article II.

I wish to emphasize that I was privileged to be Secretary of the Navy in the period of the 1970s, when the All-Volunteer Force was conceived. That force of young men and women, each of whom raised their hands and said, I volunteer to serve in uniform, is not unlike the issue today with elements of corporate America, the private sector, who have come forward to volunteer to assist this Government in performing the intelligence responsibilities undertaken which guarantee the freedoms and safety we enjoy every day here at home. The extensive evidence made available to the Senate Intelligence Committee shows that carriers that participated in this program relied upon our Government's assurances that their actions were legal, authorized by the President, and in the best interests of the security of our Nation.

In brief, our Government provided the carriers with essential assurances, and the carriers responded to our Government's request for help. These carriers must be protected from costly and damaging lawsuits. Such lawsuits could end the current level of participation in the vital intelligence programs by these carriers and will likely deter other companies and private citizens who might like to step forward and volunteer in helping us protect ourselves by virtue of the essential intelligence we must monitor and collect every day. After all, these carriers are corporations in most instances, if not all. They are beholden, the executives of these corporations, to the stockholders. That is the system of free enterprise we have in the United States. Consequently, they, on behalf of their stockholders—and the stockholders could be the pension funds, could be a stock held by any number of people and entities in our system of Government—are coming forth simply asking for codification of assurances having been given by the Government so they can go back to their stockholders and explain that: We are doing this to protect America. We now have, by virtue of the actions of the Congress, signed and sealed by the President, the law that will protect your interests in this country from lawsuits which have no foundation in law.

I would like to share a ''Dear Colleague'' letter which all Members of our Chamber some months ago received from the esteemed chairman and vice chairman of the Intelligence Committee, Senators ROCKEFELLER and BOND.

I ask unanimous consent that the full text of the letter be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. The letter discussed the Senate Intelligence Committee's extensive and bipartisan review of the TSP, which included dozens of briefings, hearings, and interviews, as well as extensive document reviews. As a result of this more than 10-month comprehensive examination, the committee concluded—and I quote what was written and published to our colleagues by the committee—

> Irrespective of one's opinion of the President's reliance on Article II authority to justify the TSP, those companies that assisted with the TSP did so in good faith and based upon the written—

I repeat: ''written representations''—

> from the highest levels of government that the program was lawful. The Committee's bill reported out on a strong, bipartisan vote of 13–2—

I wish to repeat that. That is a strong vote. I have served on the Intelligence Committee. This is my third tour of duty, you might say, given that we have, under our leadership, stipulated periods to serve. That is a big, strong vote. At one time, I was ranking member, as is Mr. BOND, of that committee, and that is about as strong a vote as you can get among the diversity of the wonderful people who have, throughout my years in the Senate, served on that committee.

> [That vote] reflects our determination that companies that cooperated with the government in good faith should be protected from time-consuming and expensive litigation. It is a matter of fundamental fairness.

End quote by the committee.

Another item which played a key role in my thinking about the issue was a thoughtful article published in a newspaper by private citizens with past distinguished careers in public service relating to intelligence. The first is Benjamin Civiletti, U.S. Attorney General under President Jimmy Carter; followed by Dick Thornburgh, U.S. Attorney General under President George Herbert Walker Bush; and Judge William Webster, a very distinguished gentleman I have known personally for many years, former Director of the CIA and former Director of the Federal Bureau of Investigation.

Now, there are three diverse public servants, with different political backgrounds, but they came together for the common purpose of trying to strengthen America's intelligence system. The article, entitled ''Surveillance Sanity,'' appeared in the October 31, 2007, edition of the Wall Street Journal. I have spoken on the floor previously about this article and their contribution, but because of its direct relevance to the issue we are now deliberating on and hopefully will vote on today, I ask unanimous consent that a copy of the article be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. WARNER. Let me share with you some of their thoughts. Regarding the Intelligence Committee's carefully crafted and limited liability provision, which is very similar to the provision in the bill currently before us, these three distinguished public servants—now private citizens—said:

> We agree with the Committee. Dragging phone companies through protracted litigation would not only be unfair, but it would deter other companies and private citizens from responding in terrorist emergencies whenever there may be uncertainty or level risk.

Unfortunately, our committee has already heard testimony that without such protections, some companies believe they can no longer continue their cooperation and assistance to our American Government, particularly the intelligence sections.

Messrs. Civiletti, Thornburgh, and Webster also wrote:

> The government alone cannot protect us from the threats we face today. We must have the help of all of our citizens. There will be times when the lives of thousands of Americans will depend on whether corporations such as airlines or banks are willing to lend assistance. If we do not treat them fairly when they respond to assurances from the highest levels of the government that their help is legal and essential for saving lives, then we will be radically reducing our society's capacity to defend itself.

That is very strong language, very clear language. I urge my colleagues, once again, to look at their article.

As the Senate considers this bill, it should reject any amendments which would put the carriers and their millions of shareholders in legal limbo, waiting while the Government litigates unrelated constitutional claims. Lawsuits against the companies would likely continue in the interim which would: have negative ramifications on our intelligence sources and methods; likely harm the business reputations of these companies; and cause the companies to reconsider their participation—or worse—cause them to terminate their cooperation in the future.

The Senate Intelligence Committee, by a vote of 13 to 2, stated its belief that the carriers acted in good faith and that they deserve to be protected.

Clearly the issue of whether the President acted within his constitutional authority in authorizing the TSP can and should be addressed in a separate context from this bill.

Even the exclusive means provision in this bill favored by my Democratic colleagues in the House and Senate acknowledges the President's constitutional authority in stating that certifications to companies for assistance shall identify the statutory provision on which the certification is based, ''if a certification . . . is based on statutory authority.'' This clearly indicates that the certification could be based on the President's constitutional authority.

But, even if one did not agree that the President acted within his Article II powers, why would anyone want to punish the carriers for something the Government called on them to do and assured them was legal?

Individuals who believe that the Government violated the civil liberties can pursue legal action against the Government, and the bill before us does nothing to limit that legal recourse.

As stated so eloquently by Messrs. Civiletti, Thornburg, and Webster, I quote the following:

> Whether the government has acted properly is a different question from whether a private person has acted properly in responding to the government's call for help. . . . Because a private person cannot have all the information necessary to assess the propriety of the government's actions, he must be able to rely on official assurances about need and legality.

I strongly believe that the President did act within his Article II executive branch authority in authorizing this program. Even the exclusive means provision in this bill favored by my Democratic Colleagues in the House and Senate acknowledges the President's constitutional authority in stating that certifications to companies for assistance shall identify the statutory provision on which the certification is based ''if a certification . . . is based on statutory authority.'' This clearly indicates the certification could be based on the President's constitutional authority.

But even if one did not agree that the President acted—acted—within the confines of the U.S. Constitution—particularly article II outlines the executive branch's power under the President—why would anyone want to punish the carriers for something the Government called on them to do and assured them was legal? Individuals who believe the Government violated their civil liberties can pursue legal action against the Government, and the bill before us does nothing—I repeat: does nothing—to prohibit a citizen to bring that legal recourse against their Government, the U.S. Government.

As stated so eloquently in the Messrs. Civiletti, Thornburgh, and Webster document, I further quote:

> Whether the government has acted properly is a different question from whether a private person has acted properly in responding to the government's call for help. . . . Because a private person cannot have all the information necessary to assess the propriety of the government's actions, he must be able to rely on official assurances about need and legality.

I agree with the conclusions of these three eminent private citizens.

I would like to also call your attention to an important letter sent last week—June 19, 2008—to Senate and House leadership from the Attorney General of the United States and the Director of National Intelligence—that is GEN Michael Mukasey and ADM Michael McConnell—two distinguished public servants now serving America.

Mr. President, I also ask unanimous consent that this letter be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. WARNER. These gentlemen said:

> [P]roviding this liability protection is critical to the Nation's security.

They confirmed that the intelligence community cannot obtain the intelligence it needs without—I repeat, without—the assistance from these carriers, companies, and other segments of the private sector. They noted:

> It is critical that any long-term FISA modernization legislation contain an effective liability protection provision.

It should be clear from this letter that the Director of National Intelligence and the Attorney General of the United States could not support the bill without explicit retroactive legal protection for the carriers and other segments of the private sector.

It is for these reasons that I urge my colleagues to support H.R. 6304, the FISA Amendments Act, as passed by the House, and to vote against any amendments that intend to strip out or alter the critical civil liability provision or any other section of the bill that is essential to our intelligence community.

Mr. President, I yield the floor.

EXHIBIT 1

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
*Washington, DC, February 1, 2008.*

DEAR COLLEAGUES: The FISA Amendments Act, S. 2248, provides limited and narrowly-drawn retroactive civil liability protection to those telecommunication companies that allegedly assisted the government with the President's Terrorist Surveillance Program (TSP). An amendment has been offered to this Act to strike these liability protections in favor of ''substitution,'' a legal mechanism for replacing the companies in the ongoing TSP litigation with the government.

The Senate Intelligence Committee conducted a comprehensive and bipartisan review of the President's TSP, including the issue of carrier liability. The Committee reviewed numerous documents, including the Department of Justice legal opinions and the letters from the government to the companies. The Committee held a number of briefings and hearings involving government and company officials. The Committee also visited the National Security Agency to see firsthand how the TSP worked.

As a result of this extensive review, the Committee concluded that, irrespective of one's opinion of the President's reliance on Article II authority to justify the TSP, those companies that assisted with the TSP did so in good faith and based upon the written representations from the highest levels of government that the program was lawful.

The Committee's bill, reported out on a strong, bipartisan vote of 13–2, reflects our determination that companies that cooperated with the government in good faith should be protected from time-consuming and expensive litigation. It is a matter of fundamental fairness. The Committee rejected the broad immunity proposal sought by the Administration. Our limited immunity provision only covers assistance provided from September 11th to when the TSP was put under court authorization in January of last year. It does not provide protection from criminal prosecution or extend protections to government officials. Any litigation against government officials will continue.

In concluding that civil liability protection for those companies was appropriate, the Committee recognized that allowing the current litigation to continue could: (1) compromise our intelligence sources and methods through ongoing discovery and other litigation proceedings; (2) result in significant loss of business reputation or financial loss for those companies that participated in good faith; (3) jeopardize the personal safety of overseas employees of these companies if it becomes known that the companies assisted the government in fighting terrorism; (4) put taxpayers' dollars at risk for dubious legal claims; and (5) lead to reluctance by these and other companies to cooperate with legitimate requests for assistance in the future.

The substitution amendment sponsored by Senators Specter and Whitehouse does not alleviate any of these concerns. Even if the companies are removed directly from the litigation, discovery would still be allowed to proceed against them. In short, the conduct of the companies would continue to be litigated, raising significant concerns that their identities or details about their assistance will be disclosed. Given the essential role that our private partners play in intelligence collection, we believe that this is simply too great a risk to our national security.

We believe, therefore, that the ongoing litigation against the telecommunication companies should be brought to an immediate close and that the Intelligence Committee's bipartisan determination of good faith should stand. We urge you to support the Intelligence Committee's bill and oppose any effort to modify or strike its civil liability provision.

Sincerely,

JOHN D. ROCKEFELLER IV,
*Chairman.*
CHRISTOPHER S. BOND,
*Vice Chairman.*

EXHIBIT 2

[From the Wall Street Journal, Oct. 31, 2007]

SURVEILLANCE SANITY

(By Benjamin Civiletti, Dick Thornburgh and William Webster)

Following the terrorist attacks of Sept. 11, 2001, President Bush authorized the National Security Agency to target al Qaeda communications into and out of the country. Mr. Bush concluded that this was essential for protecting the country, that using the Foreign Intelligence Surveillance Act would not permit the necessary speed and agility, and that he had the constitutional power to authorize such surveillance without court orders to defend the country.

Since the program became public in 2006, Congress has been asserting appropriate oversight. Few of those who learned the details of the program have criticized its necessity. Instead, critics argued that if the president found FISA inadequate, he should have gone to Congress and gotten the changes necessary to allow the program to proceed under court orders. That process is now underway. The administration has brought the program under FISA, and the Senate Intelligence Committee recently reported out a bill with a strong bipartisan majority of 13–2, that would make the changes to FISA needed for the program to continue. This bill is now being considered by the Senate Judiciary Committee.

Public disclosure of the NSA program also brought a flood of class-action lawsuits seeking to impose massive liability on phone companies for allegedly answering the government's call for help. The Intelligence Committee has reviewed the program and has concluded that the companies deserve targeted protection from these suits. The protection would extend only to activities

undertaken after 9/11 until the beginning of 2007, authorized by the president to defend the country from further terrorist attack, and pursuant to written assurances from the government that the activities were both authorized by the president and legal.

We agree with the committee. Dragging phone companies through protracted litigation would not only be unfair, but it would deter other companies and private citizens from responding in terrorist emergencies whenever there may be uncertainty or legal risk.

The government alone cannot protect us from the threats we face today. We must have the help of all our citizens. There will be times when the lives of thousands of Americans will depend on whether corporations such as airlines or banks are willing to lend assistance. If we do not treat companies fairly when they respond to assurances from the highest levels of the government that their help is legal and essential for saving lives, then we will be radically reducing our society's capacity to defend itself.

This concern is particularly acute for our nation's telecommunications companies. America's front line of defense against terrorist attack is communications intelligence. When Americans put their loved ones on planes, send their children to school, or ride through tunnels and over bridges, they are counting on the ''early warning'' system of communications intelligence for their safety. Communications technology has become so complex that our country needs the voluntary cooperation of the companies. Without it, our intelligence efforts will be gravely damaged.

Whether the government has acted properly is a different question from whether a private person has acted properly in responding to the government's call for help. From its earliest days, the common law recognized that when a public official calls on a citizen to help protect the community in an emergency, the person has a duty to help and should be immune from being hauled into court unless it was clear beyond doubt that the public official was acting illegally. Because a private person cannot have all the information necessary to assess the propriety of the government's actions, he must be able to rely on official assurances about need and legality. Immunity is designed to avoid the burden of protracted litigation, because the prospect of such litigation itself is enough to deter citizens from providing critically needed assistance.

As the Intelligence Committee found, the companies clearly acted in ''good faith.'' The situation is one in which immunity has traditionally been applied, and thus protection from this litigation is justified.

First, the circumstances clearly showed that there was a bona fide threat to ''national security.'' We had suffered the most devastating attacks in our history, and Congress had declared the attacks ''continue to pose an unusual and extraordinary threat'' to the country. It would have been entirely reasonable for the companies to credit government representations that the nation faced grave and immediate threat and that their help was needed to protect American lives.

Second, the bill's protections only apply if assistance was given in response to the president's personal authorization, communicated in writing along with assurances of legality. That is more than is required by FISA, which contains a safe-harbor authorizing assistance based solely on a certification by the attorney general, his designee, or a host of more junior law enforcement officials that no warrant is required.

Third, the ultimate legal issue—whether the president was acting within his constitutional powers—is not the kind of question a private party can definitively determine. The companies were not in a position to say that the government was definitely wrong.

Prior to FISA's 1978 enactment, numerous federal courts took it for granted that the president has constitutional power to conduct warrantless surveillance to protect the nation's security. In 2002, the FISA Court of Review, while not dealing directly with the NSA program, stated that FISA could not limit the president's constitutional powers. Given this, it cannot be said that the companies acted in bad faith in relying on the government's assurances of legality.

For hundreds of years our legal system has operated under the premise that, in a public emergency, we want private citizens to respond to the government's call for help unless the citizen knows for sure that the government is acting illegally. If Congress does not act now, it would be basically saying that private citizens should only help when they are absolutely certain that all the government's actions are legal. Given the threats we face in today's world, this would be a perilous policy.

EXHIBIT 3

JUNE 19, 2008.

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

DEAR MADAM SPEAKER: This letter presents the views of the Administration on the Foreign Intelligence Surveillance Act of 1978 (''FISA'') Amendments Act of 2008 (H.R. 6304). The bill would modernize FISA to reflect changes in communications technology since the Act was first passed 30 years ago. The amendments would provide the Intelligence Community with the tools it needs to collect the foreign intelligence necessary to secure our Nation while protecting the civil liberties of Americans. The bill would also provide the necessary legal protections for those companies sued because they are believed to have helped the Government prevent terrorist attacks in the aftermath of September 11. Because this bill accomplishes these two goals essential to any effort to modernize FISA, we strongly support passage of this bill and will recommend that the President sign it.

Last August, Congress took an important step toward modernizing FISA by enacting the Protect America Act of 2007. That Act allowed us temporarily to close intelligence gaps by enabling our intelligence professionals to collect, without having to first obtain a court order, foreign intelligence information from targets overseas. The Act has enabled us to gather significant intelligence critical to protecting our Nation. It has also been implemented in a responsible way, subject to extensive executive, congressional, and judicial oversight in order to protect the country in a manner consistent with safeguarding Americans' civil liberties. Since passage of the Act, the Administration has worked closely with Congress to address the need for longterm FISA modernization. This joint effort has involved compromises on both sides, but we believe that it has resulted in a strong bill that will place the Nation's foreign intelligence effort in this area on a firm, long-term foundation. Below, we have set forth our views on certain important provisions of H.R. 6304.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

Title I of H.R. 6304 contains key authorities that would ensure that our intelligence agencies have the tools they need to collect vital foreign intelligence information and would provide significant safeguards for the civil liberties of Americans.

*Court Approval.* With respect to authorizations for foreign intelligence surveillance directed at foreign targets outside the United States, the bill provides that the Foreign Intelligence Surveillance Court (FISC) would review certifications made by the Attorney General and the Director of National Intelligence relating to these acquisitions, the reasonableness of the procedures used by the Intelligence Community to ensure the targets are overseas, and the minimization procedures used to protect the privacy of Americans. The scope of the FISC's review is carefully and rightly crafted to focus on aspects of the acquisition that may affect the privacy rights of Americans so as not to confer quasi-constitutional rights on foreign terrorists and other foreign intelligence targets outside the United States.

We have been clear that any satisfactory bill could not require individual court orders to target non-United States persons outside the United States, nor could a bill establish a court-approval mechanism that would cause the Intelligence Community to lose valuable foreign intelligence while awaiting such approval. H.R. 6304 would do neither and would retain for the Intelligence Community the speed and agility that it needs to protect the Nation. The bill would establish a schedule for court approval of certifications and procedures relating to renewals of existing acquisition authority. A critical feature of the H.R. 6304 would allow existing acquisitions, which were the subject of court review under the Protect America Act or will be the subject of such review under the H.R. 6304, to continue pending court review. With respect to new acquisitions, absent exigent circumstances, Court review of new procedures and certifications would take place before the Government begins the acquisition. The exigent circumstances exception is critical to allowing the Intelligence Community to respond swiftly to changing circumstances when the Attorney General and the Director of National Intelligence determine that intelligence may be lost or not timely acquired. Such exigent circumstances could arise in certain situations where an unexpected gap has opened in our intelligence collection efforts. Taken together, these provisions would enable the Intelligence Community to keep closed the intelligence gaps that existed before the passage of the Protect America Act and ensure that it will have the opportunity to collect critical foreign intelligence information in the future.

*Exclusive means.* H.R. 6304 contains an exclusive means provision that goes beyond the exclusive means provision that was passed as part of FISA. As we have previously stated, we believe that the provision will complicate the ability of Congress to pass, in an emergency situation, a law to authorize immediate collection of communications in the aftermath of an attack or in response to a grave threat to the national security. Unlike other versions of this provision, however, the one in this bill would not restrict the authority of the Government to conduct necessary surveillance for intelligence and law enforcement purposes in a way that would harm national security.

*Oversight and Protections for the Civil Liberties of Americans.* H.R. 6304 contains numerous provisions that protect the civil liberties of Americans and allow for extensive executive, congressional, and judicial oversight of the use of the authorities. The bill would require the Attorney General and the Director of National Intelligence to conduct semiannual assessments of compliance with targeting procedures and minimization procedures and to submit those assessments to the FISC and to Congress. The FISC and Congress would also receive annual reviews relating to those acquisitions prepared by the heads of agencies that use the authorities

contained in the bill. Congress would receive reviews from the Inspectors General of these agencies and of the Department of Justice regarding compliance with the provisions of the bill. In addition, the bill would require the Attorney General to submit to Congress a report at least semiannually concerning the implementation of the authorities provided by the bill and would expand the categories of FISA-related court documents that the Government must provide to the congressional intelligence and judiciary committees.

Title I also includes provisions that would protect the civil liberties of Americans. For instance, the bill would require for the first time that a court order be obtained to conduct foreign intelligence surveillance outside the United States of an American abroad. Historically, Executive Branch procedures guided the conduct of surveillance of a U.S. person overseas, such as when a U.S. person acts as an agent of a foreign power, e.g., spying on behalf of a foreign government. Given the complexity of extending judicial review to activities outside the United States, these provisions were carefully crafted with Congress to ensure that such review can be accomplished while preserving the necessary flexibility for intelligence operations. Other provisions of the bill address concerns that some voiced about the Protect America Act, such as clarifying that the Government cannot ''reverse target'' without a court order and requiring that the Attorney General establish guidelines to prevent this from occurring. We believe that, taken together, these provisions will allow for ample oversight of the use of these new authorities and ensure that the privacy and civil liberties of Americans are well protected.

II. TITLE II—PROTECTIONS FOR ELECTRONIC COMMUNICATIONS SERVICE PROVIDERS

Title II of the bill contains, among other provisions, vital protections for electronic communications service providers who assist the Intelligence Community's efforts to protect the Nation from terrorism and other foreign intelligence threats. Title II would provide liability protection related to future assistance while ensuring the protection of sources and methods. Importantly, the bill would also provide the necessary legal protection for those companies who are sued only because they are believed to have helped the Government with communications intelligence activities in the aftermath of September 11, 2001.

The framework contained in the bill for obtaining retroactive liability protection is narrowly tailored. An action must be dismissed if the Attorney General certifies to the district court in which the action is pending that either: (i) the electronic communications service provider did not provide the assistance; or (ii) the assistance was provided in the wake of the September 11 attack and was the subject of a written request or series of requests from a senior Government official indicating that the activity was authorized by the President and determined to be lawful. The district court would be required to review this certification before dismissing the action, and the provision allows for the participation of the parties to the lawsuit in a manner consistent with the protection of classified information. The liability protection provision does not extend to the Government or to Government officials and it does not immunize any criminal conduct.

Providing this liability protection is critical to the Nation's security. As the Senate Select Committee on Intelligence recognized, ''the intelligence community cannot obtain the intelligence it needs without assistance from these companies.'' That committee also recognized that companies in the future may be less willing to assist the Government if they face the threat of private lawsuits each time they are believed to have provided assistance. Finally, allowing litigation over these matters risks the disclosure of highly classified information regarding intelligence sources and methods. As we have stated on many occasions, it is critical that any long-term FISA modernization legislation contain an effective liability protection provision. H.R. 6304 contains just such a provision and for this reason, as well as those expressed with respect to Title I above, we strongly support its passage.

III. TITLE III—REVIEW OF PREVIOUS ACTIONS

Title III would require the Inspectors General of the Department of Justice, the Office of the Director of National Intelligence, and of certain elements of the Intelligence Community to review certain communications surveillance activities, including the Terrorist Surveillance Program described by the President. Although improvements have been made over prior versions of this provision, we believe, as we have written before, that it is unnecessary in light of the Inspector General reviews previously completed, those already underway, and the congressional intelligence and judiciary committee oversight already conducted. Nevertheless, we do not believe that, as currently drafted, the provision would create unacceptable operational concerns. The bill contains important provisions to make clear that such reviews should not duplicate reviews already conducted by Inspectors General.

IV. TITLE IV—OTHER PROVISIONS

Title IV contains important provisions that will ensure that the transition between the current authorities and the authorities provided in this bill will not have a detrimental effect on intelligence operations.

Title IV also states that the authorities in the bill sunset at the end 2012. We have long favored permanent modernization of FISA. The Intelligence Community operates more effectively when the rules governing our intelligence professionals' ability to track our enemies are firmly established. Stability of law also allows the Intelligence Community to invest resources appropriately. Congress has extensively debated and considered the need to modernize FISA since 2006, a process that has involved numerous hearings, briefings, and floor debates. The process has been valuable and necessary, but it has also involved the discussion in open settings of extraordinary information dealing with sensitive intelligence operations. Every time we repeat this process it risks exposing our intelligence sources and methods to our adversaries. Although we would prefer that H.R. 6304 contain no sunset, a sunset in 2012 is significantly longer than others that were proposed and it is long enough to avoid impairing the effectiveness of intelligence operations.

Thank you for the opportunity to present our views on this crucial bill. We reiterate our sincere appreciation to the Congress for working with us on H.R. 6304, a long-term FISA modernization bill that will strengthen the Nation's intelligence capabilities while respecting and protecting the constitutional rights of Americans. We strongly support its prompt passage.

Sincerely,

MICHAEL B. MUKASEY,
*Attorney General.*
J.M. MCCONNELL,
*Director of National Intelligence.*

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Thank you, Mr. President.

MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT

We are at a critical point today for 44 million Medicare beneficiaries—seniors, people with disabilities—and the physicians, the health care providers, who serve them. We are at a critical point.

I am very hopeful we are not going to see this number go up—the number of filibusters that have been done on the other side of the aisle. I am very hopeful this number is not going to go from 78 to 79 over the Medicare legislation that is in front of us.

We have already seen a filibuster in a successful effort to stop the Medicare bill that would make sure that the 10-percent cut for physicians does not take place and that other preventative and other access issues are addressed. That is already part of these 78 filibusters. We have already seen the Medicare bill filibustered.

But today we are hopeful, based on the wonderful bipartisan vote of 355 Members of the House of Representatives, that as we come back with their bill that was passed—and I should mention, based on the bill that was crafted by Senator BAUCUS; and I wish to give him tremendous credit for all the hard work he has done; and I am proud to be a member of the Finance Committee, as the distinguished Presiding Officer is—but the House, based on the work of the Senate, as well, has passed, with 355 votes, on a bipartisan basis, a bill to make sure 44 million seniors and people with disabilities do not find themselves worse off as it relates to being able to get a doctor or being able to get the care they need.

So we are at a crossroads right now. The time is up. As of next Tuesday, July 1, a cut will take effect if we do not act. On top of that, we will not see the other beneficial parts of this bill take effect for our seniors, for people with disabilities, for their families. So we are now at a point where it is decisionmaking time. The House has acted. It is my understanding they will, in fact, be adjourning at the end of today, and we will be in a situation to either act, based on a strong bipartisan vote and a tremendous amount of work that has been done in the Senate, or we will see devastating consequences in the Medicare system.

I do not want to see this number go from 78 to 79 because of a filibuster on a critically important Medicare bill. That is what we are talking about. This legislation itself is good public policy. That is why it received the 355 votes that it did, because it not only stops the cut, the 10-percent cut that is scheduled to take place next Tuesday, July 1—which, by the way, is the result of a fatally flawed sustainable growth rate formula, which I have talked about many times on this floor—we have to change the way what is called

the SGR is set up in terms of physician payments—this would not only stop a major cut for physicians that translates into cuts in service for Medicare beneficiaries, but it also does some other very important things that relate to increasing service.

First, let me say that if the cut were to take effect, we are talking about in Michigan alone losing $540 million—$540 million—for the care of seniors and people with disabilities over the next 18 months—only 18 months, $540 million, if we do not act before next Tuesday.

Right now, as to the 20,000 M.D.s and D.O.s in Michigan who provide high-quality care to 1.4 million seniors and people with disabilities and the over 90,000 TRICARE beneficiaries—our men and women in the military—we would see cutbacks in their staffing, in their ability to provide service.

I have heard so many stories from physicians' practices about what all of this means. At a time when more and more people are going into Medicare, as our country is aging, we do not need to see cutbacks that mean there are fewer physicians available to treat our senior citizens and people with disabilities. That is what that means. That is what this will mean if we do not act.

Additionally, the bill provides important and meaningful protections. We are looking at increasing help for low-income seniors, low-income individuals on Medicare who will be able to get additional assistance. It also improves coordination in a number of areas and addresses what we call mental health parity—being able to make sure that mental health services are treated in the same way as public health services. This is something we have gone on record to address in this body in a bipartisan basis on more than one occasion. In this Medicare bill, we address discrepancies between mental health services and physical health services, all of which are the same thing, in my mind. This is a continuum of care in terms of health care. But that is addressed in this bill and has very strong support.

The bill also addresses very important investments in technology for the future—investments that won't take place, such as electronic medical records that will not be developed if, in fact, we see huge cuts in Medicare, rather than investing in the future and investing in technology.

The legislation in front of us would do two things in the area of technology. We would provide additional opportunities for telehealth—more providers, more facilities that would be able to use and be reimbursed for telehealth—and we focus on e-prescribing, which is the first stage of health information technology, bringing it into the 21st century in terms of our health care system and technology.

I am very proud of Michigan. We have been one of the leaders in both of these areas. In telehealth, in the upper peninsula of Michigan, we have had 15 counties that have been connected through the health care system. We have had the opportunity to see how well telemedicine works for all of our seniors, for people with disabilities, for families in general in the UP, as well as in northern Michigan and all around Michigan, including our rural communities, as well as in many of our urban communities. Telehealth is very important and it is expanded in this Medicare bill with more access to care.

We also address the first building block of health information technology, and that is e-prescribing. There are incentives for physicians to use e-prescribing and there is accountability in that arena. This is another area I have to say that I am proud of my State of Michigan for, because we have spent a lot of time and effort, and we have gotten real results for people, in terms of saving lives and saving money as it relates to e-prescribing. We have a group called the Southeastern Michigan E-prescribing Initiative, our auto industry, the United Auto Workers, BlueCross and BlueShield, and many of our businesses and providers have come together and found extraordinary results.

One of the things that I think is so important about e-prescribing is when you have an e-prescribing system, an electronic system where your current medicines can then be compared with any new prescription that the physician wishes to write, they are finding very important safety and quality results. For instance, 423,000 prescriptions that were originally written by physicians were changed or canceled by the doctor once they received very important information about potential allergic reactions or some other interaction with the other medicines their patient was on. So this is very important information that is available. We also know that 39 percent of the time, the physician, given more information, changed the prescription to save the patient and the employer money; being able to offer the option of more generic drugs. So there are huge benefits to e-prescribing. On top of that, you can read the physician's handwriting, and I say that lovingly to all of my physician friends.

But we are in a situation now where we have a bill in front of us that not only stops cuts that would be devastating but looks to the future in terms of electronic e-prescribing, in terms of telehealth, preventive services, helping low-income seniors and people with disabilities, being able to provide mental health parity; a number of areas that while they overall are low in cost are huge in benefit in terms of savings lives. In fact, there are many places in this bill where we are talking about saving dollars at the same time we are saving lives.

I am also very pleased with the fact that the bill addresses a number of health disparities that face those who receive Medicare based on the legislation I have introduced with, in fact, all of the women Members of the Senate—all 16 women Members. We have cosponsored the HEART for Women Act, which begins to gather gender and race data to determine gaps in coverage around heart disease. We are now using similar language in the Medicare bill to collect more data for researchers about disparities around health treatments and so on.

The bottom line is this is a must-pass bill, and we need to pass it now. Time is running out. In fact, in my mind, time has run out. It is now time to act today. When our leader, Senator REID, who is very committed to this legislation, committed to Medicare, came to the floor and asked for unanimous consent to be able to take up the Medicare bill, there were objections again. I am very concerned that those objections are going to be leading to another filibuster, another filibuster vote coming in the next day or few days.

I hope colleagues are aware that the American Medical Association strongly supports this bill and has been actively involved in promoting the bill and urging all of us to support the bill. The AARP, a leading seniors' organization, has endorsed the House bill as well. I will read a portion of their letter. AARP's letter notes:

> Our members have also stressed strong interest in knowing how their elected officials vote on key issues that affect older Americans. Given the importance of the Medicare legislation, we will be informing them how their Senators vote on this legislation when it comes to the Senate floor.

There is great concern among people around the country watching and waiting. People are asking what is taking us so long and why haven't we acted. We have legislation that we worked through on a bipartisan basis here in the Senate, and it has now passed by 355 votes in the House of Representatives. You can't get much better than that vote. This bill has now come over to us and it is time for us to act.

I thank again Chairman BAUCUS for his leadership and his hard work. I also thank my good friends in the House, Chairman RANGEL and Chairman DINGELL, for their work on behalf of Medicare beneficiaries and physicians. I stand squarely behind this bill. I was proud to introduce legislation a number of months back to address the question of physician payment and the need to change the process and the way this is done fundamentally. I am so pleased that the bill in front of us mirrors the 18-month bill I introduced and adds to it some critically important changes, critically important incentives to modernize the system with telehealth and more access to health care, modernize the system as it relates to electronic prescribing, and does more to make sure our low-income seniors receive the help they need, and makes sure that we are, in fact, providing a more equitable system where mental health and physical health payments and services are looked at in the same kind of way. This is very important. Focusing more on prevention is very important.

The bottom line is we have 44 million Americans who rely on Medicare every day. Medicare is a great American success story. It passed in 1965. It is a great American success story that has brought healthier lives through better medical care as well as opportunities for longer lives for millions and millions of Americans. Access to those services is jeopardized seriously if we do not pass this bill. The ability to expand on services and prevention is also in jeopardy if we do not pass this bill.

I am hopeful we will come together, as our House colleagues have done, and stand on a bipartisan basis in support of our providers, our health care providers and, most importantly, those men and women who are counting on us to keep the Medicare system strong for the future. I am hopeful we will not see another filibuster stopping us from addressing the important issues of Medicare. This needs to be done today.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. 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.

Mr. SESSIONS. Mr. President, I ask unanimous consent to speak as in morning business for a few minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TANKER AIRCRAFT COMPETITION

Mr. SESSIONS. Mr. President, we heard a good bit recently and there has been some discussion in the Senate about the competition for the tanker aircraft that was decided by the Air Force in favor of the Northrop Grumman team.

The Government Accountability Office team of lawyers—not technicians—conducted a review of the procedures utilized in that selection process, in light of 111 objections filed by the losing Boeing team. They concluded that eight objections were merited against the procedural conduct of the competition by the Air Force. Now the ball is back in the lap of the Air Force to review those objections and to take appropriate steps to make sure this is a fair and just competition.

I will just say that I was committed in the beginning and throughout this process that it should be a nonpolitical decision, a decision made by the U.S. Air Force based on the criteria set out in law, based on the fact that the Congress, after an attempt had been made to carry out a sole-source lease agreement for the Boeing aircraft—after that was rejected and after great embarrassment to the Air Force and Boeing, we ordered that a bid take place.

I want my colleagues to understand the posture we are in. At the end of the bid process, the Air Force concluded this:

> While [the] KC–767 offers significant capabilities, the overall tanker/airlift mission is best supported by the KC–30.

The Northrop team.

They go on to say:

> [The] KC–30 solution is superior in the core capabilities of fuel capacity/offload, airlift efficiency, and cargo/passenger/aeromedical carriage.

On the most important factors, the core capabilities, they found that the Northrop team's aircraft was superior.

GAO did not overrule those findings. In fact, the contrary is the case. What GAO said was in this very long, complex RFP request for proposal—and legal requirements of bidding processes, the Air Force made some errors. Mr. President, 111 complaints were raised against the Air Force, but 8 were found to be worthy of objection.

In the course of GAO's evaluation of the procedural conduct of the bid process, they reached these conclusions that I think have been overlooked as people have discussed this issue. For example, the GAO stated and did not dispute this:

> Northrop Grumman's proposed aircraft exceeded to a greater degree than Boeing's aircraft a key performance parameter objective to exceed the RFP's identified fuel offload to the receiver aircraft versus the unrefueled radius range of the tanker.

In other words, GAO concluded and agreed that the KC–45 is more capable at refueling than the Boeing aircraft, which is what the Air Force found. They did not object to that point.

In addition to carrying more fuel, which clearly the Northrop team's aircraft does, the GAO also agreed with the Air Force's professional conclusion that it would be easier—and this is important—it would be easier for pilots to refuel their jet fighters, for example, from the Northrop KC–45. This is an important issue.

The GAO said:

> Boeing also protests the Air Force's conclusion in the aerial refueling area that Northrop Grumman's proposed larger boom envelope—

The spread of the refueling booms—

> proposed larger boom envelope offered a meaningful benefit to the Air Force. From our review of the record, including hearing testimony on this issue, we do not find a basis to object to the Air Force's judgment that Northrop Grumman had offered a larger boom envelope and that this offer provided measurable benefit.

Further, the GAO also supported the Air Force's conclusion that Northrop's KC–45 was a better airlifter.

GAO said:

> Boeing also challenges the Air Force's evaluation judgment in the airlift area that Northrop Grumman's proposed aircraft offered superior cargo, passenger, and aeromedical evacuation capability than did Boeing's aircraft. From our review of the record, including the hearing testimony, we see no basis to conclude that the Air Force's evaluation that Northrop Grumman's aircraft was more advantageous in the airlift area is unreasonable.

That is a big issue. Every combatant commander with whom I have talked and who has had to move troops, cargo, personnel, and equipment to the battlefield knows the critical need for as much airlift capability as they can have. These refueling tankers can also serve as a cargo aircraft and a troop movement aircraft. Clearly, the Northrop Grumman aircraft is more advantageous, according to the Air Force's professional finding. And that was approved by the GAO's analysis.

The GAO also found and upheld the Air Force's holding that Northrop Grumman had a higher ''fleet effectiveness'' rating. Fleet effectiveness—also called IFARA—reflects ''the quantity of an offeror's aircraft that would be required to perform the scenarios in relation to the number of KC–135R aircraft that would have been required.'' Put simply, to boil that down, the Air Force judged that one Northrop plane could do more refueling more efficiently than one Boeing plane. And the GAO upheld that finding.

GAO found no fault with the Air Force's conclusion that Boeing's proposal was more risky in certain areas and that their past performance on similar contracts was ''marginal.''

The GAO said:

> We find from our review of the record no basis to object to the Air Force's past performance evaluation, under which both firms' past performance received a satisfactory confidence rating. We also find no basis to question the SSA's judgment that, despite equal confidence ratings that the firms received under this factor overall, Northrop Grumman's higher ''satisfactory confidence'' rating, as compared to Boeing's ''little confidence'' rating, under the program management area, was a reasonable discriminator. The Air Force evaluated Boeing's past performance as marginal in this area . . . We have no basis, on this record, to find the Air Force's judgment unreasonable.

What that means is they evaluated how well both of the bidders, Northrop Grumman and Boeing, have performed in other contracts in the past and found that Boeing's record was less sound. They were less reliable in performing the contract once they had been awarded it, and they gave extra points for that. That was affirmed by the GAO.

Amidst all the discussion of procedure and KKPs, RFPs, and dotted i's and crossed t's, what did the GAO say in this matter? They said the Air Force picked a plane that could carry and offload more fuel more efficiently and in a more desirable way for the pilots. They also found that the plane's secondary mission, airlift, that can be very critical in a national emergency when we have to move cargo and personnel rapidly around the world would be accomplished more effectively by the Northrop aircraft. Finally, GAO agreed that the Northrop plane was lower risk and that Boeing had marginal past performance.

So as we allow this process to proceed, as it should, as we expect the Air Force to take seriously the matters raised by the GAO, we will adhere to one overriding principle; that is, Congress ordered that the Air Force conduct a bid of which would be the best

aircraft. This bid process was conducted by the Air Force as we as Members of Congress directed. I, as a lawyer, am not capable of flying an aircraft. Nor am I capable of analyzing aerodynamics and validating how much weight or wingspan or how much boom coverage is needed to safely refuel multiple aircraft at one time. I cannot fully evaluate how valuable the ability to carry large amounts of fuel is as compared to an aircraft that carries less, but the Air Force is. What we need to do is make sure the Air Force does its job and selects the best aircraft. I strongly object to any attempt to politicize this process.

Finally, I note that this aircraft would be constructed in Alabama, my home State. It is not going to be built around the world in some foreign land. It is a team headed by Northrop Grumman, also the EADS team. It will be an aircraft constructed in our country, with tens of thousands of jobs created in our country.

I thank the Chair for the opportunity to share these remarks. I hope my colleagues will allow this process to proceed in a professional, lawful way and respect and honor the professional decision of the Air Force, which will have to live with this choice of tanker for perhaps another 50 years, like the current tanker.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, so that we can lock in a couple of things, I ask unanimous consent to speak as in morning business, and then I would be followed by the junior Senator from Pennsylvania.

The PRESIDING OFFICER. Without objection, it is so ordered.

ZIMBABWE

Mr. INHOFE. Madam President, I thank the junior Senator from Pennsylvania for allowing me to go ahead of him on something I think is very significant and something with which I am sure he agrees.

Today, I want to call attention to a place that has been lost in the sea of many other conflicts and crises plaguing our world—Zimbabwe, a country slightly bigger than the State of Montana which sits in the southeastern portion of Africa. It has faced and continues to face difficult challenges and untold sufferings caused by an authoritarian and corrupt leader, Robert Mugabe.

After fighting a long battle and civil war, Zimbabwe gained independence in 1980 from the white Rhodesians. Independence came with an envisioned sense of hope. Everyone thought good things were going to happen, and the President that was elected was a man named Robert Mugabe. But the honeymoon quickly ended with the realization that newly elected President Mugabe had fought the war to gain personal power and control rather than to provide freedom and democracy for its people.

In the 1990s, the country continued to weaken under the self-centered leadership of Mugabe. As the Book of Proverbs—Solomon—tells us: ''Where there is no vision, the people perish.'' That is what is happening in Zimbabwe.

Robert Mugabe failed to provide a vision for his country, focusing solely upon himself and his ability to remain in power. The people of Zimbabwe have suffered dramatically as a consequence.

In a country that once showed evidence of steady economic growth—a country, I recall, that was considered one of the wealthiest countries in Africa; that was considered to be the bread basket of Africa—it has now been named the world's fastest shrinking economy.

In 2007, inflation rose above 8,000 percent. Unemployment is estimated at 80 percent, and 80 percent of the population lives on less than $2 a day. Mugabe's leadership has been such a disgrace. Throughout almost 30 years of his leadership, nearly 28 years, he has worked to tighten his rein over the nation by intimidation, violence, and oppression.

In 2002, the Government initiated a farmland redistribution program which resulted in 400,000 farmers losing their homes and livelihood. The program resulted in scandal and embarrassment to Mugabe when investigations revealed that more than 300 farms were intended for his senior officials and ministers rather than for resettlement. In other words, these were payoffs to his political friends.

In 2005, Mugabe initiated one of the most inexcusable incidents of his Presidency. Operation Murambatsvina—or translated, Operation Clean Out the Filth—was a demolition project the Government claimed was designed to reduce crime in the major city. It resulted in an estimated 700,000 Zimbabweans losing their homes. Twenty percent of the population has been reported as affected by the demolitions.

Many people thought this was a political move aimed at squashing any potential protests or uprisings against the regime and displacing the opposition party base. Not only has Mugabe's actions displayed his blatant disregard for the well-being of his people, but he has also expressed this in his own words. In August of 2006, after a violent crackdown on a peaceful protest by the Zimbabwean union, Mugabe said he had warned, prior to the incident, that security forces ''will pull the trigger'' against the protesters.

Mugabe said this:

> Some people are now crying foul that they were assaulted. Yes, you get a beating. When the police say move, move, if you don't move, you invite the police to use force.

Many believe that the farmland redistribution and Operation Clean Out the Filth contributed drastically to the poverty affecting the Zimbabweans. The Government has accused food aid agencies of using food to turn Zimbabwe away from Mugabe's ruling party, and, in turn, continues to maintain tight control of food distributions.

The totalitarian regime has, not surprisingly, placed a very significant emphasis on their military and security forces. In 2006, the Government reportedly spent more than $20 million—that is 20 million U.S. dollars—to purchase new cars for police, military, and intelligence officers. In a dying economy, it is stunning that Zimbabwe is able to buy high-priced military articles, to include their recent purchase of fighter jets from China costing more than $240 million.

As you know, Madam President, China has an increasing influence on the continent of Africa, but their relationship and long support of Mugabe's ZANU–PF Party is concerning. China is currently Zimbabwe's largest investor and second largest trading partner. As most Western countries, including the United States, enforce an arms embargo against the country, China continues to sell defense articles to the regime. Most recently, South Africa refused to let a Chinese cargo ship unload because it was carrying more than 70 tons of small arms destined for Zimbabwe.

China has also played a significant role in diplomacy in Zimbabwe. China was Mugabe's key supporter through the international outrage in response to Operation Clean Out the Filth. China worked to quiet the U.N. condemnation of the incident and is now expected to veto any proposed action by the Security Council to punish Mugabe's administration—which, of course, they can do under the rules of the United Nations. China's persistent support and supply to Mugabe's regime demonstrates their indifference to the violence, oppression, and potential civil war looming in the country.

On March 29, 2008, Zimbabwe held Presidential elections along with parliamentary and local elections. I am very familiar with this, Madam President, because I was there when it happened. I was actually in Tanzania, and we were watching very carefully, with all the countries, all hoping that they would have an honest election. Sure enough, Mugabe lost. The incumbent President Mugabe ran for the ZANU–PF Party, and a man named Morgan Tsvangirai for the Movement for Democratic Change Party.

The election process was tainted with intimidation of voters and violence against the opposition party and supporters of the opposition. Political rallies were banned. The opposition party's secretary general was jailed, denied bail, tried for treason, and may face the death penalty. There are also reports that the regime is restricting access to food in opposition areas, threatening already hungry people to either vote for Mugabe or to starve.

The results of the race, finally released in May, indicated that the MDC opposition leader won the election but didn't quite reach the 50 percent, so

there was a runoff that was scheduled for Friday—that is this Friday, the 27th. Sadly, this week, the opposition leader, because of threats on his life, pulled out of the race and refused to take part in what he calls ''a sham of an election process.'' He said he cannot ask Zimbabweans to vote ''when that vote could cost them their lives.'' He has taken refuge now in the Embassy of the Netherlands.

Mugabe has clearly stolen the election, and the outlook for true reform for democracy for the people of Zimbabwe looks very bleak at this time.

As I have traveled across the continent—and I have traveled across Africa more than any other Member probably in the history of America—I have seen wonderful things happening on the continent. Whether it is Rwanda, Burundi, Tanzania, Uganda, Ghana, Benin, or Cote d'Ivoire, in these countries wonderful things are happening. They are making great strides everywhere except Zimbabwe. While Mugabe leads Zimbabwe away from reaching its full potential, there are other leaders on the continent who have chosen a vision of democracy, freedom, and progress in their countries. And while not perfect, each is making improvements and taking strides to improve democratic practices and exercising the free political will.

Mugabe will never allow his people to decide the next phase and direction of their country. I think we should call on the African leaders, which I have done personally in Africa—many of whom are my friends and brothers—and leaders all over the world to do what we can to help the people of Zimbabwe.

I have to say, Madam President, and I speak firsthand because I was there when this happened, that Zimbabwe was once the bread basket of sub-Sahara Africa, and I have seen Zimbabwe now, the most devastated of all the 52 countries of the continent of Africa.

With that, I yield the floor, and again I thank my friend from Pennsylvania for allowing me to go before his presentation.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, the Senator from Pennsylvania is now, under previous consent, going to be recognized, and it is my understanding as well that the Senator from Rhode Island, Senator WHITEHOUSE, would like to follow him. I ask unanimous consent that following both Senator CASEY and Senator WHITEHOUSE that I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

RISING GAS PRICES

Mr. CASEY. Madam President, I rise today to talk about a problem so many of our families are facing and so many of our businesses, and that is the problem of rising gas prices. Unfortunately, we have seen an increase of at least $1 at the pump in just 1 year.

Like a lot of my colleagues in the Senate, I just received a letter from a woman in Pennsylvania, 86 years old, from Bucks County, PA, and she talked about, in her letter, the Great Depression, when she was describing how people had nothing and how worried she is about our current economic crisis, especially in light of these gas prices. She reminds us that, just as in the Great Depression, we need to have commonsense solutions to dig ourselves out of the economic trauma so many families face.

Today, whether it is on gas prices, the cost of health care, or the mortgage foreclosure crisis that has gripped the country, we do need commonsense solutions. We don't need more gimmicks, we don't need more partisan bickering, we need commonsense solutions. And those solutions on gas prices are not a magic wand. No piece of legislation in the Senate will bring down gas prices immediately. We know that. Anyone who says otherwise is not speaking the truth. But there are things that we can do to at least begin the process, or go down that road, I should say, of bringing those prices down.

We have to move in a direction that focuses on short-term solutions as well as long-term—short term and long term. We will talk about those in a couple of moments, but, in particular, I think we should focus on one problem where I think there is even some bipartisan agreement on, and that is speculation in the oil futures market. We have never seen it like it is now, where profiteers from places in this country but also from around the world, literally make money, in some cases millions of dollars, every time that price of gasoline goes up.

So we have to bring some discipline and some accountability and some transparency to the marketplace. And speculation is one area where we need to have legislation. That would help more short term than long term.

How about big oil? They have a role to play. By one estimate, the five biggest oil companies, over 5 years, have seen their profits go up by five times. I don't think there are many families in America who have seen their bottom line, their family income, go up by five times over 5 years, and big oil has seen that. Just since 2001, their profits have increased over $600 billion. Now, if their profits are going up at that rate since 2001, and if the price of gasoline under this administration went up from $1.46 or $1.47 to $4—and on top of all that, in addition to those oil company profits, the previous Congress gave them $17 billion in tax breaks—something is wrong. This is beyond inequitable; it is just bad policy. It is not working.

What we are seeing is the status quo. We keep giving oil companies tax breaks hoping their hearts are big enough to help us and it will all work out, but that hasn't happened, and it will never happen in light of what we have seen in recent history. So it is about time for big oil to do what President Kennedy implored us to do many years ago, and that is to do something for their country at this time of record profits for them and pain at the pump and this economic squeeze that so many families and small businesses face.

What can we do? A couple of things. First, we could enact legislation such as the legislation I proposed in 2007, way back in the spring of 2007. My bill was the Energy Security and Oil Company Accountability Act. It would do basically two things. I will describe it very quickly.

First, end those tax breaks for big oil. They have gotten enough and we have not seen any results for those tax breaks. End those breaks and other credits our Government gave them and use those savings to our Government not just to sit there, but use those savings to invest in research and development on alternative fuels and the infrastructure we need to bring alternative fuels to the marketplace and to help us with our energy challenges. That is No. 1: End the breaks.

No. 2, under my legislation, impose a windfall profits tax on big oil and use that savings to redirect those dollars for relief for our families, especially low-income families who are trying to make ends meet. They are trying to pay for health care, they are trying to pay for a mortgage, trying to pay for higher education, and on top of that they are paying $4 or more at the pump. It is time oil companies helped us in this process.

My legislation would do those two things. I was happy the major part of my legislation from 2007 made its way into what Democrats in the Senate proposed a couple of weeks ago, legislation that was blocked and obstructed by the Republicans in the Senate. The Consumer First Energy Act would do a number of things. I will describe that quickly.

First, getting back to our point about speculation, this legislation, the Consumer First Energy Act, would finally at long last do something about market speculation. Why should we sit back and say: Gas prices are too high; it is too bad; there is nothing we can do about it.

There is something we can do about it. One part of the solution, one part of the commonsense approach—and I think my colleagues on the other side would agree with this for the most part—is we should bring more transparency to these transactions. This raw speculation is all over the world, but it is even here in America, where profiteers are making money while the price of gasoline goes up for our families. They are literally trading in the dark.

You know the old expression that sunlight is the best disinfectant to corruption—which is one of the best ways to describe what is happening here. To

take the corruption out of that marketplace, we need to apply some sunlight to those transactions. If the transactions are OK and people want to make a lot of money, why shouldn't we have information about those transactions? Apply some sunlight and transparency to those transactions. If people are going to make money, they ought to do it in the light of day, not under cover of darkness. If it is so good to do and they want to make money, these profiteers, and do well in the marketplace, we ought to require them to have more stake in the transaction, more skin in the game, so their margins, what they have to put down, should be a much higher number. If they want to make money, we want more transparency on those transactions and we want them to put down more money. If they do that, they will have the opportunity to make money.

The first thing this legislation does is crack down on speculation. The legislation the Senate Democrats offered, the Consumer First Energy Act, also made it very clear that, at long last, in American law, price gouging is illegal. It is at best murky right now. We have to be very clear about what price gouging is and what it is not, and make it illegal.

The other thing this legislation did was adopt the idea I had, and many others had—I am not the only one—on the issue of the windfall profits tax, saying to oil companies: You can have profits; there is nothing wrong with that; but if you are going to have record profits while American families do not have their income going up, you have to help us. You have to do, as I said before, something for your country, Mr. Oilman, Mr. Oil Company. You have to do something to help your country.

If you are diversifying and helping us reduce our dependence on foreign oil, if you are giving us options to reduce our dependence and have a long-term energy strategy, then maybe the profits tax on your company wouldn't be as high. But if you are going to turn a blind eye to this problem and say you are going to make record profits and not help, we are going to impose a tax on you and make sure you are doing your share—especially when the oil companies have made $600 billion since 2001.

There are other parts of the Consumer First Energy Act I will not go into in the interest of time. But there are things we can do. These are short-term strategies. But the long-term solution here we know is committing ourselves to future of energy independence. That means investing dollars, using the Tax Code, using incentives to do what Americans do best. When Americans have an opportunity to use their brainpower and their innovation and their ingenuity to help on a problem, we have to make sure our Government is backing them up.

We are not doing nearly enough to invest in the new technologies—whether it is clean coal technology or whether it is investing in biofuels, all kinds of alternatives, and renewable sources of energy. Our Government is not doing enough to incentivize the marketplace to come up with a solution long term so we do not face this problem in the future.

Before I conclude, I want to address a couple of arguments. One of the arguments we hear time and again is about drilling. Over and over we hear about drilling from some people here in Washington, some people here in this body. I do not think many people believe the basic argument that we can drill our way to energy independence. No one believes that. But the argument is made over and over again. I think in the interests of putting facts on the table, we ought to put a few on the table right now. Here are some facts important in this debate about ''we can just drill our way out and all our problems will go away with lower gas prices.''

Fact No. 1, the percent of America's recoverable oil reserves already open for drilling—79 percent.

Fact No. 2, America has 3 percent of the world's oil reserves. That is not nearly enough to impact world oil prices. We have 3 percent of the reserves, yet we consume 25 percent of the world's oil. There is no way, no matter what we do on drilling, that we can drill our way out of this.

Fact No. 3, oil companies already have access to 45.5 million acres of Federal land to drill for oil and natural gas. They should tell us why they are not drilling in those areas.

Oil companies, fact No. 4, are only drilling on 21 percent of the leases they currently have offshore in Federal waters. Why is that, Mr. Oil Company? Why are you not drilling on more than 21 percent?

The last fact: Oil companies have refused to invest in refining capacity. They have lost 4 percent of refining capacity since 2001. Since 2001—remember those profits I talked about? Since you were making, oil companies, $600 billion in profits since 2001, why did you lose 4 percent of refining capacity? Why are you crying crocodile tears right now that you need more land when you have all those acres?

These are questions the oil companies should answer. These are facts that are not making their way into the debate.

I think we have not a magic wand to propose, but we have short-term relief we can provide and long-term strategies to reduce our dependence on foreign oil; to literally not just commit ourselves to an energy future that is good for our families and for our country but is about national security in the end. Unless we can do that over time, and unless we commit ourselves to these strategies, we are not only going to be dependent on other countries for our oil but we will be less and less safe because of that dependence.

I think it is critically important that we take action instead of blocking legislation, as happened earlier this month on so many of these short- and long-term solutions.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Madam President, before I discuss for a moment the Foreign Intelligence Surveillance Act, I applaud my colleague, the distinguished Senator from Pennsylvania, for his remarks. In the year and a half we have served together in this body, he has stood out as a powerful advocate for consumers, particularly Pennsylvania consumers. He has always had a very thoughtful, helpful, and productive approach to the solutions he has put forward and espoused. It is an honor for me to follow him on the Senate floor here.

On the question of the Foreign Intelligence Surveillance Act, I will talk about the immunity question for telecoms at another time. It is not yet clear what amendment will be allowed to be offered. I thought I would talk about two other issues at this point. The first is the process that has got us here. I do wish to pay particular tribute to the chairman of the Senate Select Committee on Intelligence, JAY ROCKEFELLER, for how steadfast he has been in pushing through this process.

We in the Senate have also been done a great service by our colleagues in the House of Representatives, who stood fast against the Bush administration efforts to stampede this legislation through without proper negotiation and without the basic process of back and forth that ordinarily improves legislation. It has made for a better piece of legislation. It also makes for a notable contrast with what happened a year ago, when we first took up this legislation.

I wish to talk for a minute about that because it was a very disappointing episode, I believe, in the Senate's history, and it is one I wish to make sure we chronicle because it should not be repeated.

In order to understand what I am going to say, it will be important to remember the schedule at the time. I have just replicated July of 2007, and the early days of August here. The first time the big sort of stampede push began, for me at least, was when the Director of National Intelligence, Admiral McConnell, met with me on July 11 in the secure confines of the Senate Intelligence Committee to tell me what he wanted. There had been a big FISA bill that had everything but the kitchen sink in it. It was clearly going no place. He realized he would have to focus on what he wanted, and he said three things. These are from my notes of that meeting.

No. 1, we need to compel the telecoms to help us; No. 2, we need to get foreign-to-foreign conversations, not Americans, foreign-to-foreign conversations without having to go to the FISA Court; and No. 3, we need a warrant if we are going to wiretap Americans. We accept that.

So I said to him: That is fine, but you do not have any legislation. We are suspicious of what is going to be in this legislation when it shows up, so the sooner you can get it written and the sooner you can get it to us the better, because the devil is going to be in the details and we need a chance to look it over. That was on July 11.

The draft legislation was circulated on July 27. It was circulated, at least to me, by mail, so I didn't get it on July 27. I got it over the weekend, the following Monday, on July 30. The Friday from Monday delivery stunt is one we have seen before. But what concerned me was that once that legislation was delivered, the Bush administration began to whip up everything they could do to try to panic Americans about what was going on.

On July 28, that Saturday, President Bush gave a radio address, saying:

> Our intelligence community warns that under the current statute we are missing a significant amount of foreign intelligence that we should be collecting to protect our country. Congress needs to act immediately to pass this bill so that our national security professionals can close intelligence gaps and provide critical warning time for our country.

He asked us to work together to pass FISA modernization now, before we leave town, and said our national security depends on it. That is what he said here.

The Senate promptly picked up the chorus with one of my colleagues saying we would be deaf during August to discussions of threats being carried on by al-Qaida and others seeking to do us harm if we did not pass the legislation.

Another colleague said:

> This is a time when the Director of National Intelligence and the Secretary of the Department of Homeland Security have said it is a high threat month and it is imperative for national security that we adopt this now.

Another one of our colleagues said:

> Make no mistake, inaction on our part needlessly subjects every American to increased danger. We need to act.

Those are just several high points of a real campaign to try to drive this issue by public fear.

Well, here is what concerned me. If, when the President spoke on July 28, national security was that vitally affected by the speed of this legislation; if every day that went by we were missing intelligence, because of an intelligence gap, of al-Qaida plots that were being developed then and there to attack us; if that were true also on the 3rd, why wasn't it true back here on July 11 and 12 and 13, 14, 15, and all the way through here when they circulated the draft on July 27?

Here is what they sent us. This. It is 12 pages. That is it. Double spaced. I could write 12 pages of legislation double spaced in 17 hours if our national security depended upon it. It would not take me 17 days. So when it takes them 17 days to write 12 pages of legislation and then deliver it on the Monday before we recess and suddenly there is an explosion of concern about immediate al-Qaida attacks that are being planned that we need to get into, something does not add up. I believe the result was what I call the August stampede, and as a result we passed, bluntly, a very poor piece of legislation, the so-called Protect America Act.

This piece of legislation does a number of very good things to repair some of the damage in the Protect America Act.

The first is protection for Americans when we travel abroad. Americans travel a lot now. They travel on business, they travel on vacation. It is a lot more expensive now given the Bush administration's oil prices, but people still travel a lot. The rule had been, under the Protect America Act, that if you were traveling abroad, you had no statutory or judicial protection of your privacy, none whatsoever. They could listen to your telephone calls, they could take your BlackBerrys, e-mails, anything—it was open season. There were no statutory or judicial protections for Americans once they set foot outside of the country. The only protection was an executive order, 12333, which said that if the Attorney General determined that you as an American were an agent of a foreign power, then they could listen, then they could surveil, then they could intercept, but only if the Attorney General made that determination. So there was a protection, but it was only an executive order—nothing statutory, nothing judicial. Then we looked into the opinions that underlie the Bush warrantless wiretapping program, and here is what I found.

The flaw in the Protect America Act is that it contained no statutory, no judicial protections for Americans once they were traveling abroad and put them at the mercy of the executive branch of Government to be wiretapped at will, protected only by an Executive order. Our discovery, in the course of looking at the classified legal opinions that supported the warrantless wiretapping program, we discovered this rule that had been inserted by the Office of Legal Counsel:

> An executive order cannot limit a President. There is no constitutional requirement for a President to issue a new executive order whenever he wishes to depart from the terms of a previous executive order. Rather than violate an executive order, the President has instead modified or waived it.

Well, as a theory, I think that is, frankly, deeply flawed legally.

In my examination of Attorney General nominee Mukasey, I asked him what the force of an Executive order was. He answered me saying:

> Should an executive order apply to the President and he determines that the order be modified, the appropriate course would be for him to issue a new order, or amend the prior order.

I think that is not only the correct but the obvious solution. But we were left in a situation in which an American traveling abroad, without statutory protection, without judicial protection, and with the only protection from the executive being a protection that the President cannot be limited by and that he can ignore at will—frankly, that was no protection at all.

So we worked very hard in the committee—and it has persisted through the entire lengthy process we have been involved in—to make sure that an American, whether you are in the United States or traveling abroad, has the protection of a judicial order before your Government can wiretap you. And that has been achieved. That has been an important achievement.

A second achievement has been in the area of minimization. I know the Presiding Officer was a prosecutor in Minnesota. I have run wiretap investigations as a U.S. attorney, I have run wiretap investigations as an attorney general, and I have seen firsthand how important minimization is to a wiretap investigation.

Minimization is what happens when you have the authority to wiretap somebody, but because you have the authority to wiretap one person, they could be talking to somebody else who is not part of the criminal or national security activity involved, and if that proves to be the case, you have to minimize that to protect the rights of the third person they are talking to. In the old days, the FBI agents would literally sit there with their earmuffs on listening and flip the switch on and off to see whether the conversation was still an innocent conversation or related to some criminal matter.

Now it is more complex, but those minimization procedures did not previously have any judicial oversight. They only were required to be filed. Under this bill, the Attorney General shall adopt minimization procedures. It is mandatory. But more than that, the Foreign Intelligence Surveillance Court is given authority to review those minimization procedures; specifically, to determine whether those procedures meet the statutory standards we require for minimization procedures. So that is particularly important.

Finally, this statute for the first time recognizes ''the inherent authority of the FISA Court to determine or enforce compliance with an order or a rule of such court.'' So they not only get the minimization procedures, they get to approve the minimization procedures. If it is determined that the executive branch isn't following them, they can check for compliance, and they can enforce the procedure. That is a substantial, additional improvement that brings this in line with the traditions of wiretap surveillance within the United States.

Another significant improvement has been in the area of exclusivity. FISA has always said that ''it shall be the exclusive means by which electronic surveillance . . . and the interception of domestic wire, oral, and electric communications may be conducted.''

That was clearly the intent of Congress, as courts, including in the

Andonian decision, have agreed. However, we have a problem again with the Office of Legal Counsel. The Office of Legal Counsel said this:

> Unless made a clear statement in the Foreign Intelligence Surveillance Act that it sought to restrict presidential authority to conduct wireless searches in the national security area—which it has not—then the statute must be construed to avoid a reading.

I don't know how you get ''which it has not'' out of the clear language of the Foreign Intelligence Surveillance Act saying this is the exclusive means. But once we found out that in these classified opinions the Office of Legal counsel had suggested this language right here either didn't exist or didn't mean anything, it had to be solved. Thanks to the leadership of Senator FEINSTEIN, in particular, there has been great energy put into improving the exclusivity provision. I think it is now an exclusivity provision that would defeat this type of, frankly, improbable legal analysis and clearly define that it is Congress's intent in the FISA statute to take every possible avenue it can to limit executive surveillance activities to those that are performed within the statutory authority of this particular legislation.

The last thing is reverse targeting. There has been considerable concern about allowing the Government to identify a foreigner who is in touch with Americans regularly and target that foreigner with the reverse targeting purpose to actually pick up the conversations of the American and dodge the requirement for a warrant for judicial review vis-a-vis the American. There are strong provisions in here that require that regulations and procedures be developed to prevent that.

I hope to be able to discuss the statute further, as we get to the discussion about immunity. But I will conclude by summarizing that the process we went through to get to this piece of legislation, particularly article I of this bill, was a very proud moment for this Senate and for this caucus, for Chairman ROCKEFELLER. It has been infinitely better than the degraded process we went through last August in the atmosphere of stampede. I think the quality of the underlying legislation shows it. I hope as we continue to work together in the Senate on other issues, we continue to follow the process that took place with respect to this iteration of the FISA bill, and we never go back to the kind of hectic, imprudent stampede we were put through last August. Second, the elements of article I are improved. This is, in article I, a bill we can we very proud of. We will have our dispute about the immunity provisions. I will have my thoughts on that for later. But there is much that has been accomplished and great credit is due particularly to Chairman ROCKEFELLER for those accomplishments.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

### NOMINATION OF WILLIAM T. LAWRENCE TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA

### NOMINATION OF G. MURRAY SNOW TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

Mr. REID. Madam President, under the authority of the June 24 order issued by the Chair, I now ask that the Senate proceed to executive session to consider Calendar Nos. 627 and 628.

The PRESIDING OFFICER. The clerk will report the nominations.

The legislative clerk read the nominations of William T. Lawrence, of Indiana, to be United States District Judge for the Southern District of Indiana; and G. Murray Snow, of Arizona, to be United States District Judge for the District of Arizona.

Mr. REID. Madam President, all Senators should be aware that this vote will occur very quickly and the second vote will occur immediately after the first one is completed. We appreciate everyone's cooperation. We are still working through some issues, and we will have some news for the rest of the Senators by the time, hopefully, the first vote is announced.

Mr. LEAHY. Will the Senator yield?

Mr. REID. Yes.

Mr. LEAHY. Madam President, I advise the distinguished leader, I will speak on these judges and judicial matters probably for 10 to 15 minutes at most, and then I would be prepared to go to a rollcall vote on William Lawrence, which would be the first one. I intend to support both nominees.

Mr. REID. Madam President, let me say to the distinguished chairman of the Judiciary Committee, we are glad we are at the point where we are today. There has been cooperation. We have approved two circuit court judges. This will be the third district court judge. It is my understanding there was a markup that went ahead today without any problem and a couple more judges were reported out at that time.

Mr. LEAHY. I advise the leader, four judges were reported out this morning, as well as a U.S. attorney and another one of President Bush's nominees.

Mr. REID. I appreciate the continued good work of my friend, the distinguished Senator from Vermont.

Mr. LEAHY. Madam 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. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, the distinguished leader has put the Senate in executive session to consider two more judicial nominations. I would like to speak on these in my capacity both as a Senator from Vermont and as chairman of the Judiciary Committee. We are going to be confirming these two nominations which are, of course, for lifetime appointments to the federal bench, as the distinguished Presiding Officer, an attorney in her own right and with a distinguished background as a prosecutor in Minnesota prior to being here, knows. The two are William Lawrence, nominated to a vacancy in the Southern District of Indiana, and Murray Snow, nominated to a vacancy in the District of Arizona.

I have been delighted to work with my friend of 30 years, Senator LUGAR of Indiana. He strongly supports the recommendation of Judge Lawrence. He came to see me about Judge Lawrence prior to his nomination coming up here. Senator BAYH of Indiana also came to see me and supports the nomination. I have been pleased to accommodate Senator KYL in scheduling first Committee action and now Senate action on the nomination of Judge Snow. Both nominations are being expedited for confirmation in a Presidential election year.

As we approach the Fourth of July recess and celebrate the independence of our great Nation, we will be confirming our fourth and fifth judicial nominations of the week.

But when I go back home to Vermont, as I did this past weekend, and as I will this week, I find that Vermonters—and I suspect this is so with all Americans—are not really concerned about judicial nominations. I have not had anybody come up to me—when I am coming out of church or walking through the grocery store or gassing up my car—and say: We need more judicial nominations.

But what they are concerned about are gas prices that have skyrocketed so high they don't know how they are going to be able to afford to drive to work. I have talked to parents of children in rural parts of our State where there is no mass transportation—never will be. They have to bring their children to school. Both the mother and father are working. They then have to drive to work. These are not high-paying jobs. They then have to drive back and get their children. One couple might have to take care of elderly parents, and they are wondering how they can afford to do it with these gas prices. They are far more concerned about that than they are with lifetime appointments to our Federal bench.

They are concerned also about the steepest decline in home values in two

decades. Madam President, when I was a child, I remember my parents always telling me one of the greatest things you can do is to own your own home. Marcelle and I have been fortunate. We have been able to do that. We have encouraged our children to do the same. And I encourage people in my own State of Vermont, especially young people: If you can own your own home, it is worth borrowing money because that will be part of your retirement, part of your stability. But now they have seen the steepest decline in home values in two decades. Many owe more on their house than their mortgage. Many are wondering as they see jobs failing, as they see their gasoline prices go up, as they see the value of their homes go down, if their children will have a brighter future than they did or their parents did.

More and more Americans are affected by rising unemployment. Last month brought the greatest 1-month rise in unemployment in 20 years. It brought the job losses for the first 5 consecutive months of this year to over 325,000 people. The number of people who lost their jobs are equal to half the population in my whole State. Americans are worried about soaring health care costs. They are worried about rising health insurance costs. They are worried about the rising costs of education. They are worried about rising food prices—long before they are worried about the number of Federal judges being confirmed.

Just yesterday, the front page of the Wall Street Journal had this headline: ''Consumer Confidence Plummets.'' That is a pretty dire headline: ''Consumer Confidence Plummets.'' The next line read: ''Home Prices See Sharp Decline.'' With that article they ran a graph titled ''In a Free Fall'' that shows housing prices in April down more than 15 percent from a year ago and consumer confidence at the lowest level in nearly 20 years. According to the Wall Street Journal, the number of Americans saying they intend to buy a home in the next 6 months is at a 25-year low and consumers' expectations of the economy over the next 6 months is the lowest it has ever been in the more than 40 years they have kept track—the lowest it has ever been—ever been—in 40 years.

Unfortunately, the bad economic news for hard-working Americans is nothing new under the Bush-Cheney administration. During his administration, President Bush and all Americans have seen unemployment rise more than 20 percent and trillions of dollars in budget surplus—which he inherited from President Clinton's administration—turned into trillions of dollars of debt, with an annual budget deficit of hundreds of billions of dollars. When President Bush took office, the price of gas was $1.42 a gallon. Madam President, I remember some people complaining about $1.42 a gallon gas when the President took office. Today, it is at an all-time high of over $4 a gallon. The Nation's trade deficit widened 8 percent in April alone due to the surging gas prices, and now it is at the highest level in 13 months.

The numbers are staggering: $4 a gallon for gas, $139 a barrel for oil, more than $1 billion a day—let me repeat that: $1 billion a day—just to pay the interest on the national debt and the massive costs generated by the disastrous war in Iraq. These are the numbers Americans care about, not a few nominees who are getting the honor of a judicial appointment and lifetime tenure in a respected job that pays nearly $200,000 a year.

Yet we do not hear about these numbers from the other side of the aisle. We do not hear about the free-fall in home prices. We do not hear about the free-fall in the consumer confidence index from the other side. We do not hear about the Bush deficits, which have brought the value of a dollar down almost in half. We do not hear about these numbers, as terrible as they are, and as much as they affect real people in Minnesota and Vermont and elsewhere. We do not hear from them about the number of Americans who are losing their homes, nor about the number of Americans who are losing their jobs, nor about the number of Americans who cannot afford to bring their children to school, nor about the number of Americans who cannot afford to put groceries on the table, nor about the number of Americans who cannot afford to gas up their car so they can go to work. The only numbers we hear about from the other side of the aisle are the number of nominees they insist must be considered by a certain date to reach some mythical average number.

Week after week, even as the Senate—under the leadership of Senator REID and the Democrats—continues to make progress on filling judicial vacancies, we hear a steady stream of grumbling from Republicans. And it turns out, they are responding to partisan pressures from special interest groups.

Madam President, the special interest group I listen to are the hard-working American families in my State of Vermont and the other 49 States. If we are going to listen to a special interest group, listen to the men and women who have to pay to take their children to school, put groceries on their table, go to work, try to make ends meet, and are seeing the value of their home drop 25 percent. If we are going to listen to any special interest group, at a time when the economy is tanking, let's talk about the special interest group, the average American man and woman.

It is ironic that the Senate's Republican minority is so focused on the number of judges because that is the only number that has actually improved under President Bush. On July 1, 2000, when a Republican Senate majority was considering the judicial nominees of a Democratic President in a Presidential election year, there were 60 judicial vacancies. Twenty-one were circuit court vacancies. These vacancies were the result of the actions of Republicans, when there was a Democrat in the White House, pocket-filibustering over 60 judicial nominees.

In stark contrast, after the two nominations we confirm today, and the circuit court judges we confirmed on Tuesday, there are just 40 total judicial vacancies throughout the country. There are only nine circuit court vacancies. By confirming Judge Helene White and Ray Kethledge to the last two vacancies on the Sixth Circuit Court of Appeals, we reduced circuit court vacancies to single digits for the first time in decades—only nine vacancies on our Nation's 13 circuit courts.

The history is clear. Democrats have reversed course on judicial vacancies from the days during which the Republican Senate majority more than doubled them. We have already lowered the 32 circuit court vacancies that existed when I became chairman of the Judiciary Committee in the summer of 2001. We had 32 vacancies. We lowered it to nine. In fact, this is the first time we have hit single digits in decades—since the Republican tactics of slowing judicial confirmations began in earnest in 1996. Why? Because the Democrats did not pocket-filibuster 60 judges, as the Republicans did to a Democratic President. We treated President Bush's nominees with more respect than they treated President Clinton's. But we also treated the whole Federal judiciary system with a great deal more respect. This is, after all, the third independent branch of Government. It is the one branch that should be devoid of politics. It is the one branch that should be able to be set apart from this. And it is the one branch where you leave your political affiliations at the doors.

The 100 nominations we confirmed in only 17 months in 2001 and 2002—I was working with a very uncooperative White House—reduced the vacancies I inherited by 45 percent by the end of 2002. I became chairman halfway through that year. The Republicans had been in control up to that halfway mark. They did not confirm a single judge. In 17 months, we confirmed 100.

So with 40 additional confirmations last year, and another 14 so far this year, the Senate, under Democratic leadership, has already matched the confirmation total for the entire last Congress. That was 2 full years with a Republican Senate majority working to confirm the judicial nominees of a Republican President. In fact, after these two confirmations, we will have reached 54 judicial confirmations for this Congress.

I am sure there are some who prefer partisan fights designed to energize a political base during an election year. I do not. The American people do not want Federal judges to be tied to partisan politics.

Madam President, I felt very honored to be a lawyer. I felt very honored to

try cases in Federal courts. I felt very honored to try cases when I was a prosecutor. And I feel honored to be on the Senate Judiciary Committee. But I have always said one of the things you should be able to do if you walk into a court room—whether you are a plaintiff or a defendant, whether you are the Government or the other side, whether you are rich or poor, no matter your race, no matter your issue—you should be able to look at the judge and say: I am going to be treated fairly. The judge is not going to ask what my political party is, what my station in life is, whether I am a big corporation, whether I am a poor defendant or a plaintiff.

So when there are efforts to make a partisan issue over judicial confirmations, as my friends on the Republican side have done, that is sorely misplaced. Their obstructionism has done a great deal of damage to our attempts to address the important needs of Americans.

We have seen Republican obstructionism since the beginning of this Congress. Republicans used filibuster after filibuster to thwart the will of the majority of the Senate from doing the business of the American people. Republican filibusters prevented the Senate majority from passing a climate change bill. Republican filibusters prevented the Senate majority from passing the Employee Free Choice Act and the Lilly Ledbetter Fair Pay Act. Republican filibusters prevented the Senate majority from passing the DC Voting Rights Act. Republican filibusters prevented the Senate majority from passing the Renewable Fuels, Consumer Protection and Energy Efficiency Act of 2007. Republican filibusters blocked the Renewable Energy and Job Creation Act of 2008. Republican filibusters blocked the Medicare Improvements for Patients and Providers Act of 2008. Republican filibusters blocked the Consumer First Energy Act. These are critical pieces of legislation to address the priorities not of special interest groups, but of real Americans—urgent priorities such as the energy crisis, the environment, voting rights and health care, and fair wages for working men and women. All of them had the support of the majority of the Senate. All were blocked by a minority of Republican Senators who filibustered them.

This long list of priorities unaddressed because of the Republicans in Congress would be even longer if we were to include the many important bills President Bush has vetoed since the beginning of this Congress. That list includes legislation to fund stem cell research, to fight debilitating and deadly diseases such as Parkinson's, multiple sclerosis, and diabetes; to extend and expand the successful State Children's Health Insurance Program that would have provided health insurance to more of the millions of American children who are without it in the wealthiest, most powerful Nation on Earth; to set a timetable for bringing American troops home from the disastrous war in Iraq that has lasted longer than we were in World War II; and to ban waterboarding and thus help restore America as the beacon for the rule of law.

The effort of Republicans to turn attention from the real issues facing Americans to win partisan political points with judicial nominations is another in a long line of tactics we have seen that have prevented us from making progress since the beginning of this Congress.

As I said before, people do not stop me in the grocery store or coming out of church or walking down the street or getting out of my car to say please confirm more judges. They say: Please, do something about the high cost of gasoline. Do something about the fact that I am going to lose my home in foreclosure because the value has dropped so much. Do something about the fact that our child does not have health insurance.

These tactics would be laughable if they were not tragic. I believe they are an affront to those men and women in this country who are working hard to make ends meet. I know a lot of these good, honest Americans. I see them every weekend in my own State of Vermont. They don't face problems as Republicans or Democrats; they face them as proud Americans, proud Vermonters. They wonder how they are ever going to get insurance for their child and they worry every day their child may become ill. They wonder if they can get to their job, and often they are holding down two jobs to make ends meet. They wonder if they can bring their children to school.

I congratulate the nominees and their families on their confirmation today. These nominees have good reason to be proud. I predict they will be confirmed unanimously, and I am proud of them, because 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.

So let us stop using this question of judges as some kind of an issue in trying to distort the fact that the Democrats have treated President Bush better than the Republicans treated President Clinton on judges. Let us stop using the issue of judges to prevent us from addressing the things Americans care about: their jobs, their homes, their children, the cost of gas and oil.

I will continue in this Congress, and I will be here in January with a new President in the next Congress, to work with Senators on both sides of the aisle to ensure that the Federal judiciary remains independent and this real jewel of jurisprudence be able to provide justice for all Americans, as they say in their oath of office, without fear or favor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, in my capacity as ranking member on the Judiciary Committee, I did want to make very brief comments on the nominees who are pending for the district courts.

First, G. Murray Snow for the U.S. District Court for the District of Arizona, a very well-qualified man: a bachelor's degree from Brigham Young University in 1984, magna cum laude; a Harry S. Truman scholar for Nevada, a noted scholarship—parenthetically, one which our older son Shanin had—Phi Kappa Phi; law degree, magna cum laude—a very distinguished academic and professional record.

Similarly, William Thomas Lawrence for the U.S. District Court for the Southern District of Indiana has exemplary qualifications academically and professionally.

I ask unanimous consent to have the resumes printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. One additional addendum. I thank the chairman of the committee and the majority leader for moving ahead with three confirmations earlier this week, and these two confirmations.

Again I renew my request that we be able to move to a situation where we will avoid blocking judges, where we will proceed on up-and-down votes and we will not seek to hold vacancies in judicial nomination situations where there are judicial emergencies—for example, in the Fourth Circuit with the nomination of Judge Conrad pending from North Carolina—and that we will move ahead with the nomination of others who have been waiting for very long periods of time.

Today, the Judiciary Committee took up a report by the Inspector General, in which he noted that there had been political considerations in hiring at the Department of Justice. The report singled out Peter Keisler, who had been acting Attorney General and Assistant Attorney General in the Civil Division, and commended him for calling the inappropriate conduct for what it was. I mention Peter Keisler because he is so well qualified for the DC Circuit vacancy to which he has been nominated.

It will be my expectation that these two nominations would move through smoothly. They were accepted on a voice vote in the Judiciary Committee, and it is my hope that we will use this to move ahead on the confirmations of Federal judges on a yes-or-no vote.

EXHIBIT 1

WILLIAM THOMAS LAWRENCE—UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA

Birth: 1947; Indianapolis, Indiana.

Legal Residence: Indianapolis, Indiana.

Education: Louisiana State University, 1965–1968; no degree received; B.S., Indiana University, 1970; J.D., Indiana University School of Law—Indianapolis, 1973.

Primary Employment: Attorney, Poore, Popcheff, Wurster, Sullivan & Burke, 1973–1976; Attorney, Popcheff, Lawrence & Page,

1976–1979; Public Defender (Part-time), Marion County Superior Court, Criminal Division 4, 1974–1983; Attorney, Lawrence, Carter, Gresk, Leerkamp & Walsh, 1979–1989; Attorney, Johnson, Smith, Pence, Densborn, Wright & Heath, 1989–1997; Master Commissioner (Part-time), Marion County Circuit Court, 1983–1997; Presiding Judge, Marion County Circuit Court, 1997–2002; Magistrate Judge, U.S. District Court for the Southern District of Indiana, 2002–Present.

Selected Activities: Indiana Bar, 1973–Present; Indianapolis Bar Association, 1973–Present—Distinguished Fellow, 1997, Chairman, Bench Bar Conference, 2002, Chairman, Judicial Section of the Association, 2004, Chairman, Continuing Legal Education Commission, 2002, Vice-President, 2005, Board of Managers, 2005, Executive Committee, Litigation Section, 2004–2005; Seventh Circuit Bar Association, 2002–Present; Federal Bar Association, 2002–Present; Indiana Judges Association, 1997–2002, Board of Managers, 2000–2002; Board of Directors, Judicial Conference of Indiana, 1997–2002; United States Magistrate Judges Association, 2002–Present; Board of Directors, Marion County Justice Agency, 1996–2002; Member, Indiana State Forensic Science Commission, 1984–1990; Executive Director, Indiana Merit Selection Commission on Federal Judicial Appointments, 1980–1986.

ABA Rating: Substantial Majority ''Well Qualified,'' Minority ''Qualified.''

G. MURRAY SNOW—UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

Birth: 1959; Boulder City, NV.

Legal Residence: Tempe, AZ.

Education: B.A., magna cum laude, Brigham Young University, 1984—Harry S. Truman Scholar for Nevada, 1982; Member, Phi Kappa Phi Honor Society.

J.D., magna cum laude, J. Reuben Clark Law School, Brigham Young University, 1987—Editor-in-Chief, Brigham Young University Law Review, 1986–1987.

Primary Employment: Law Clerk, Hon. Stephen H. Anderson, U.S. Court of Appeals for the Tenth Circuit, 1987–1988; Meyer, Hendricks, Victor, Osborn & Maledon, P.A.—Associate, 1988–1994, Member, 1994–1995; Member, Osborn Maledon, P.A., 1995–2002; Judge, Arizona Court of Appeals, Division One, 2002–Present.

Selected Activities: Arizona State Bar Association, 1987–Present—Committee on the Rules of Professional Conduct, 1998–2004, Ethical Rules Review Group, 2000–2002; Mesa [Arizona] Judicial Advisory Board Member, 2003–Present; Judicial College of Arizona—Board Member, 2003–2004, Dean, 2005–Present; Committee on Judicial Education and Training—Board Member, 2005–Present, Executive Committee, 2005–Present; Task Force on Model Code of Judicial Conduct, 2007–Present—Chair, March 2007–Present; Recipient, Halo Award, Arizona Association of Providers for People with Disabilities, 2000; Recipient, Citation for Service on the Arizona State Bar Committee on the Rules of Professional Conduct, 1998–2004.

ABA Rating: Unanimous ''well qualified.''

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Madam President, I appreciate this opportunity to support the President's nomination of Judge William Thomas Lawrence to serve as a U.S. district judge for the Southern District of Indiana.

I would first like to thank the Senate Judiciary Committee chairman, PAT LEAHY, ranking member, ARLEN SPECTER, the respective leaders of the Senate, and especially my colleague, Senator EVAN BAYH, for their important work to facilitate the timely consideration of this distinguished nominee.

On December 18, 2007, the Senate voted to confirm the nomination of John Tinder to serve on the Seventh Circuit Court. John was a distinguished leader on Indiana's Southern District Court, and I knew his successor would need to possess the same degree of integrity and intelligence. Given this need for strong leadership, I was pleased to commend William Lawrence to President Bush for consideration. This selection was the product of a bipartisan process and reflective of the importance of finding highly qualified judges to carry forward the tradition of fair, principled, and collegial leadership.

I have known Bill Lawrence for many years. I have always been impressed with his high energy, his resolute integrity, and his remarkable dedication to public service.

William Lawrence attended Indiana University, where he received both his undergraduate and his law degrees. He immediately entered private practice but also devoted time to serve as a public defender in Marion County, IN, courts.

Subsequently, he served part time as a master commissioner of the Marion County Circuit Court.

In 1996, Judge Lawrence was elected to the Marion County Circuit Court. In this position, he built a reputation for fairness and efficiency. The Marion County Circuit Court is one of the busiest in the State of Indiana. In less than 3 years, Judge Lawrence reduced the number of pending cases by 20 percent. This impressive performance on the bench led to his appointment in 2002 to serve as U.S. magistrate judge.

Throughout Bill's career, his reputation for personal courtesy, fairness, decency, and integrity was equally well earned and widespread among colleagues and opposing counsel alike and on both sides of the political aisle.

I am also pleased that Bill's experience and professionalism are recognized by the American Bar Association, which bestowed a rating, by a substantial majority of the committee, of ''well-qualified.''

I would like to thank again Chairman LEAHY and Ranking Member SPECTER for their important work on this nomination. I believe Judge Lawrence will demonstrate remarkable leadership and will appropriately uphold and defend our laws under the Constitution.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Madam President, I wanted to note that what Senator SPECTER said a moment ago about Arizona judge Murray Snow are my feelings as well.

He has been nominated to the Federal bench in Arizona. He is supremely qualified, unanimously ''well-qualified,'' according to the Bar Association, and a fine appellate court judge already. He will make a fine addition to the Federal bench.

I will have an additional statement so all of my colleagues will know about his superb qualifications. We will be voting for him soon. I assume he will be approved. I appreciate my colleagues' support for his nomination.

Judge Snow has served on the Arizona Court of Appeals since 2002. Prior to his judicial service, he was a partner at Osborn Maledon. Judge Snow received his bachelor's degree magna cum laude from BYU in 1984 and received his law degree magna cum laude from BYU in 1987. He was Order of the Coif. After law school, Judge Snow clerked on the Tenth Circuit for Judge Stephen Anderson. Judge Snow was an adjunct professor of political science at ASU 7 years. He served for 4 years on the State Bar of Arizona Ethical Rules Review Group and for six years on the Committee on Rules of Professional Conduct. The ABA unanimously gave Judge Snow its highest rating of ''well-qualified.''

Mr. LEAHY. Madam President, I have permission to yield back time on both sides of the aisle for the judges, so I yield it back.

I ask for the yeas and nays on the pending nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of William T. Lawrence, of Indiana, to be United States District Judge for the Southern District of Indiana?

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that 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 97, nays 0, as follows:

[Rollcall Vote No. 159 Ex.]

YEAS—97

| | | |
|---|---|---|
| Akaka | Cochran | Hatch |
| Alexander | Coleman | Hutchison |
| Allard | Collins | Inhofe |
| Barrasso | Conrad | Inouye |
| Baucus | Corker | Isakson |
| Bayh | Cornyn | Johnson |
| Bennett | Craig | Kerry |
| Biden | Crapo | Klobuchar |
| Bingaman | DeMint | Kohl |
| Bond | Dodd | Kyl |
| Boxer | Dole | Landrieu |
| Brown | Domenici | Lautenberg |
| Brownback | Dorgan | Leahy |
| Bunning | Durbin | Levin |
| Burr | Ensign | Lieberman |
| Byrd | Enzi | Lincoln |
| Cantwell | Feingold | Lugar |
| Cardin | Feinstein | Martinez |
| Carper | Graham | McCaskill |
| Casey | Grassley | McConnell |
| Chambliss | Gregg | Menendez |
| Clinton | Hagel | Mikulski |
| Coburn | Harkin | Murkowski |

| | | |
|---|---|---|
| Murray | Schumer | Thune |
| Nelson (FL) | Sessions | Vitter |
| Nelson (NE) | Shelby | Voinovich |
| Pryor | Smith | Warner |
| Reed | Snowe | Webb |
| Reid | Specter | Whitehouse |
| Roberts | Stabenow | Wicker |
| Rockefeller | Stevens | Wyden |
| Salazar | Sununu | |
| Sanders | Tester | |

NOT VOTING—3

| | | |
|---|---|---|
| Kennedy | McCain | Obama |

The nomination was confirmed.

The PRESIDING OFFICER. There is 2 minutes of debate equally divided on the nomination of G. Murray Snow.

The Senator from Vermont.

Mr. LEAHY. Madam President, I yield back the remainder of time on this side, and I am advised on the other side they yield their time. There is no need for a rollcall vote.

The PRESIDING OFFICER. Time is yielded back.

Mr. REID. 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. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. For the information of all Members, Senator LEAHY and Senator SPECTER have agreed that we can have the judge's vote by voice, and we will do that in a minute. But I wish to inform everyone that the Republican leader and I, following this judge being approved—we will go into a quorum call, and we will be in a position, hopefully, in the next 15 minutes, half hour—you know how time is counted in the Senate. Jack, who used to work down here—one night I came in here and he gave me a dog chain. I said: Why did you do that? He said: Because the Senate goes on dog time.

We will try to do something very quickly. But we will go into a quorum call following the judge being approved, and Senator MCCONNELL and I will be back with the next chapter of the saga as quickly as we can.

The PRESIDING OFFICER. The question is, Shall the Senate advise and consent to the nomination of G. Murray Snow, of Arizona, to be United States District Judge for the District of Arizona?

The nomination was confirmed.

The PRESIDING OFFICER. The motions to reconsider are laid on the table, en bloc, and the President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. LEAHY. 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

The majority leader is recognized.

Mr. REID. Mr. President, we do not have our path forward yet, and that is an understatement. But we are working on it. There are a number of Senators, both Democrats and Republicans, who want to speak in morning business.

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now be in a period for the transaction of morning business for a period of a half hour, that the time be divided equally and I, of course, ask this time count against postcloture time on the FISA matter on which we are working.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, is the business before the Senate that we are in morning business?

The PRESIDING OFFICER. It is.

## OUTER CONTINENTAL SHELF DRILLING

Mr. MENENDEZ. Mr. President, for years, we have had an energy policy that was written by big oil for big oil, and the result has been good for big oil but a disaster for the American people.

Gasoline is now at over $4 per gallon, and the Bush-McCain plan is to do more of the same. My colleagues on the Republican side of the aisle have continuously sought to help big oil while at the same time they have blocked Democratic attempts to develop real policies to end our addiction to oil. The result is that under the Bush administration the price of oil has shot up to $125 per barrel and more, and the price of gasoline has more than doubled.

Despite this history of gas prices going up and up because of failed policies, the Republican Party continues to block measures that will help create change in this situation. Every time we offer sensible policies to address the oil crisis, my friends on the other side of the aisle say no. They said no to the Consumer-First Energy Act that would finally clamp down on rampant oil speculation and burst the speculative bubble that has caused oil prices to skyrocket. Then they said no to the renewable energy tax extension bill that would help continue the rapid growth of wind and solar and provide an incentive for the purchase of plug-in hybrid vehicles. This would help us begin the transition to new energy sources so we are not so vulnerable to the rising cost of fossil fuels. And then our colleagues said no to climate change legislation that lays out the framework to completely change our economy from one based on oil and other fossil fuels to an economy based on renewable energy.

Democrats have now laid out a sensible plan for change in our energy policy that will make America stronger and more independent in the short, medium, and long term, but all our colleagues can say in return is no—no to the American people and—from what I hear in terms of their response—yes to big oil.

President Bush was right when he told the Nation we are addicted to oil. But what amazes me is their plan is designed to have us continue to act like addicts. Instead of supporting real plans to conserve oil or even transition to sustainable fuels, the Bush-McCain plan is to go out in search of our next oil fix.

Ending a bipartisan 26-year moratorium to open the Outer Continental Shelf to oil is simply not a solution to our oil crisis.

To defend the senseless Bush-McCain plan to open all our shores to drilling, my colleagues on the other side of the aisle have been playing fast and loose with the facts. They claim opening our shores to future drilling will somehow affect gas prices. As I recently pointed out on the floor, this argument flies in the face of projections by President Bush's own Energy Information Agency. They project that even if we opened the entire Outer Continental Shelf to drilling off the East Coast, off the West Coast, and opened the entire eastern Gulf of Mexico, nothing would happen to gas prices—not today, not tomorrow, not ever.

Now, it seems that Senator MCCAIN cannot keep up the charade any longer. On Monday, he admitted he did not expect his plan to provide relief at the pump, but that his plan would have a psychological impact that would be ''beneficial.'' Psychological games are not going to reduce the price of oil. The American people are sick and tired of Republican politics that try to use political spin rather than sound policy to solve our problems.

Another fact that the other side of the aisle wants to keep from the American people is that 80 percent of the oil and natural gas resources in our Federal waters are already open, already open for exploration. Oil companies are sitting on 68 million acres of oil and natural gas leases where they have not produced any oil or natural gas. I joined my colleagues, Senator DODD and Senator DURBIN, to introduce a bill, the Responsible Ownership of Public Lands Act, that will charge oil companies an escalating fee for leased acres they put aside and do not use for oil and natural gas exploration. This will give these companies the incentives they need to stop hoarding the resources they have instead of seeking access to environmentally sensitive areas.

One other factor that has not been discussed properly in this debate about

high gas prices is the effect of President Bush's disastrous economic policies. The weak dollar means it simply takes more money to buy the same barrel of oil than it did at the beginning of President Bush's term. In 2000, one Euro was equal in value to $1. Today, one Euro is worth close to $1.60.

In large part, this weak dollar has been caused by the enormous domestic budget deficits this administration has rung up to pay for the war in Iraq. Instead of actually paying for this mistake, the administration has been printing money and piling up huge debts. We are spending over $12 billion a month in Iraq, and this foreign policy disaster is now adding up to be a fiscal policy disaster. It is time we finally end the war and get our fiscal house in order. In turn, this would strengthen the value of the dollar and help lower the price of gasoline.

But perhaps the most disturbing thing about the misinformation campaign to sell the Bush-McCain plan to open all our oceans to drilling is that they refuse to discuss how drilling will be economically and ecologically devastating to our coasts.

On June 3 of 1979, an exploratory oil well in the Gulf of Mexico blew out. The resulting 140 million gallon spill was the second largest in world history, over 10 times larger than the Exxon Valdez spill. As you can see from this map, the spill traveled 600 miles to blanket the coast of Mexico, Texas, and Louisiana, causing tremendous damage.

I think we all remember that on March 24 of 1989, the tanker Exxon Valdez ran aground in Prince William Sound, AK. The oil tanker ruptured and spilled over 10 million gallons of oil. The result was an oil spill over 600 miles that created one of the largest environmental disasters in history. We were told we had state-of-the-art technology then, in terms of carriers, tankers, and everything else. Well, that was 600 miles of devastation.

I am about to show images of the devastation following the spill, and certainly I would ask if there are any children watching, or those who are sensitive to the plight of animals, they should probably look away from some of the images.

The Exxon Valdez coated the Alaska shoreline, turning a pristine environment into a toxic waste cleanup site. Over 11,000 people worked to try to clean oil washed up onshore. Even today, there is estimated to still be over 20,000 gallons of oil on Alaska's sandy beaches. The spill killed thousands of animals immediately. It killed hundreds of otters and seals, as many as half a million sea birds, and over 200 of the very symbol of America itself—the Bald Eagle.

Anyone who saw these devastating images from this incident cannot forget them. But what is important to remember from these disturbing images is that if we open the east and west coast to drilling, the same thing could happen to places here in the lower 48.

My colleagues from the Commonwealth of Virginia want to open the coast of Virginia to drilling. They seem to think that oil drilling will only affect the State of Virginia. But oil spills do not sit still. Remember that oil drilling spill in the gulf that traveled 600 miles, and the Exxon Valdez spill off the coast of Alaska was over 600 miles wide. So what would a similar spill look like on the east coast? It would mean a devastated coastline from New York down to South Carolina. The environmental impact would be immeasurable, and the economic impact would be enormous.

The New Jersey shore is a priceless treasure my home State will protect at any cost. But the shore also generates tens of billions of dollars in revenues each year and supports almost half a million jobs in South Carolina; in Myrtle Beach alone, more than $3 billion in revenue. Do we want oil washing up onto Virginia Beach, flowing up into the Chesapeake Bay? Can Maryland's famous blue crabs survive such an environmental assault?

It is time for a real cure, based on a tough examination and reordering of our energy priorities, and not tired old policies of the past. I ask my colleagues on the other side of the aisle to end their efforts to block real reform. It is time we unite together to pass the Consumer-First Energy Act to clamp down on excessive speculation and finally burst this oil bubble. It is time we come together and pass the renewable energy tax extension bill that will promote the development of clean energy here at home, help our automakers develop cars that run on electricity, and develop advanced biofuels so we have a sustainable alternative to gasoline.

If we do not do this, we are continuously wedded to the past, continuously wedded to the addiction, continuously wedded to a failed policy. To hear our colleagues on the other side of the aisle, if we opened the east and west coasts, it would go directly, like gas, into your car. We know that is not true. That is simply not going to happen.

The American people are sick and tired of an energy policy written by big oil. It is time for our friends on the other side of the aisle to join us in real reform so we can actually achieve something that moves us in a much different direction.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

## LIHEAP AND COMMUNITY HEALTH CENTERS

Mr. SANDERS. Mr. President, on Tuesday, I introduced S. 3186, the Warm in Winter and Cool in Summer Act. This bill would provide $2.53 billion in emergency funding for the Low-Income Home Energy Assistance Program, commonly known as LIHEAP.

I take this opportunity to thank the majority leader for completing the rule XIV process of placing this bill directly on the Senate calendar yesterday. I also want to express my deep appreciation to him for his goal of moving this legislation forward within the next month. I think there is widespread support, in a nonpartisan way, for this legislation, which impacts people when the weather gets hot and it impacts people when the weather gets cold.

This bipartisan bill is being cosponsored by Senators LEAHY, SNOWE, BROWN, SUNUNU, CARDIN, COLEMAN, KERRY, COLLINS, KENNEDY, and SMITH and I expect that the numbers of Senators from both sides of the aisle who will be supporting it will only grow. The bottom line here is pretty simple, and that is: With the cost of energy soaring, we have many millions of Americans wondering next winter how they are going to be able to stay warm, and we have got to expand LIHEAP funding to match the inflationary costs of home heating fuel.

For those people living in warm weather States, what we understand right now is that electricity rates are also soaring. There are many Americans—elderly people, lower income people—who are unable to afford the increasingly high cost of electricity. They run the danger of seeing their electricity cut off. When the weather gets 110 degrees and the electricity gets cut off, and you are a senior citizen or you are a person who is frail or who is ill, you have a problem dealing with heat problems.

So I hope and expect there will be widespread support for this legislation. Once again, I thank the leader for putting this on the rule XIV process.

I also want to say a few words about the Medicare package that was approved overwhelmingly in the House on Tuesday, and which we expect, hopefully, to take up here shortly. This bill is nearly identical to the bill put forth on the floor last week by Finance Committee Chairman BAUCUS, and I thank the chairman for his commitment and his effort in putting together this excellent piece of legislation.

There is a lot in this bill, but there is one particular section I want to focus on, and that is the section pertaining to Medicare payments to community health centers.

Specifically, this bill provides for a much needed increase in the cap on Medicare payments to community health centers, and also requires a GAO study to determine whether the current structure for Medicare payments to community health centers provides adequate compensation for the care provided. I believe it does not.

According to the National Association of Community Health Centers, the artificially low cap on Medicare payments costs community health centers $50 million annually—money that could be used to provide primary care access to thousands more of our Nation's seniors. An overwhelming majority of community health centers—a full 75 percent—now lose money—they

lose money—treating Medicare beneficiaries. An inadequate and arbitrary payment system jeopardizes the ability of community health centers to continue to provide necessary primary care to the 1.5 million Medicare beneficiaries who are seen at community health centers each year, many of who live in the most isolated and medically underserved regions of this country.

Let me say a word on community health centers, because I am a very strong advocate of that program. The truth is that in the midst of the disintegrating health care system, one of the major crises we are facing is in primary health care access. All over America, especially in rural areas, millions and millions of people simply cannot get access to a doctor, to a nurse, to a dentist, to people who will help them deal with their day-to-day health problems. The insanity of continuing that situation, that lack of health care access, means people will simply get sicker. They are going to go to the emergency room and they will end up in the hospital at far greater expense and a lot more human suffering.

I happen to believe this country has to join the rest of the industrialized world and establish a national health care program which guarantees health care to every man, woman, and child. I think at a time when we spend twice as much per person on health care as any other nation and have 47 million people uninsured and see our social indices, in terms of infant mortality or longevity, much worse than many other countries, I think we should finally conclude there is something fundamentally wrong with our health care system.

Health care should be a right of all people. We should do it in a cost-effective way. The function of health care should not be to make insurance companies rich or make drug companies rich but should be to provide quality health care to every man, woman, and child.

In the midst of all that, while we try to take on the insurance companies and all their lobbyists and while we try to take on the drug companies and all their lobbyists and advertising and campaign contributions, there is one simple thing we can do, where I suspect there is going to be tripartisan support, and that is substantially increase the funding for community health centers. In that regard, I thank Senator KENNEDY and Senator ENZI for a very strong authorization package that came out of the Health, Education, Labor Committee. I thank Senator HARKIN and Senator SPECTER for their support in giving us a reasonable increase in appropriations funding. But we have a long way to go.

The simple truth is—and this is a point that should be understood by all Members—if we spend as a nation $2 or $3 billion more on community health centers, do you know what? We could provide primary health care access to every man, woman, and child. That is about 1 week of the war in Iraq. So you have war in Iraq, 1 week; or $2 billion or $3 billion building hundreds of community health centers, providing primary health care, dental care, mental health counseling, low-cost prescription drugs, to every man, woman, and child.

In the course of the coming months and years, I will be fighting for that $2 or $3 billion. It certainly is not going to solve all our health care problems, but by providing a place where any American—whether you are insured, uninsured, Medicare, Medicaid—regardless of your income you can walk in and get high-quality primary health care—wow, that is a huge step forward in this country.

In order to make sure these community health centers function, we have to do something else. Do you know what we have to do? We have to graduate doctors and nurses. We are living at a time when we are not graduating from medical school enough doctors or enough nurses or enough dentists. We have to work on that. One of the ways we work on that is to significantly increase funding for the Health Services Corps, a program which provides debt forgiveness and scholarships for those willing to serve in underserved medical areas.

There is a lot of work to be done. I think we are making some progress on the Medicare bill coming before us. The day has to come when all our people, by right, have primary health care access and access to health care.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I was asked by the Senator from Montana, Mr. TESTER, if there would be any objection if I asked that, after I finish my remarks, he be recognized for 5 minutes; that the Democratic time be extended 5 minutes and the Republican time be extended 5 minutes.

Is there any objection to that?

The PRESIDING OFFICER. Without objection, it is so ordered.

## FISA

Mr. BOND. Mr. President, I know this is morning business, but I need to get people's attention back on FISA, I hope. Let me clarify some things that have been said earlier today. From time to time, some have tried to rewrite the history on what happened 1 year ago in producing the Protect America Act, our first attempt to fix the problems with foreign intelligence surveillance 1 year ago. That was not pretty, but I note there have been mischaracterizations of it. After last year, many critics of FISA, most notably in the House, tried to rewrite history and discredit ADM Mike McConnell, the Director of National Intelligence, and this compelled me to speak out on the matter at this time. He, in my view, from what I saw, acted in good faith, and he was charged with not having done so. But it seems there is another effort today to rewrite history. I can say, as vice chairman of the Senate Intelligence Committee and the cosponsor of the Protect America Act, I was the lead negotiator during the final hours of the Congress, as we tried to pass a critical short-term update of our Nation's law governing terrorist surveillance.

As one who was there, I dispute the misinformation that was spread and largely by those who were not there. I will outline the events as they occurred, and here is what happened.

As I think most of us know, in January 2007, the President announced that the terrorist surveillance program was coming under the FISA Court. Our Director of National Intelligence, Admiral McConnell, subsequently stated that after that time, the intelligence community lost a significant amount of collection capability and that, combined with increased threat, compelled him to ask Congress to modernize FISA, sooner rather than later.

On April 12, Admiral McConnell sent his full FISA modernization proposal to Congress, and on May 1 he presented it in open session to the Senate Intelligence Committee.

Some would like us to believe that was the first time this became an issue for us, in July, but it was not. The DNI had appeared in open session before the Senate Intelligence Committee and had pleaded with us to update FISA months earlier.

I might say, along with another colleague of ours on the Senate Intelligence Committee, Senator BAYH, we visited Iraq in early May of 2007, and the Joint Special Operations Commander, LTG Stan McChrystal, told us at that time that the blockage in electronic surveillance by FISA was substantially hurting his ability to gain the intelligence he needed to protect our troops in the field and gain an offensive advantage. I believe I, and perhaps Senator BAYH, spoke about that in committee and on the floor.

Immediately following the admiral's testimony in May, I had urged the Intelligence Committee immediately to mark up FISA legislation. I was told by members of the majority that until the President turned over certain legal opinions from the terrorist surveillance program, Congress would not modernize FISA. That Congress would hold America's security hostage to receiving documents from a program that no longer existed was disheartening to me. We had already received an inordinate amount of documents from the Department of Justice and the Director of National Intelligence. Yet I do not dispute the desire or the right of members to seek privileged documents from the executive branch. In fact, I joined in requesting some of that. But I did disagree with holding up FISA modernization when those documents were not necessary to do that.

Despite the urging from the Director of National Intelligence, and knowing this outdated law was harming our terrorist surveillance capabilities, for

more than 3 months Congress chose to do nothing. Let me be clear, it was Congress that chose to ignore the pleas of the intelligence community. As a matter of fact, in late June, Admiral McConnell had a briefing for the entire Senate. I believe about 42 to 44 of us showed up there. He briefed Members of the Senate, again urging us to modernize FISA. Finally, his pleadings began to gain traction.

In mid-July, Members of Congress agreed to discuss a short-term, scaled-down version of FISA to protect the country for the next few months before we could address comprehensive reform in the fall. Admiral McConnell immediately sent Congress his scaled-down proposal.

Over the next week, Admiral McConnell was given nearly half a dozen versions of unvetted proposals from various congressional staffs across Congress and then pressed for instant support of these proposals. The admiral returned a compromise proposal to the Senate, including some of the provisions requested. Unfortunately, there were numerous bait and switches that took place during that time.

Since the bipartisan committee process was circumvented to craft legislation behind closed doors without input from the relevant committee and the minority, it got messy in the final hours. Even as the vice chairman of the Intelligence Committee, I was excluded from the key meetings. Not only was I excluded, most members of the Intelligence Committee, Republican and Democratic, were left out of the process.

Therefore, in the waning moments before the recess, I got together with a number of Democrats, including several from our Intelligence Committee, to discuss the short-term approach for the Protect America Act that Leader MCCONNELL and I had introduced and which had the support of the DNI and the Department of Justice.

Finally, on August 3 and 4, Congress, on a strong bipartisan basis and a desire to get out of town for the August recess, passed the Protect America Act.

That was why it was jammed up. The administration was not trying to stiff us. The administration felt it was being stiffed. Fortunately, a solid, bipartisan majority of the Senate came together, passed the bill, and gave the House, regrettably, no choice but to pass it—which they did. But after the passage of the act, I think we all learned a good lesson. We sat down together on the Senate Intelligence Committee and began, on a bipartisan basis, to work out a permanent solution to FISA. I am very thankful we could do it. We put in a great deal of work. We spent a lot of time with the DNI, with the lawyers and the operatives for the program, and Senator ROCKEFELLER and I worked, in a bipartisan fashion, to come up with a strong committee bill that we passed out of the Senate later on a 68-to-29 vote.

I thank my colleagues on the committee, their staff, and all the Members of Congress who supported us, particularly the 68 who came and voted aye to pass the FISA amendments in February.

That started the process that led us to where we are today. There is a strong bipartisan product before us. There were changes, cosmetic changes largely, made that the House believed were important and the intelligence community assured us would not interfere with their ability to collect information under the structure we had set forth in the FISA amendments that were passed by the Senate.

That is where we are today. I am ready, willing, and able, whenever it is the will of the leadership, to act on amendments that may be before us and try to pass this bill so we will have some certainty for the intelligence community that they will know what the guidelines are for the next period through 2012.

In any event, I will be back when we get on the bill to go over some of the items which are in question. But I think you see our chairman, Senator ROCKEFELLER, who is on the floor, and I can assure you this is a good, solid, bipartisan bill that we should pass.

I see it is a good time to yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized, pursuant to the previous order.

## GI BILL

Mr. TESTER. Mr. President, I rise in support of the bipartisan Webb GI bill, and I urge the Senate to join me in voting to pass it without further delay. As a member of the veterans committee, this legislation has been a big priority of mine for the past year and a half.

Montana is home to more than 100,000 veterans. I have spoken with many of them over the past year and a half, and I was very pleased to work on their behalf last year for the largest increase in funding in the history of the VA.

Earlier this year, the Senate passed my legislation to raise the reimbursement rate for veterans' travel to and from VA facilities. It was the first increase in 30 years.

As American forces continue to be engaged in wars in Afghanistan and Iraq, it is well past time for Congress to step up to the plate and deliver for our veterans.

This new GI bill will provide first-class educational benefits for those who served since 9/11. It will pay for tuition and books and a monthly stipend roughly equivalent to the benefits given to millions of Americans following World War II.

The first GI bill created a vibrant middle class that drives our economy to this day and makes America the envy of the world. This GI bill can do the same again.

Every major veterans organization in this country supports this bill. I understand even the White House has dropped its longstanding opposition, and the President now says he will sign this bill into law.

Passing the 21st century GI bill will be a landmark achievement for this Congress. It will strengthen our Nation's military readiness through better recruitment by making military service a more practical option, and it will provide an important investment in Americas's future by enabling veterans to afford college at a time when career options and lifetime earning potential are increasingly linked to higher education.

One in nine Montanans have served our country in the military. We have one of the highest veterans rates in the country, and our Montana values compel us to take care of those who have served. Many of my Montana neighbors have written to me in support of this new GI bill for the new ''greatest generation.''

One airman from Belt, MT, said to me:

> I hope this bill passes for myself and for future generations. I have been deployed three times in my five and a half years of active duty service, and will be leaving active duty service within the year. This bill is finally something that will allow people to do the things that they put off and that so many have died for since the beginning of our war on terrorism. I ask you to support this bill and allow all our Armed Forces members to succeed in life and all their endeavors.

Another veteran from Kalispell, MT, wrote:

> I read with a great deal of interest your article in the Flathead Beacon about the need for a GI Bill, much like that of what we had in the past. I was able to attend college under the GI Bill after I was discharged from the Army in 1956 under that bill enacted for World War II vets. The GI Bill was instrumental in the creation of our middle class. It gave this child of the Depression an opportunity to experience the degree of success that I very likely would not have been able to achieve had it not been for that GI Bill.

These are just two examples of the many letters I have received from back home. I know many Senators received similar letters. I call on all of my colleagues to join me in voting for this vital legislation. We must pass this bill to honor the service and sacrifice of our Nation's veterans and to invest in America's future.

I have been pleased to work on this important piece of legislation with a bipartisan group of Senators led by the Senator from Virginia, one of my fellow members of the Senate class of 2006.

Senator WEBB and I hail from different parts of the country and different walks of life, but we joined the Senate at the same time with a simple hope: to provide a new direction for our Nation.

Last year, Senator WEBB and I traveled together to Iraq. We were able to visit with quite a few of the brave young men and women who serve our country day in and day out. When you talk to these folks, it really makes you feel that our Nation is in good hands.

They are serving us well, and now it is time to do right by them. This is commonsense legislation that will demonstrate to our veterans that America honors their service and cares about their future.

Passing this bill is the right thing to do, and it is the smart thing to do. I urge the Senate to vote as soon as possible to pass this new GI bill for America's new ''greatest generation.''

I thank the Senator from Missouri for giving me this opportunity to speak.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, as the chairman of the Senate Veterans' Affairs Committee, I am very pleased to express my support for the provisions of the war funding supplemental that would establish a new GI bill for the 21st century.

These provisions, drawn from S. 22 as introduced by the junior Senator from Virginia, Mr. WEBB, who serves with me on the committee, will establish a new program of educational assistance for the brave young men and women who have answered the call to duty in service to our country since September 11, 2001.

This past Sunday, June 22, marks the 64th anniversary of the original GI bill. As one of the 8 million World War II veterans who took advantage of the opportunity it made available, I know firsthand the value of what we are prepared to approve today. If it were not for the valuable educational benefits I received, I would not be standing here today in the Senate.

Without the GI bill and the maturity and discipline I learned through my military service, I am certain my life would have turned out much differently. The original GI bill changed America. It made higher education accessible for individuals from all backgrounds.

Veterans flooded colleges and universities. Huge lines of returning servicemembers doubled or tripled enrollments. By the time the original GI bill expired in 1956, the United States was richer by hundreds of thousands of trained engineers, accountants, teachers, scientists, doctors, dentists, and more than 1 million other college-educated individuals.

The original GI bill created major social change. Some have credited it with creating the middle class. And when the sons and daughters of the ''greatest generation,'' the baby boomers, came of age, the legacy of a college education was passed on to them.

Today, we are set to approve a measure that will shape today's military, the future of the military, and the future of our Nation for many years to come. Today's new veterans will know that we honor the contributions they have made in service to this Nation. We understand the sacrifices they made, the hardships they endured, and the toll that has taken on their lives and the lives of their families.

This new GI bill will be a tool that the military can use to attract our best and brightest college-bound high school seniors to voluntary military service. Down the road these new veterans will turn to their children and grandchildren and tell them that the way to advancement is through the successful completion of an honorable period of service to their country.

I am genuinely delighted to have played a role, however small, in the formulation of this legislation. I sought to work with Senator WEBB early in the development of this measure. When the time for action was at hand, he and I came together as a team and crafted the workable measure that is before the Senate today. I express my deep respect and gratitude to Senator WEBB for his untiring efforts and personal commitment to this issue.

As chairman of the Senate Veterans' Affairs Committee, I am excited to see that this new GI bill will have a smooth transition. I intend to work closely with Senator WEBB and others toward that end. We will begin later this week by ordering reported a group of technical amendments that will help ensure that the implementation of the new GI bill will be as effective as possible.

The committee, in its oversight capacity, will also be working closely with both the Departments of Defense and Veterans Affairs to identify and resolve issues before they become problems.

Today, with the final passage of this new GI bill, we say to our newest generation of citizen soldiers, we appreciate you. We recognize that the ability of our Armed Forces to attract and retain quality personnel in the future, and consequently our national security, depends on how we meet the needs of those serving us today. The new GI bill will do that for our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

## TAX POLICY

Mr. GRASSLEY. Mr. President, I want to address the Senate on the issue of tax policy. Serving as a member of the Senate Finance Committee with jurisdiction over this, I watch tax policy pretty closely. We are almost half through the year 2008. Since January 1 of this year, several tax relief provisions have expired. I am talking about what we call tax extenders that have been on the books in the Tax Code for several years, in some cases decades, that sunset from time to time that must continue to be extended if you want the benefits of that tax policy.

In most cases, we think this tax policy is good policy because many times these policies have been on the books and expired, and we have extended them. So the term ''tax extender'' means keeping existing tax policy in place; however, it has sunset so Congress must act to keep it going.

The biggest one is called the AMT. Most people know it by the alternative minimum tax fix. That affects 25 million families. There are a number of other widely applicable tax relief provisions that fit into the term ''tax extenders.''

One provides millions of families with a deduction for college tuition, another provides deduction for our schoolteachers for out-of-pocket expenses that they might pay for that the school district does not pay for. One that is very important to innovation in American business is called the research and development tax credit, which has been part of the Tax Code since 1981.

All of these tax relief provisions expired not just today but 6 months ago.

This Congress has not passed legislation yet to deal with this problem. We have had two cloture votes in the Senate on taking care of this, but those votes have been on a bill that will not pass the Senate. And even if the House bill were to pass the Senate, the President would not sign it. So the issue is, do we want to get these things extended or not? If you are going to do it, you have to do it in a way that is going to get it through the House and Senate, as well as the President's signature.

What is holding up this bipartisan, time-sensitive tax relief? It is an obsession with the Democratic leadership, a version of pay-go or pay-as-you-go. I have spoken on this before, but the hangup is the Democratic Party's feeling and obsession over raising taxes to offset continuing current law tax relief policies.

I have offered a deficit-neutral path to these tax extenders, that being a restraint on new spending. But I have no takers from the other side. I haven't even received a response on the merits of my offer that I made to the other side. The action or lack of action thus far proves my point. The leadership of the other party—or maybe all Members of that party—is so obsessed with raising taxes that they are willing to hold hostage popular bipartisan tax relief measures.

Democratic spokespersons are threatening to kill these tax extenders unless they get tax increases they want so badly. It reminds me of a nursery story. I am referring to the story of the big bad wolf. I have a chart here so people don't forget who the big bad wolf is. You remember the story. The big bad wolf in that nursery story threatened the three little pigs. He said something like: I am going to huff and puff and blow your house down. The Democratic

leadership is playing the role of big bad wolf right now.

Here is what my friend the distinguished House leader said:

> The extender bill is not going to pass unless it's paid for.

When asked if he would make a similar pledge regarding the $62 billion cost of preventing the alternative minimum tax from hitting 21 million more taxpayers, the distinguished leader of the other body demurred:

> The extender bill is not going to pass if it's not paid for.

I call this an obsession.

I might add, I have been pleased to work with the House majority leader in the past, particularly on the children's health insurance bill and other matters. But in the case of the tax extenders, I beg to differ with the distinguished leader of the other body. That is some very serious huffing and puffing. For those millions of families sending their kids to college, forget about your tuition tax deduction unless the Democrats get their offsetting tax increase. They have ignored the spending cut proposal I circulated over a week ago, so they are not holding tax extenders hostage to a pledge to pay for them. They are holding extenders hostage to their version of pay-as-you-go, which is guaranteed tax increases. More revenue, from their judgment, means more spending and yet bigger government.

Now I will show you the big bad wolf can sometimes be a Republican. I have another chart with a famous quote on it from a former majority leader of this body. Senator Frist said:

> If the Senate kills the trifecta bill, we will not return to it this year. That means we would have no permanent death-tax reform, no tax-policy extenders, and no minimum-wage increase. It's now or never. It's this week.

That is what was said approximately 18 months ago. At the time, Republicans were in the majority. It was also the last time folks in control of Congress were holding extenders hostage for an unrelated reason. In that case, the unrelated issue was death tax relief. Extenders were part of what was referred to then as the ''trifecta.'' A third part of the trifecta was a minimum wage increase.

Here is what then-Senate majority leader Bill Frist said, kind of a repeat:

> If the Senate kills the trifecta bill, we will not return to it this year. That means we would have no death-tax reform, no tax-policy extenders, no minimum-wage increase.

He went on to say:

> It's now or never. It's this week.

What we have is huffing and puffing, a threat to blow the extender House down—the big bad wolf once again. So you can see my criticism is not partisan. I have shown a case where the Republican majority held tax extenders hostage.

As we know, soon the then-Republican leader, the then-majority leader, Dr. Frist, came to his senses. He finally brought forward a bill that addressed the tax extenders in the lameduck session of December 2006.

The bottom line is, the folks on our side recognized, although it took a long time, the merits of continuing tax policy that has been on the books for a long period of time, that a vast majority of the Congress knows is good policy and it ought to be extended. They recognized that the unsuccessful effort to leverage the popularity of these tax benefits did not mean the extenders had to die on the vine. This recognition occurred despite earlier threats I have already spoken to to kill the extenders.

It will be the same tale of the big bad wolf 2 years later. A partisan obsession with a tax-increase version of pay-go or pay-as-you-go will not, at the end of the day, trump bipartisan popular tax relief measures that millions of families are counting on and have been on the books for a long time. If I am wrong, the spokespeople for the Democratic Party should tell those millions of families and thousands of innovative businesses that their partisan agenda is more important than doing the people's business. I will continue to wait for a response. More importantly, the people should hear the answer.

I feel very strongly that these are tax matters we ought to address very soon. Certainty of tax policy and predictability in tax policy is very important for our economy to move forward. In this case, I am referring to the bipartisan tax relief this Congress passed in 2001 and 2003.

I wish to emphasize the word ''bipartisan.'' The reason I wish to emphasize ''bipartisan'' is too often this policy of 2001 and 2003 that ought to be extended is referred to as ''the Bush tax cuts,'' as my friends on the other side of the aisle would like our friends in the media to call them, and the friends in the media are catching on. But why not bipartisan tax relief? Because I remember when that suggestion first came from the White House. It was $1.7 trillion worth of tax cuts over 10 years. I immediately said we were not going to be able to do that because we had to do something in a bipartisan way. So it ended up, because of my decision, in conjunction with Senator BAUCUS, that it was not going to be more than $1.3 trillion. So I come to the floor with legitimacy to denigrate the label of ''Bush tax cuts'' and emphasize bipartisan tax cuts.

I have actually noticed that my Democratic colleagues like the reference ''tax relief.'' They have used the reference on the campaign trail of their Presidential candidate. How ironic. My Democratic friends label the bipartisan tax relief the ''Bush tax cuts,'' yet they call their own tax plan ''tax relief,'' especially when this so-called Democratic tax relief is merely an extension of the 2001 reduction in tax rates for certain taxpayers, not all taxpayers. I am not surprised. After all, it is political season. But I feel a little bit disgruntled about it all. Sometimes I get mad about it. But I also am dismayed. I am disappointed that the poll-driven use of the term ''Bush tax cuts'' flows so easily off the tongues of people in the other party. The media folks can't get enough, so they continue to repeat the ''Bush tax cuts'' over and over and over. You can imagine how an author of a bipartisan tax relief measure would feel if it is referred to this way.

But do you know what really disappoints me? The fact that the spokespeople for the Democratic Party and their Presidential candidate are telling Americans who make less than $250,000 a year that their taxes will not go up if they vote Democratic in November. I think this is intellectually dishonest, and the folks in the media should call them on this and make it very clear that it is otherwise. Why do I say this? Because my friends on the other side will increase capital gains rates. They will also increase the tax rate on dividend income. I told this body and any friends in the media that Americans earning less than $250,000 a year have capital gains each year. They also claim dividend income. Here I will remind my colleagues and the media that over 24 million tax returns last year claimed dividend income. There is not that many taxpayers over $250,000 a year.

Also, over 9 million Americans claimed capital gains. We have another chart on capital gains. You would be correct if you guessed that not all of these Americans were making more than $250,000.

So how do you get away with saying we are just going to increase the taxes on people over $250,000 and let the capital gains rate go up, let the tax on dividends go up? You are hitting many Americans under $250,000. I will bet some of them were even low-income taxpayers because we established a policy just a few years ago that under a certain income and a very low income, we want low-income people to have a savings ethic, not only that, but the ability to actually save, people who today have a zero rate of taxation on capital gains—zero.

Speaking of zero, the junior Senator from Illinois has proposed to reduce the capital gains rate for startup companies from 7.5 percent, which is the current rate, to zero. I like his thinking on that policy because it is going to help small business, it is going to help entrepreneurship.

But the distinguished Senator will increase the capital rates in other areas by at least 33 percent. That strikes me as being counterproductive. That is rearranging the deck chairs. It is simply squeezing the balloon. And in a sense, I consider it hot air and certainly not change you can believe in. It is not change I believe in, and eventually the American voters are going to see through this.

Let me get back to the tax increase that Americans making less than

$250,000 will see. I want to take a moment to talk about an interview conducted by Wolf Blitzer of CNN. On his program Sunday, June 15, Mr. Blitzer delved into the capital gains and dividend income tax issue. He asked his guest—the chairman of the Democratic Congressional Campaign Committee—whether Senator OBAMA's plan to tax dividends and capital gains would increase taxes for Americans of every background, not just rich people. I am glad Mr. Blitzer asked the question.

The most interesting point to this story is the response. The response was that Senator OBAMA will increase the capital gains rate. Let me repeat that. If the distinguished Senator from Illinois is elected President, he will raise rates on capital gains. Why? Apparently the junior Senator from Illinois thinks investment income is, quote, unquote, leisure income. He thinks that ''leisure income'' should not get the same breaks as income earned through labor.

I wish to submit for the RECORD an excerpt of the transcript from the June 15 show on CNN so folks in the media can see this. The excerpt is the full interview of the DCCC chairman. I have highlighted the portion of the interview I wish folks to pay attention to.

To quote the chairman:

> Obama has said that you shouldn't give a break to leisure over labor.

The DCCC chairman expounded upon this by saying:

> In other words, people who are making money simply by investing it, rather than through their work in the labor force, shouldn't be getting a break over the people who are going to work every day.

The DCCC chairman thinks ''that makes sense.''

So the Democratic leadership, and their Presidential candidate, believe the current tax policy favors leisure over labor, and they consider that all investment income is leisure income. So what they are saying is anyone who saves and anyone who invests is a person of leisure.

Maybe my friends on the other side of the aisle have been reading the writings of Thorstein Veblen. Professor Veblen, as shown in this picture, authored ''The Theory of the Leisure Class.'' ''The Theory of the Leisure Class'' took a satiric approach to American society and economics. ''The Theory of the Leisure Class'' characterizes this ''leisure class'' as individuals who only benefited society in a minor or peripheral way because they did not engage in labor-intensive jobs. Instead, the ''leisure class'' often prevailed over ''labor income'' classes by making profits without producing goods and services.

Professor Veblen also argued that certain labor income individuals began to mimic or emulate the ''leisure class'' to do nothing more than achieve a so-called higher status.

So is the distinguished DCCC chairman, or his Presidential candidate, suggesting that all people who invest money are part of a leisure class, a leisure class that is making money rather than producing goods and services? And as a result, somehow, they should not get any breaks over those who are laboring for their money?

Do they want to discourage those who labor and produce goods and services from saving and investing? Do they want to discourage laborers from mimicking or emulating those profiting off of investments? They seem to think that all folks who invest are higher income people.

As an aside, if the DCCC chairman were correct, we would not have at least 5 million Americans using the low-income saver's credit, adopted in a bipartisan way here in this Congress. I have a chart in the Chamber. It shows the number of low-income taxpayers on a State-by-State basis claiming the saver's credit.

This is data from 2003.

In Iowa, for instance, there were almost 96,000 low-income families and individuals using the saver's credit.

Chairman BAUCUS and I designed this policy in the 2001 bipartisan tax relief legislation. Now it is permanent law. About 5.5 million low-income savers—and these are not people of leisure—use the credit. I would tell the DCCC chairman and the junior Senator from Illinois that these low-income savers are not figments of somebody's imagination. They are real people. I do not think they consider themselves members of the ''leisure class.''

I encourage everyone to study this transcript. You will see that the distinguished Senator from Illinois, according to his surrogates, wants to tax investments because he believes that making investment income is leisure. He believes that hard-working Americans should not get a break on this type of income. He believes that taxpayers do not work hard enough to earn money they can invest and then, in turn, have investment income, and that those who do work hard should not be given an incentive to invest.

I wish my friends on the other side to know that investments begin with taxpayers' hard-earned income. So in order to invest it, they first have to work hard to even earn it.

Also, I would like my friends on the other side, who agree with the DCCC chairman, to ask any taxpayer who saves, any taxpayer who invests their money, whether they think investment is easy. Investment is hard work. You have to educate yourself. You have to make prudent decisions. Ask them if investing their own money is leisure. The other side thinks it is kind of like sitting out there on the beach in the Sun all the time, not having a worry in the world.

It is almost like the other side is reviving the ''two Americas'' that the former Democratic Presidential candidate—former Senator John Edwards—was all about. But here, my friends on the other side are saying that higher income people—or folks in the ''leisure class,'' according to Professor Veblen—are the only taxpayers who invest. They contend that these folks are bad, that this ''leisure class'' should no longer have incentives to invest.

At the same time, my friends are taking away incentives for hard-working Americans to save and invest. The implication is if you save and invest, you are bad, and if you do not save and invest, you are good.

But that is going too far. It is off the reservation. Separating workers who save and invest from workers who do not save and invest is new territory for the other party and should not go unchecked.

The junior Senator from Illinois eloquently states that we need to move past division and that we as Americans need to come together. Who is going to disagree with that? My friend talks about his disdain for old-style politics and emphasizes change. But it is interesting to hear the surrogates of Senator OBAMA reaching back to the class warfare discussions that took place in the last century.

This is not change you can believe in.

Middle- and low-income investors should be appalled—appalled because their Government believes their pursuit of the American dream is all leisure and that the Government wants to increase their taxes, yes, on Americans who make less than $250,000.

So following the question of Mr. Blitzer, I wish to ask my friends on the other side of the aisle—or whoever wants to speak for them—whether Americans making less than $250,000 will see a tax increase under a new Democratic administration. Because if you take their words for what they are now, you are going to see a lot of big tax increases for people making less than $250,000 a year.

I wish to know whether they agree with Senator OBAMA and the Democratic leadership and believe that investment income is leisure.

My Democratic friends may respond that the junior Senator from Illinois wants to give middle-income folks a tax cut. But this middle-class tax cut is fiction for those middle-income taxpayers who save and who have investment. I challenge my media friends to tell Americans what is going on here.

Mr. President, I ask unanimous consent that the excerpt from the transcript of ''CNN Late Edition'' of June 15, 2008, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT FROM TRANSCRIPT OF CNN LATE EDITION—JUNE 15, 2008

BLITZER: Welcome back to LATE EDITION. I'm Wolf Blitzer in Washington. The Democrats are hoping not only to win the White House this fall, but also to increase their majorities in the Senate and the House of Representatives. We're joined now by the man in charge of that effort in the House, the Democratic Congressional Campaign Committee Chairman Chris Van Hollen. He

is a Democratic congressman from Maryland. Congressman, thanks very much for coming in.

VAN HOLLEN: It's good to be with you.

BLITZER: You happen to be my congressman as well since I live in your district. But that's not going to make this any easier for you.

VAN HOLLEN: Come on, Wolf.

BLITZER: No favorites. All right. Let's talk a little bit about what we just heard from John Boehner. Why not start drilling? There are enormous amounts of oil right here in the United States on the coast, on the East Coast, the West Coast and Alaska. That could dramatically increase supply and as a result reduce the price per barrel and the price at the pump. What is wrong with that?

VAN HOLLEN: Well, we are drilling. There is nothing wrong with drilling. We have lots of oil companies in the United States that are drilling.

BLITZER: Nancy Pelosi votes against everyone of these drilling propositions.

VAN HOLLEN: And in fact, there are 60 million acres of federal land that are currently leased to the oil and gas companies that are sitting idle. They're not drilling. They like the status quo. They like the way things are going. We're going to have legislation that is going to be considered shortly that is use it or lose it. If you are going to hold up these 68 million of federal lands, you've got to start drilling for oil or else somebody else should have an opportunity to do it.

VAN HOLLEN: Because the fact of the matter is they've been idle for all these many years. So the point is there's lots of acreage out there already under lease . . .

(CROSSTALK)

BLITZER: Here is Congressman Roy Blunt, the number two Republican in the House, speaking out on this issue this week.

(BEGIN VIDEO CLIP)

REP. ROY BLUNT, R–MO: Who's to blame are policies that wouldn't allow us to use our own resources. Every other country in the world looks at their natural resources and sees them as an economic asset. Democrats in Washington look at our natural resources and see them as an environmental hazard. That's a mistake.

(END VIDEO CLIP)

BLITZER: All right. What do you say?

VAN HOLLEN: Facts are stubborn things. Sixty-eight million acres of federal lands, currently leased to the oil and gas industry, sitting idle. We're going to say to them, ''Use it or lose it. Get pumping.''

The issue isn't whether or not we should use our natural resources. The issue is exactly where. And what you're saying is, when you've got 68 million acres of federal lands already leased, you should use that before you start looking elsewhere.

BLITZER: They say they can drill in Alaska in an environmental safe way. You just heard Congressman Boehner say that.

VAN HOLLEN: As John McCain said, there are already areas where they can drill. We shouldn't be drilling there.

And let me point out that the Department of Energy, our own department of Energy, has said, if you drill in Alaska, first of all, you won't see any results at the pump for 10 years. And after 20 years, you might see a reduction of two cents per gallon.

This is not a way to solve our energy problem. The problem is the oil—the Republican Party has been very tight with the oil and gas industry for many years. And all they're proposing is more of the same, more subsidies for the oil and gas industry. I think it's important to point out that, since George Bush was elected president, the oil and gas industry has contributed over $94 million to the Republican Party and its candidates. So I'm not surprised . . .

BLITZER: How much have they contributed to the Republicans?

VAN HOLLEN: A whole lot less. I mean, we're talking about, maybe, 80 percent to Republicans, 20 percent to Democratic candidates, generally.

The DCCC—we don't take money from oil and gas PACs. And I think what you see, in the results, is the policy.

They're calling for more of the same. We should not be giving more subsidies to the oil and gas industry. Our proposal is to say, let's take those funds and invest them in renewable energy and energy efficiency.

BLITZER: The DCCC is the Democratic Congressional Campaign Committee, which you're in charge of. You're the chairman and your job is to get more Democrats elected to the House of Representatives.

You say that you don't accept money from the oil and gas PACs. But you do accept money from lobbyists and other PACs, even though Barack Obama doesn't accept that money for his campaign. And he's now told the DNC not to accept that kind of money.

VAN HOLLEN: Well, we did something very new this time around. In fact, I led the effort in the House; Barack Obama led the effort in the Senate, to require transparency, for the first time, of bundling by lobbyists.

That means that, when registered lobbyists are raising money, not just their own contribution but they're going out and raising it from other people, that we're now going to disclose that.

So what we believe is you should have total transparency. People can make up their mind. But when we tried to do that under the Republican-controlled Congress, when we tried to get that transparency, they said no. So we've seen a dramatic change already.

BLITZER: But just to clear, unlike the DNC or the Obama campaign, you'll still take that PAC money, that lobbying money?

VAN HOLLEN: The DCCC is a multicandidate committee, unlike the presidential campaign committee where one person gets to make a decision.

BLITZER: Listen to John McCain rail against Senator Obama on the issue of taxes. Because he says that, if Obama is elected president, taxes won't only go up for the wealthy, but they'll go up for the middle class as well. Listen to this.

(BEGIN VIDEO CLIP) MCCAIN: When Senator Obama talks about raising income tax rates on those making over $250,000, that includes these businesses as well. He also proposes increases in dividends and capital gains taxes. Under Senator Obama's tax plan, Americans of every background would see their taxes rise.

(END VIDEO CLIP)

BLITZER: That's going to scare a lot of voters out there.

VAN HOLLEN: But it's flat-out untrue. And people need to go and look at what Barack Obama is proposing. What he has proposed is a middle-class tax cut. People in the middle income category will get a tax cut. If you're over $250,000 a year, you may see your Bush tax breaks rolled back some.

So this is an issue where people have got to look at the facts. Because the Democrats have been pushing for AMT reform. We want to get rid of the alternative minimum tax. We want middle-class tax relief.

The Republicans, on the other hand, have focused on providing tax breaks to people at the very, very top.

(CROSSTALK)

BLITZER: A lot of middle-class families have investments where they get capital gains, where they get, you know, dividends. And he says, under Obama's proposals, they would be paying more tax.

VAN HOLLEN: Well, what Obama has said is that you shouldn't give a break to leisure over labor.

In other words, people who are making money simply by investing it, rather than through their work in the labor force, shouldn't be getting a break over the people who are going to work every day. That's essentially his position. And I think that makes sense to most people, that if you're working every day, you shouldn't carry a larger burden than other . . .

(CROSSTALK)

BLITZER: So you have no problem seeing the capital gains tax rate go up?

Because Obama has clearly suggested, if he had his way, it would go up.

VAN HOLLEN: Well, we're going to be looking at Senator Obama's proposal. We haven't adopted any particular position on that issue, in the House, as Democrats. But I just want to be clear that that's what he said.

I think what you're seeing here, Wolf, is a feeling in the country—we saw it in these polls—that the Republican leadership in Washington is in a bubble. They're very much out of touch with the economic pain Americans are feeling.

John McCain said, not long ago, that we have seen great progress under the Bush administration. And if you like George Bush's economic policies, you're going to love John McCain's economic policies.

What we've seen is unemployment has gone up. In fact, last month, we saw the largest Increase . . .

(CROSSTALK)

VAN HOLLEN: But we proposed unemployment insurance compensation. John Boehner and the Republicans opposed that. When people are struggling with their mortgages, they were there to bail out Bear Stearns, but the fact of the matter is they voted against a housing stabilization plan.

So I think people see this disconnect between the Democrats, who are trying to connect with middle-class families, and Republicans, who are always looking out for the very folks at the top and the oil and gas industry.

BLITZER: Congressman Van Hollen, thanks for coming in.

VAN HOLLEN: Thanks for having me.

BLITZER: Happy Fathers Day.

VAN HOLLEN: Thank you.

BLITZER: I appreciate it very much.

Mr. GRASSLEY. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

## CFTC

Ms. CANTWELL. Mr. President, I rise for a few minutes this evening to talk about a couple events from today. First of all, the price of oil today hit over $140 a barrel—another, I think, tragic milestone as it relates to the impact on our economy and the challenges we face as oil prices continue to go higher and higher and higher.

I also note for my colleagues that the House took very aggressive action today in basically ordering the Commodity Futures Trading Commission, on an overwhelming 402–19 vote, to take action to utilize its authority, including its emergency powers, which is critical for the CFTC to do if it wants to have proper oversight of these oil futures markets.

Now, I know this is something we have been pushing here in the Senate, saying there are loopholes we still need to close. Many of my colleagues joined in a letter last month—22 of us—to the CFTC telling them to use their authority and to act aggressively. They came back with a half step saying they were going to start collecting new information from the British regulators that oversee some of our oil markets in the U.S.

We told the CFTC that was not good enough. We told them to use their existing authority to start collecting information directly from the IntercontinentalExchange Futures Europe, a dark market that is subject to British oversight but operates in the United States under a CFTC staff no-action policy.

I think those pleas by us have basically gone ignored or at least half steps have been taken by the CFTC. So I was very pleased today that H.R. 6377 passed the House of Representatives 402 to 19. So there has been an outstanding margin of bipartisan support in the House of Representatives to pass a bill that requires the CFTC to use its existing authority, including emergency authority. This bill does not say the CFTC ''may'' utilize its authorities; it says they ''shall.'' So it is very direct. It says those broad emergency authorities that include investigating excessive speculation, reducing position limits—basically overall stricter position limits—and including limiting or suspending trading. These are things the CFTC has the power to do in its emergency authorities to make sure excessive speculation and manipulation are not occurring in the markets.

So I want to say I think this is a very bold step the House of Representatives has done. They did this very quickly today, and in a very aggressive, bipartisan fashion.

I hope the Senate would take the same aggressive measure as soon as possible, and in the same overwhelming majority, to show we are serious about reining in excessive speculation and potential manipulation in the oil markets.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

## MEDICARE IMPROVEMENTS

Mr. BAUCUS. Mr. President, on Tuesday, the House passed the Medicare Improvements for Patients and Providers Act, and I urge the Senate to take up and pass this bill tonight.

The House passed the bill with an overwhelming vote, 355 to 59. That is a 6-to-1 ratio. Even among Republican Members of the House, more than twice as many Republicans voted for the bill as against it.

The Senate should take up and pass this Medicare bill not just because the House passed it with 355 votes, but, rather, because it is the right thing to do. The Senate should pass this Medicare bill because time is running out. I understand the House is going to adjourn today. I think they have cast their last vote. If we don't act soon, the law cuts payments to doctors by 10 percent on July 1. We have to stop that cut. That cut threatens access to care for America's seniors. Already, some providers are declining Medicare patients. That trend will accelerate—believe me, I have talked to a lot of doctors—that trend will accelerate if we don't act. We must pass this bill tonight. The Senate should pass this Medicare bill because it is the only way to avoid the cut. There is no other option. There is no alternative. There is no short-term solution. This is the only train in the station. This is it.

The House-passed bill is very similar to S. 3101. That is the Baucus-Snowe bill the Senate considered 2 weeks ago, but the House made three noteworthy changes to that bill.

First, the House-passed bill includes legislation to delay the Competitive Acquisition Program for durable medical equipment. Congressmen PETE STARK and DAVID CAMP introduced legislation to do that in the House, and Senator GRASSLEY and I, along with 24 other Senators, introduced that legislation here in the Senate.

I support competitive bidding as a way to decrease costs, but Congress needs to ensure that these savings are not achieved at the expense of beneficiary access to the care they need in their own communities. We need to take a closer look at competitive bidding before it moves forward. The passage of this Medicare bill will allow that.

The House-passed bill also does not include cuts in funding for oxygen supplies and equipment, and it does not include cuts in funding for power wheelchairs. Those who support these reforms make a good case, but ultimately the cuts could not be included as part of this must-pass legislation.

This bill is a balanced package. It is a true compromise. It does not go nearly as far as many House Democrats wanted it to go, and it goes about as far as some of my Republican colleagues in the Senate can go.

When the House passed its children's health bill last year, the House made major changes to the Medicare Advantage Program. Last year's House CHIP bill would have significantly restricted the program, but this House Medicare bill does not do that.

This bill includes a reduction in the double payment for medical education costs to private plans in Medicare, and this bill would protect seniors from unscrupulous marketing practices by private health plans. That has to be corrected and it is in this bill. Both of those changes were also included in a bill crafted by Senate Republicans. I think they are wise, and they are wise to follow up with a similar vote later on tonight.

This bill would do more. It would also require the so-called private fee-for-service plans to form provider networks. All other plans must, all other Medicare Advantage plans must, and so should private fee-for-service plans. It would also make sure there are doctors behind those plans. It is not the case in current law, but that change is made in this bill. This bill does not—I must say—does not include deep cuts to Medicare Advantage payments. It also does not cut private fee-for-service plan payments at all. It just has this provision which I think is a major reform.

I would go further on Medicare Advantage, but I must say to my colleagues that this is not the time and this is not the legislation to do that. This is the time to avert the pending cut in payments to doctors. That payment cut would devastate access to care for America's seniors. We cannot let that happen. We cannot let those cuts go through, which would devastate care for America's seniors.

So what else will this bill do? For Medicare beneficiaries, this Medicare bill would expand access for preventive services. We have all talked about that, and this bill does it. It would eliminate the discriminatory copayment requirements for seniors with mental illnesses. We have talked about that. We should not have discriminatory copayment requirements for seniors with mental illness. And it provides additional needed care for low-income seniors.

The Medicare bill would take important steps to shore up our health care system in rural areas. It includes provisions from the Craig Thomas Rural Hospital and Provider Equity Act. We included that in this bill.

The bill includes important relief for ambulance providers, community health centers, and primary care physicians. They need some additional help. Primary care doctors represent the backbone of our health care system. This legislation, the House-passed bill and the Senate bill, does make those provisions.

This Medicare bill would make important improvements in pharmacy payments. It would make payments under the Part D drug benefit fairer and more timely, especially to those who dispense drugs to our Nation's senior citizens.

This bill would save valuable Medicare dollars by providing a single bundled payment for all the services related to treating end-stage renal disease. That is a reform. And for the first time, dialysis facilities would receive a permanent, market-based update to their payments each year, something they have been asking for and deserve. This would make sure Medicare payments keep up with their costs.

I wrote the legislation on which this Medicare bill was based to make sure the seniors in my home State of Montana and everywhere in our country can get quality, affordable health care. This Medicare bill would do right by low-income and rural seniors.

This bill would expand emergency health care for veterans in rural areas. We all talk about helping our veterans who are coming home. This helps do that, particularly in rural areas where the networks are not there. It needed special attention. It is there in the urban areas on the margin but even less in rural areas. It would increase payments for doctors who work in rural areas. It would stop payment cuts to providers, and it would give them a decent increase in reimbursement. All of this would ensure that seniors will be able to keep seeing the doctors they need to see.

I have worked for months to write a strong Medicare bill that could pass both Chambers with wide support. Tuesday's overwhelming House vote makes clear that this bill can be that bipartisan vehicle. In a sense, it is being taken up just in time, just before July 1. The House will not take up another vehicle. This is it. The House has gone home for its Fourth of July recess. There is not time left to craft a viable alternative. Even if there were, the House cannot pass it in time. The clock is ticking. This Medicare bill can be a slam dunk at the buzzer for 44 million American seniors who depend on Medicare. Let's do what is right. Let's ensure that seniors have access to doctors. Let's avert the impending payment cut to doctors, and let's pass this bipartisan Medicare bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I have been talking to the physicians in my State who take Medicare patients, and frankly, this is a terrible way for Congress to do business. We see a 6-month patch on the physician reimbursement formula that will expire July 1, and unfortunately we are looking at what amounts to a partisan proposal here that we are basically being told to take or leave.

As all of our colleagues know, the ranking member on the Finance Committee, Senator GRASSLEY, got together with Senator BAUCUS after cloture was denied previously and pretty well had things worked out in a bipartisan way until the House passed their version, and then, of course, those negotiations broke down, leading us to this cloture vote we are going to have here in just a few minutes. But I have to say that in 1996 when Congress passed the Balanced Budget Act and contemplated these Draconian cuts in the physician reimbursement payments, Congress should have known and should have told the truth that it never intended that any of those cuts would ever take place—and for good reason they should never take place, because even under the current Medicare reimbursement rates, doctors—for example, in Travis County where Austin, TX, is located, only about 18 percent of the physicians in that county will actually take new Medicare patients because the reimbursement rates are already so low.

Then we have this unbelievably bad way of doing business. I don't know anybody else who could get away with—other than the Congress—passing temporary patches on the reimbursements that are paid to physicians. They last for a year, they last for 6 months, such as this last one that leads us up to the edge of a cliff here on July 1, and then we are told by the distinguished chairman of the Finance Committee that we have to take it or leave it or the cuts will occur. Well, frankly, no one believes the cuts will actually occur because Congress will act.

I suggest that rather than this terrible way of doing business that nobody else could ever get by with and rather than frightening the Medicare beneficiaries who need access to the doctors who are paid using this Medicare reimbursement formula, we ought to scrap the entire method of reimbursing doctors for Medicare and start over again, recognizing that we are not going to allow these Draconian cuts to occur, this 10-percent-plus cut that goes into effect July 1 and the 20-percent-plus cut that will occur 18 months from now. I think we ought to acknowledge that we are not going to let those cuts go into effect and scrap the sustainable growth rate formula by which those Medicare reimbursements are calculated because it is just not honest. It is not honest. It is scaring not only the Medicare beneficiaries, it is impairing access to health care for those to whom we promised the Medicare Program would actually work.

So I don't know what is going to happen on this vote on cloture. I suspect cloture may not be invoked. My hope is that there would be a bipartisan way to find our way forward. I believe it already exists in the form of a negotiation that Senator GRASSLEY and Senator BAUCUS have undertaken here in the Senate and that we shouldn't use this kind of brinkmanship to scare not only the Medicare beneficiaries—the seniors who depend on this health care—but also the physicians who are reimbursed under this formula.

## GASOLINE PRICES

Mr. CORNYN. I wish to talk just a minute about gasoline prices. I don't know of any subject I hear more about and more concern about from my constituents in Texas than high gasoline prices, whether it is parents driving their children to school or their after-school activities or truckers who have to buy diesel, which is breaking the bank and which they are finding it harder and harder to pay for, or whether it is the airlines—Continental Airlines and American Airlines and Southwest Airlines, all three of which are located in the State of Texas. The price of aviation fuel made from petroleum products is making it almost impossible for them to do business under their current model, and prices are going up. It is becoming harder and harder for consumers to deal with.

There is a way Congress could act to help bring down prices at the pump on a temporary basis, and it involves exploring for and producing more American energy. That is important from a number of perspectives.

First of all, it is important from a national security perspective because right now we depend on 60 percent of our energy needs, our oil and gas needs, from foreign sources. What would happen if something were to occur that were to blockade the tankers that would prevent that oil from being transported? Well, it would mean in Iraq and Afghanistan that the Department of Defense vehicles owned by the Army, Marines, and others wouldn't have the petroleum products they need in order to function. It would exact a crippling blow against our economy. So why in the world would we continue to allow 60 percent of our dependency for oil to come from foreign sources when we have here in America enough oil under our own Outer Continental Shelf, in the oil shale in the West, and in the Arctic that could produce as much as 3 million additional barrels of oil a day? That is more than 10 percent of our current use here in the United States. As a matter of fact, it is a substantial amount—more than 10 percent, closer to 12 percent of what we use right here in the United States.

We know the money we are paying—$135 a barrel—is enriching people such as Hugo Chavez of Venezuela, and he is using that money to buy weapons from Russia and to arm himself as he continues to take in and protect the FARC, a narcoterrorist organization, to the detriment of our friends in Colombia and stability in South America.

But it is absolutely crazy for this Congress to have in place, as it does—and it has since 1981 or 1982—a moratorium or ban on developing more of our own natural resources and becoming more self-reliant rather than more dependent on foreign sources of oil. It is up to Congress to get out of the way and to allow America to become more energy self-sufficient. We can do it, and only Congress can get that done. It is completely inexcusable when gasoline is at $4 a gallon on average to do that, to be the impediment, to be the blockade, to be the cause of so much pain at the pump and so much sacrifice and hardship among hard-working American families.

We understand it is more than just a matter of producing oil, but that is a first and necessary step because we know when it comes to transportation fuel, we depend upon petroleum products right now to get that job done.

But we also know we need to be more fuel efficient and we need to conserve. Indeed, that is one area where Congress has acted by passing corporate fuel efficiency standards for our cars. But we know that is a long-term effort because the average age of a car in America—of the 250 million cars in America—is about 9 years. So let's assume that, in 2010, everybody started buying a new

car. It would take a long time, an average of 9 years, before that entire fleet of cars would be replaced with these new more fuel-efficient cars. So that is a long-term solution but a necessary and important one for us to take.

We also need to make sure we use good old-fashioned American ingenuity and technology to help us as we transition from this petroleum dependence we have now. It is not going to happen overnight. But for our friends who say that if we started pumping oil out of ANWR or the Outer Continental Shelf or from the oil shale in the West today, it would be years before that oil would get online. Unfortunately, that is where we put ourselves, as a result of the irrational moratoria on the development of American natural resources. It is going to take some time to transition into greater energy independence.

But for those of us who are concerned about the environment, we know we are going to have to continue to look for cleaner ways to drive and to fly and in terms of our energy needs. That is why it is so important that we use good old-fashioned American ingenuity and technology to help us find a way—development of things such as plug-in hybrid cars that can be plugged in and would charge a battery that could drive 40 miles or so before it would need to be recharged. That would help a lot of people who would only need such a vehicle, with a plug-in, to avoid petroleum products altogether. Then we would need to worry about the electricity, which is another story altogether.

There are some who have said that abusive speculation in the commodities futures markets is the cause of the problem. That is something we need to look at very closely. As a matter of fact, today, a number of us—43 Senators—have introduced legislation that we believe will create greater transparency and will finance more ''cops on the beat,'' so to speak, when it comes to the commodity futures market, to make sure that doesn't contribute to the reason for prices going through the roof.

So we need to produce more energy right here at home so we don't have to depend so much on those who wish us harm or those who would use the money from oil to buy weapons to kill us or our troops in Iraq or Afghanistan or elsewhere—or in the case of Iran, which we know is supplying troops and training to special forces in Iraq and Afghanistan and has threatened and, in some cases, is responsible for killing troops. We find ourselves dependent, in part, on countries such as Iran for the very oil we use to refine into gasoline to drive our cars. Does that make sense to anybody? It doesn't make any sense to me.

I think what we need to do is produce more and use less oil as we transition into a cleaner, more independent energy economy. It would be better for our national security, better for our economy, and it will actually help us control prices so hard-working American families will not be spending all the money they may have, which they would like to spend on other things, or which they need to spend on other things but cannot because of the increases in the high price of gasoline and oil, and they have to spend on those.

In conclusion—and I see the Senator from Utah, my friend, Mr. HATCH, who wishes to speak—if we will not do this when gasoline is $4 a gallon, will we do this when gasoline is $5 a gallon? If we will not do it when oil is $135 a barrel, will we do it when oil is $150 a barrel, or even higher?

The solution is not to sue OPEC to get them to open the spigot even wider to increase our dependency on foreign oil. The solution is not to raise taxes, which we know will reduce American production, while allowing foreign oil sources, such as Saudi Arabia, Venezuela, and Iran, to continue to operate without those taxes. The solution is not to increase taxes and costs on the consumer, who is already paying too much. We have it within our power to do something that will actually help the American people when it comes to the thing that most of them care a lot about today and that is the high price of gasoline.

Congress is the problem. It is high time our friends on the other side of the aisle, who control the agenda because they are in the majority, work with us to bring realistic solutions to this problem. We can do it but not if people play partisan games and refuse to cooperate on something that causes a lot of hardship to the average American family.

The PRESIDING OFFICER. The Senator from Utah is recognized.

## TAX EXTENDERS

Mr. HATCH. Mr. President, I rise to discuss a very important issue. First, I compliment the Senator from Texas. I agree with virtually everything he said. There are so many things we need to do around here, and we are not doing them.

I will discuss an issue that each day becomes more troubling to me and also to many businesses and individuals in my home State of Utah—and I am sure yours as well—the fact that this Congress has not yet acted to extend the tax provisions that expired at the end of last year and those that are set to expire at the end of 2008. This failure to act is rapidly reaching a state of crisis in some industries, and our continuing inability to take care of this basic problem only reinforces the public's low opinion of this institution.

I believe that every member of this Senate recognizes the importance of the expired and expiring tax provisions. While there may be some items on the growing list of extenders that do not enjoy universal support, there are clearly plenty of votes to easily provide a majority or even a super-majority to pass them all, if it were not for the divisive question of offsetting the revenue loss.

The list includes some important items for individuals and businesses in every State. For families, there is the election to deduct State and local sales taxes, the deduction for higher education expenses, and the deduction for the out-of-pocket expenses of school teachers.

For businesses, expired or expiring provisions include those allowing faster depreciation write-offs for retail stores, restaurants, and other investment properties, a variety of important incentives that address our energy crisis, and the vital research credit, which I have championed here for many years.

The expiration of the energy provisions and the research credit are particularly troubling, for they signal the loss of economic growth and jobs at the worst possible time. As with many of my colleagues and their constituents, I have Utahns telling me that important research and energy-related projects are going to be cancelled if these provisions are not quickly extended.

Well, here we have a group of tax provisions that enjoys wide bipartisan support, and an economy that really needs to have access to these provisions at a time of slowdown and job loss. Many of my constituents do not get it. They are asking, why can't Congress just get it done? What is the problem?

The problem is, as we all recognize, that my colleagues on the other side insist on attaching to the bill tax-raising measures in order to offset the revenue loss of the expiring provisions. And most Senators on my side of the aisle believe that tax increases are unnecessary and, in fact, ill-advised and harmful to our economy, both today and in the future. Unfortunately, we appear to have reached an impasse on this point.

Contrary to what some proponents of offsets are saying about Republican motives in this matter, our stance is not about trying to protect a few wealthy hedge fund managers who are parking billions of dollars offshore in deferred compensation. Rather, we believe that this debate is about America's future prosperity.

Democrats are saying that in order to be fiscally responsible, taxes need to go up to pay for the loss in revenue from keeping these tax provisions in place. Their so-called ''pay-as-you-go'' or ''pay-go,'' rules call for all revenue losses to be matched with revenue increases, or spending decreases, from somewhere else. Forget spending decreases; it just means tax increases.

In theory, this sounds pretty good, and quite responsible. I am a strong believer in being fiscally responsible, and I am as loathe to pass on our huge national debt to our children as anyone in the history of the Congress.

The problem is that to most Democrats, the word PAYGO is nothing

more than a synonym for more taxes. We seldom, if ever, see the idea of reducing spending brought up by the other side as a way of offsetting the loss of revenue from extending these important tax provisions.

In fact, there is a major flaw in the Democrats' pay-go requirement that you never hear them mention. Pay-go applies only to the revenue loss from extending the tax cuts, but not to the revenue loss from extending spending programs that expire. You might never know it from listening to the debate around here, but it is not just tax provisions that expire. Extending both tax benefits and spending programs costs Federal revenue. Why should not both be offset?

However, the budget rules assume that the expiring spending provisions are automatically renewed as a matter of course, with absolutely no requirement that the lost revenue be offset. This mismatch in budget policy produces a huge bias toward bigger Government and more taxes—something my colleagues on the other side just love.

Some may well ask, why shouldn't we pay for the lost revenue from extending the expired and expiring tax provisions?

My answer to Utahns who ask me this question comes in three parts:

First, it is wrong to raise taxes on one group of taxpayers in order to prevent another group of taxpayers from suffering an increase in taxes. Democrats and Republicans alike have resoundingly agreed with this principle in connection with the alternative minimum tax. Both parties in both Houses last year overwhelmingly passed the so-called ''AMT patch'' without offsets, and it is widely expected that we will do the same thing again this year.

Second, it is wrong to offset temporary extensions of current law with permanent tax increases. The fact that this has been done year after year does not make this practice a sound one. In fact, using permanent tax increases to offset temporary extensions simply means that, in the long run, the extenders have been paid for again and again.

Finally, why should we increase taxes when we are already collecting more taxes as a percentage of gross domestic product than the historical average? Despite the large tax cuts passed by Congress and signed by the President in the early part of this decade, the amount of tax collected as compared to the size of the economy just keeps increasing; yet, the majority insists on expanding the Government's pocketbook even further. At a time when gas prices have increased by 10 cents over the past two weeks to a national average of $4.07 and home foreclosures are on the rise, I believe we need to put money back in the taxpayer's pockets, not take more out.

According to the other side, the pay-go rules require us to provide tax increases in order to keep the deficit from increasing. Time and again, however, the Democrats themselves admit that the pay-go rules are not practical. We all know that.

For example, it was not deemed necessary to offset the revenue loss of the economic stimulus package we passed early this year. We did not offset the package of tax benefits for military personnel that was recently enacted. And there has been a long internal debate on the other side about whether unemployment benefits need to be offset. It appears to me that the Democratic pay-go requirement is more a slogan of convenience than a bedrock principle.

Many in the business community are frustrated by our lack of action in extending the expired tax provisions. I understand and share this frustration with them. I have fought for years to improve, extend, and expand many of these provisions, such as the research credit.

However, I believe those in the business community who are encouraging us to simply go along with the flawed bill the House of Representatives has sent us are being very shortsighted. Many in the business lobbies have looked at the offsets in that bill and have said that since they do not affect them very much, that we should go ahead and approve them.

If we go along with these offsets to extend the expired provisions until the end of this year, what are we going to use to pay for next year's extension? Sure, the business community might be fine with these offsets now, but how long until we get to the offsets that really hit them hard? All of us, including the business community, need to take a longer view of this and examine the principles involved.

We cannot drive our economy into the ground in the name of false fiscal responsibility. Tax increases are not the prescription to what ails our economy, particularly during this downturn and especially when revenue is already higher than the historical average. Yes, we should pass the extenders, but let us not sacrifice jobs on the altar of a flawed pay-go requirement in the process.

The cost of living for Americans is becoming unbearable. In my home State of Utah, the average price of gas is $4.07, construction of new homes has ceased, and unemployment is on the rise. We should be spending less and lowering taxes, not holding back tax incentives that are vital to economic growth and job creation while raising taxes.

If my colleagues on the other side want to be fiscally responsible, then I am all for it. Let us work together to identify enough spending cuts to offset the cost of extenders. But if we cannot do that, let us not hold these important tax provisions hostage to a false sense of fiscal responsibility.

I notice the distinguished majority whip is here, so I will try to finish as quickly as I can.

MEDICARE IMPROVEMENTS

Mr. HATCH. I wish to say a few words about why I oppose the cloture motion on the motion to proceed on H.R. 6331, the Medicare Improvements for Patients and Providers Act. As I said last week when we were considering the cloture motion on the Baucus Medicare bill, my goal is to have bipartisan legislation signed into law by the President on July 1. Let me be clear, I wish to continue to work with my colleagues on the other side of the aisle in order to get this done. We were so close to an agreement in the Senate earlier in the week, but after the House voted on Tuesday, those discussions basically stopped, although we can put this together in 10 minutes if we work in a bipartisan way.

To be honest, the House Medicare bill, H.R. 6331, contains many provisions that both sides strongly support. These provisions include restoring Medicare reimbursement rates for physicians so their Medicare payments are not reduced by 10.6 percent on July 1.

Let me be clear, no one wants to cut Medicare reimbursements for doctors. We want Medicare beneficiaries to continue to have access to high-quality health care and the ability to see their own doctors.

There is not just one Medicare bill. The Baucus Medicare bill; the Grassley Medicare bill, which I cosponsored; and H.R. 6331 all include provisions to restore physician payments. All three bills include provisions on e-prescribing. Mandatory e-prescribing will significantly reduce medical errors, thus protecting beneficiaries.

Another issue that has overwhelming support is the delay of the competitive bidding program. I was a member of the House-Senate conference committee on the Medicare Modernization Act of 2003. Even back then, Senator GRASSLEY and I expressed grave concerns about the inclusion of the Medicare competitive bidding program. I worried about the impact it would have on small durable medical equipment companies, particularly those in rural areas. I am still concerned because there are many unanswered questions about the bidding process and how the winning bids were selected. If we do not come to an agreement by July 1, this program will go into effect.

A related issue that is included in all three Medicare bills is the elimination of the clinical lab competitive bidding program. There was broad support to repeal the clinical lab competitive bidding program as well.

There are rural provisions included in all three bills that are very important to my home State of Utah, which has many rural areas.

These provisions improve payments for sole community hospitals, critical access hospitals, and increase ambulance reimbursement rates in both rural and urban areas.

All three bills include a policy to create a bundle payment system for end-stage renal disease, or ESRD, services

provided to kidney dialysis patients. They also provide positive composite rate updates for 2 years until the bundled payment system is created.

All three bills include Medicare reimbursement for six kidney disease education sessions.

All versions of the Medicare legislation also include an expansion of telehealth services to skilled nursing facilities, hospital-based renal dialysis, and mental health centers.

So as one can see, we agree on most all the issues. Unfortunately, there is one issue where we do not agree, and it is standing in the way of getting this legislation signed into law.

H.R. 6331, the House Medicare bill, and the Baucus Medicare bill, include provisions that would reform the Medicare Advantage Program in a way that is unacceptable to both the White House and many of us who support the Medicare Advantage Program and I believe 90 percent of the people who do support that program.

In 2003, I sat through hours of negotiations with administration officials, House Members, and Senate colleagues for days, weeks, and months, including Finance Committee Chairman BAUCUS, to create the Medicare Advantage Program to the Medicare Modernization Act of 2003. Let me remind my colleagues, before 2003, the Medicare Advantage Program, then known as Medicare+Choice, was not working very well, especially in rural parts of our country because the Medicare payments were too low. The Medicare+Choice plans serving Utah simply left because they were in the red. They were not making money and, as a result, Utah Medicare beneficiaries could only be covered by traditional Medicare.

Through the MMA, we finally figured out how to provide choice to Medicare beneficiaries in both rural and urban areas. Medicare beneficiaries in Utah now have a choice in Medicare coverage they did not have before the MMA was implemented.

The biggest difference between the bill before us today and the Grassley Medicare bill is the House Medicare bill, if signed into law, will no longer allow private fee-for-service plans to deem. You are probably asking: What on Earth is deeming? It is quite simple.

Deeming allows beneficiaries who have opted for private fee-for-service plans the ability to see any Medicare provider because these plans do not have to establish networks.

Private fee-for-service plans have provide coverage options to Medicare beneficiaries living in rural areas who previously did not have choice. In other words, the ability to deem has been especially important in rural areas, where it is difficult for network-based plans to persuade providers to contract with them and for employer groups that provide coverage for retirees living in areas across the country.

The elimination of deeming could be the elimination of health care coverage choices for beneficiaries living in rural areas.

It could also cause certain retirees to lose their health care coverage because employer health plans that provide coverage in all 50 States will cease to exist because they cannot establish networks.

My friends who support this bill will argue they are not cutting the Medicare Advantage Program by eliminating deeming. They also will try to say that the elimination of deeming will not have an impact on health care choices offered to beneficiaries living in rural areas.

I have already been told by one employer in Utah that this provision will force them to stop offering health care coverage to almost 12,000 retirees—12,000 retirees. I am worried it could hurt coverage for beneficiaries in rural areas as well. Quite honestly, we do not know the full impact of this specific policy.

Therefore, I simply cannot support a provision that eliminates deeming for private fee-for-service plans, and that is one of the reasons I am going to vote against cloture.

We must vote against cloture in order to ensure we can begin work on a bipartisan bill that will be signed by the President. We do not need to be wasting our time going back and forth on bills that do not have a chance of becoming law.

Trust me, this bill will not be signed into law because, while the take-it-or-leave-it attitude may work over in the House, it does not work in the Senate.

I urge my colleagues to vote against cloture so we may begin work on a bipartisan bill that will continue to protect choice of coverage for all beneficiaries—and I think that work would take all of 10 minutes—including those living in urban and rural areas and those who are covered through an employer retirement plan.

This motion must be defeated so we can prove to Medicare beneficiaries, Medicare providers, and our House colleagues that bipartisanship is alive and well in the Senate and that we are willing to keep working on this bill until we get it right.

The PRESIDING OFFICER (Mr. SANDERS). The majority leader.

## UNANIMOUS-CONSENT AGREEMENT—H.R. 6331 AND H.R. 2642

Mr. REID. Mr. President, I ask unanimous consent, notwithstanding rule XXII, and the pendency of a motion, that a motion to proceed to Calendar No. 836, H.R. 6331, the Medicare Improvements for Patients and Providers Act, be considered made by virtue of this agreement and there be 60 minutes of debate on the motion, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote on a motion to invoke cloture on the motion to proceed, with the mandatory quorum waived; that if cloture is invoked on the motion to proceed, then all postcloture time be yielded back, the motion to proceed be agreed to, and the Senate proceed to the consideration of the bill; that the bill be read a third time, passed, and the motion to reconsider be laid upon the table, without further intervening action or debate; that if cloture is not invoked, then the motion to proceed be withdrawn and the bill returned to the calendar; that upon the disposition of H.R. 6331, the Senate then consider the message from the House with respect to H.R. 2642, the Supplemental Appropriations Act; that by virtue of this consent being agreed to, the motion to concur in the House amendments to the Senate amendment to the House amendment to the Senate amendment to the bill be considered made; that Senator COBURN be recognized to raise a point of order and that there be 15 minutes of debate, with 5 minutes each for COBURN and the majority leader and the Republican leader, or their designees; that upon the use of that time, a motion to waive the Budget Act be considered made and the Senate then vote on the motion to waive; that if the waiver is successful, the Senate proceed to vote on the motion to concur; that upon disposition of the motion to concur, the motion to reconsider be laid upon the table, en bloc, with no further motions in order; provided further, that if the motion to waive fails, then this agreement be null and void.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. I, obviously, am not going to. I ask my good friend, the majority leader, if he thinks we need 60 minutes of debate. Is there some chance time will be yielded back?

Mr. REID. We would be happy to limit that—the supplemental appropriations bill we are talking about?

Mr. MCCONNELL. No.

Mr. REID. On Medicare. I say to my friend, I think Senator HATCH wants to finish his statement, Senator DURBIN is here. I think we should do the 60 minutes.

The PRESIDING OFFICER. The majority leader.

Mr. REID. There was no objection to the request; is that right?

The PRESIDING OFFICER. Without objection, it is so ordered.

## MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT—MOTION TO PROCEED

### CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having 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 proceed to H.R. 6331, the Medicare Improvements for Patients and Providers Act.

Harry Reid, Max Baucus, Debbie Stabenow, Jeff Bingaman, Patty Murray, John D. Rockefeller, IV, Thomas R. Carper, Mark L. Pryor, John F. Kerry, Dianne Feinstein, Richard Durbin, Daniel K. Inouye, Bill Nelson, Bernard Sanders, Jon Tester, Jim Webb, Frank R. Lautenberg.

## UNANIMOUS CONSENT AGREEMENT—H.R. 6304

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, July 8, at a time to be determined by the majority leader, following consultation with Senator MCCONNELL, all postcloture time be yielded back and the motion to proceed to Calendar No. 827, H.R. 6304, be agreed to, the motion to reconsider be laid upon the table, and the Senate then proceed to the consideration of the bill; that once the bill is reported, the only amendments in order be the following: Dodd-Feingold-Leahy amendment to strike immunity; a Specter amendment which is relevant; a Bingaman amendment re: staying court cases against telecom companies; that no other amendments be in order; that debate time on the Bingaman amendment be limited to 60 minutes, equally divided and controlled in the usual form, and 2 hours each with respect to the Dodd and Specter amendments, equally divided and controlled, with 10 minutes of the Dodd time under the control of Senator LEAHY; that upon the use or yielding back of all time, the Senate proceed to vote on the pending amendments; there be 2 minutes of debate equally divided and controlled in the usual form prior to each vote; that after the first vote in the sequence, succeeding votes be limited to 10 minutes each; that upon the disposition of all amendments, the bill, as amended, if amended, be read a third time and the Senate then proceed to vote on a motion to invoke cloture on the bill, with the mandatory quorum waived; that prior to the cloture vote, there be 60 minutes plus the time specified below for debate time, equally divided and controlled between the two leaders or their designees, with 10 minutes under the control of Senator LEAHY, with an additional 30 minutes under the control of Senator FEINGOLD, with an additional 15 minutes under the control of Senator DODD; further, that if cloture is invoked on H.R. 6304, then all postcloture time be yielded back, and without further intervening action or debate, the Senate proceed to vote on passage of the bill, as amended, if amended; further, that it be in order to file the cloture motion on the bill at any time prior to the cloture vote, with the mandatory quorum waived, notwithstanding rule XXII, if applicable, and that if applicable, postcloture time be charged during this agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

## FISA AMENDMENTS ACT OF 2008—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, 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 assistant 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 H.R. 6304, the FISA Amendments Act of 2008.

E. Benjamin Nelson, John D. Rockefeller, IV, Thomas R. Carper, Mark L. Pryor, Bill Nelson, Dianne Feinstein, Robert P. Casey, Jr., Barbara A. Mikulski, Claire McCaskill, Kent Conrad, Daniel K. Inouye, Mary L. Landrieu, Joseph I. Lieberman, Sheldon Whitehouse, Evan Bayh, Ken Salazar.

Mr. REID. 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## FORECLOSURE PREVENTION ACT OF 2008

Mr. REID. Mr. President, notwithstanding rule XXII, I ask that the Chair lay before the Senate a message from the House of Representatives with respect to H.R. 3221.

The PRESIDING OFFICER. The clerk will report the message with respect to H.R. 3221.

The legislative clerk read as follows:

A message from the House of Representatives to accompany H.R. 3221, to provide needed housing reform and for other purposes.

Mr. REID. Mr. President, I move that the Senate concur in the amendments of the House striking titles VI through XI to H.R. 3221, and I send a cloture motion to the desk.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the cloture 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 amendments of the House, striking title VI through XI, to the Senate amendment to H.R. 3221, the Foreclosure Prevention Act.

Harry Reid, Christopher J. Dodd, John D. Rockefeller, IV, Debbie Stabenow, Jeff Bingaman, Ken Salazar, Joseph R. Biden, Jr., Max Baucus, Patty Murray, Barbara A. Mikulski, Charles E. Schumer, Sheldon Whitehouse, Sherrod Brown, Bill Nelson, John F. Kerry, Robert P. Casey, Jr., Benjamin L. Cardin, Frank R. Lautenberg.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote occur at 5 p.m., Monday, July 7, with the hour prior to the cloture vote equally divided and controlled between the chair and ranking member of the Banking Committee, and that no other motions be in order.

The PRESIDING OFFICER. Is there objection?

The Chairs hears none, and it is so ordered.

Mr. REID. Mr. President, let me say this. I had one Senator come to me today and say: You know, why don't we spend more time here? We set out to accomplish certain things. We haven't been able to accomplish everything we wanted, but I say to everyone here, the procedures we just now went through would take, if we followed every step of the procedure of this body, well into late next week. So people should just be satisfied that we are going to be able to have whatever the action is on Medicare, whether it passes or doesn't. At least we are going to have final action on that now, we are going to be able to complete the supplemental, and we have a time set to complete FISA early next week, with people having all the opportunity they want to talk about how great it is and how horrible that bill is.

We also have a pathway so that Senators SHELBY and DODD can complete the housing bill. I think it is a good piece of work. Was it as smooth as I would like? No. As I said when I came here this morning, when I gave the example of going out with my dad as a boy and gathering wood, and we would get stuck in those washes and those back tires would spin and spin, that vehicle was going a thousand miles an hour but going nowhere; it was stuck in sand and nothing would happen, and we would work and put stuff under the tires and push it, and it took a long time but we always got it unstuck. Well, we would have gotten unstuck here; it is just a question of when, and the ''when'' is now.

So I say to the individual who asked me about this, is this something that is real pleasant to watch? Probably not. But for this country, the Senate has been doing this for 230-some-odd years, and that is how it works. We have heard a lot of times, as we watch the legislative process in action, that it is like watching the stuff they put into the hot dog: it is probably not too pleasant to watch, but it tastes pretty good when you chomp on it. That is what this legislation is all about.

I think we are going to have the ability to work on issues important to the

country. We know how important this supplemental is to lots of people in this country. We know how important the FISA legislation is. We know how important the housing bill is. And, of course, we know how important the Medicare bill is. Will they all wind up at a point where everyone in the Senate wants them? Probably not. But at least we have the opportunity to have finality on all of these.

So I extend my appreciation to the people on my side who have agreed to drop amendments and work toward a common goal. As Senator MCCONNELL and I have said here on the floor on a number of occasions, these are difficult times. The Senate is divided 51 to 49. Although we are in the majority, it is a slim majority. And our will has been tested this past year and a half. As we remember very clearly, one of our Senators got very ill before we were even able to swear in the Presiding Officer and others of the nine Democratic Senators and one Republican Senator. But we worked our way through that.

We have worked our way through a lot of difficult issues, and I say to my friend the Republican leader, I know, frankly, that I get upset at him sometimes, but I always try to do it in a way that I hope brings dignity to this body. He has a job to do, I have a job to do, and we will continue to do that. I am happy we have been able to get to the point where we are today.

Mr. MCCONNELL. Mr. President, let me add briefly that we are on a glidepath to completion here of a number of extremely important measures to our country, from the supplemental, which will fund the war in Iraq and Afghanistan, which also includes an important new veterans benefit program; to the Foreign Intelligence Surveillance Act, which has helped protect us against attacks since 9/11; to an important Medicare bill, which will be resolved in one way or another in the next few weeks; to an important housing bill. In each of these instances, we will end up getting a bipartisan result at some point in the very near future on very important issues for the American people. So I think today has been very successful in crafting a pathway—a glidepath, if you will—to completion. I share the majority leader's view that this was a day of considerable accomplishment on major issues for the American people.

I yield the floor.

Mr. REID. Mr. President, if the Republican leader has completed his statement, I would ask unanimous consent that the final 20 minutes—10 minutes for Senator MCCONNELL and 10 minutes for me—be reserved for us. If other people want to come and use that time, we will use leader time, but prior to the vote we would ask for the opportunity to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT OF 2008—MOTION TO PROCEED

The PRESIDING OFFICER. The motion to proceed to H.R. 6331 is considered to have been made under the previous order.

The clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 836 (H.R. 6331) an act to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes.

The PRESIDING OFFICER. There are now 60 minutes for debate on that motion.

The Senator from Illinois.

Mr. DURBIN. Mr. President, when we finally vote on the floor, it is on the Medicare Program. The Medicare Program is literally a life-and-death program for 40 million Americans. For 40 million Americans who are either over the age of 65 or disabled, this is their health insurance program.

It was created back in the 1960s. When it was created by President Lyndon Baines Johnson, its critics said: This is too big. This is too much government. This is socialized medicine, they said. And many voted against it, saying it was a mistake. Well, after 40 or more years, we know it wasn't a mistake. It may be one of the most thoughtful and important programs enacted since Social Security because it gave peace of mind to senior citizens. They knew when they reached that moment in life when they were likely to be more vulnerable to illness and disease, they would have health insurance. They could go to a hospital or doctor and get basic care and not worry about whether they were wealthy enough to have health insurance or enough savings to cover a medical catastrophe. So this program, which was derided and criticized for being too much government, has been one of the great success stories of this country, and the seniors value it. Every one of them values it.

My brother, who retired from the private sector in his early sixties—a pretty conservative fellow when it comes right down to it, politically—turned out to have had some heart problems. And it turned out he also didn't have any health insurance after he retired. He was really waiting and hoping he could make it to the age of 65 before something else would happen because a few more trips to the hospital and a few more surgeries might have really hurt his retirement plans. He made it. He is covered by Medicare and doing well. And that is just one example of thousands that can be given.

So we have a vote today which should be a pretty simple vote. It was a very simple vote in the House of Representatives. There is a proposal to cut the reimbursement, the compensation, for doctors under Medicare by about 10 percent on July 1. I think that is a bad idea. These providers don't get paid a lot of money for treating Medicare patients, and to cut their reimbursement may force many doctors to say: We just can't see as many Medicare patients or maybe none at all. So fewer doctors, if this pay cut goes through, are likely to treat Medicare patients. That is not a good outcome. It means that many of the Medicare patients won't be able to go to the doctors who have been treating them for long periods of time and there will be real uncertainty about their future. So we wanted to make sure this pay cut did not go into effect July 1.

The House of Representatives considered this, and in an overwhelming bipartisan vote they voted not to cut the pay for doctors treating Medicare parents. The vote was 355 to 59. That is a 6-to-1 margin in the House of Representatives—totally bipartisan. You would think a bill with that kind of vote would come over here without much controversy. But, of course, those people don't know how to measure the Senate.

In the Senate, there have been those on the other side of the aisle, the Republican side, who have found reason to object to this effort to make sure Medicare doctors get fair pay. It comes down to a lot of reasons they have given, but as they say in politics—or as one old fellow I used to work for by the name of Cecil Partee, a State senate president in Illinois, used to say—for every vote, there is a good reason and a real reason. Well, they are using as a good reason here to vote against this protection of Medicare doctors that, unfortunately, it might involve some increase in taxes or changes in private health insurance. The real reason? The real reason is that this bill goes after—in a small way—private health insurance companies that are selling Medicare coverage, the so-called Medicare Advantage companies.

You see, there are many on the Republican side who haven't gotten over the debate in the 1960s. They still think Medicare is socialism. They still think this is too much government. They want to privatize this. They believe we could rest easy every night if we were in the loving arms of a health insurance company. They obviously haven't had to pick up the phone and talk to some clerk in the middle of nowhere who is denying your claim because of something in the policy you didn't know existed—which has happened to many people across America. No, on the Republican side, they are afraid that any cutback in the profit taking by these private health insurance companies will be uncomfortable for some of their friends. So they are prepared to allow this cut in pay for doctors under Medicare to go through to protect the private health insurance companies offering Medicare coverage.

So I guess the honest question is, Are the private health insurance companies

doing a better job than the Medicare Program? The honest answer is no. Do you know how much more they charge than the Government's Medicare Program? About 17 percent more. They will throw in a few bells and whistles, but about 17 percent more. So it isn't as if they are cheaper. They are not.

Secondly, it turns out they are using bullying and strong-arm tactics to convince a lot of senior citizens to sign up for those so-called Medicare Advantage Programs, so much so that we have had to investigate this, and we are going to have to do everything we can to stop this from continuing.

Third, we just had a report from the General Accounting Office. These so-called private health insurance companies—it turns out the medical care they were reporting for seniors was overstated. They weren't giving them the care that was promised. Instead, they were taking more profit out of the system.

If you are a free market advocate who believes that it is caveat emptor—let the buyer beware—you can buy into this idea of private health insurance companies doing so well, making so much money, bullying seniors, and not giving them medical care promised. I don't buy it and I think they ought to be held accountable. If there is one thing we ought to protect, it is the seniors in America, who have done so much for this country and now need our help in their retirement years. That is what Medicare is all about.

We are going to have a vote in about 45 or 50 minutes. We need 60 votes to protect these doctors who are providing help under Medicare. We only have 51 on our side of the aisle, the Democratic side. We need nine Republicans to cross the aisle to join us in this effort to do the right thing for Medicare.

I don't think it is an unreasonable idea that 9 out of the 49 Republicans would join us when in the House of Representatives the same measure passed by a vote of almost 6 to 1 in favor of it.

This is a good bill, not only because it helps Medicare to continue to thrive because it helps beneficiaries pay their premiums if they are in a low-income category, it helps pharmacists, it helps many others. It has been endorsed by virtually every major organization of physicians, seniors, pharmacists, and hospitals. They know this bill is critically important.

If the Republicans fail to give us the votes necessary to reach 60 votes on the next rollcall, doctors across America treating Medicare patients will take a 10-percent cut in pay in a few days. That is the reality. Those who have voted that way are doing it in order to protect private health insurance companies who are trying to compete with Medicare. Those private health insurance companies have plenty of lobbyists. They are politically articulate. They can be found in the corridors of the Capitol day in and day out. But those folks are not speaking for the seniors. The seniors want us to stand up and make sure we keep Medicare strong and Medicare providers are there to make sure they get the very best care.

I hope my Republican colleagues will not go in lockstep with the private health insurance companies but will, in fact, stand for the Medicare Program, join the overwhelming bipartisan majority in the House of Representatives who supported this bill. If it costs these private health insurance companies 1 or 2 percent, is that the end of the world, that they would have to give back a little bit of the money they are taking out of our Federal Treasury? I do not think it is. I think they have been shown to charge more than the Medicare Program, to provide less than they publicly disclose in terms of medical benefits, and to engage in marketing tactics which should not be condoned by the Senate.

I hope we will have a good bipartisan rollcall here. It will be a great way to end the session as we break for the Fourth of July recess.

I yield.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I don't understand why this has to be characterized as a partisan issue as my colleague from Illinois has done. He said there is a proposal to cut doctors' pay. There is no such proposal. Nobody wants to cut physicians' pay. In fact, I daresay all 100 Senators here are in support of ensuring that physicians get paid an increase in the pay next year from what they are paid this year. What happens is that the law provides an automatic pay cut so we have to pass a bill to prevent that automatic pay cut from taking effect.

I am on the Finance Committee. A few weeks ago Senator BAUCUS, the chairman of that committee, who has a long history of working with Senator GRASSLEY regardless of which party is in the majority, proposed that we work in a bipartisan way to draft a bill to ensure the physicians would be paid. Those discussions commenced. They produced a bipartisan agreement. Then, before that agreement was brought to the Senate floor, the majority announced it wanted instead to substitute a partisan bill that we would seek to consider on the Senate floor. We had a cloture vote on that bill and it failed to get cloture.

My colleague says he hopes Republicans will not vote in lockstep. I can assure my colleagues here Republicans will not vote in lockstep. Democrats will vote in lockstep. There will not be a single Democrat who votes differently. Republicans will be divided.

If this is a partisan issue, it is only a partisan issue because Democrats will vote in lockstep and because the Democrats insisted on bringing a partisan bill to the floor. That was rejected, so Senators BAUCUS and GRASSLEY returned to their negotiations. Again they were about done with those negotiations 2 days ago when the House scheduled a vote on its own bill and that bill passed. Again that upset the bipartisan discussions that were occurring here in the Senate. As a result, the majority leader decided to bring the House bill to the Senate and ask us to support the House bill. Again, the negotiations stopped.

The vote we are going to have today will either allow the Baucus-Grassley negotiations, bipartisan negotiations, to be completed or send a bill to the President which he will veto—meaning a great deal of time will be lost by the time that bill gets to the President, he ends up vetoing it, he sends it back to the Congress and we presumably sustain the veto. Then what happens after that? Bipartisan negotiations resume.

We can cut out all of that political folderol by simply returning this bill to the people who were negotiating it in the first place. Either way, July 1 will come with no solution. That is a problem for the physicians. The veto route virtually assures that physicians will feel the impact of a 10.6 percent cut in payment because of the amount of time it will take for us to complete our work.

On the other hand, if cloture is defeated and the bipartisan negotiations can quickly resume, then, depending upon when we could pass something after July 4, it is possible that the reimbursement checks could reflect the new rates without the cuts ever being applied.

If you are interested in a truly bipartisan solution in a body that is 51 to 49, if you are interested in minimizing the potential impact on physicians, do not vote for the House bill that we know will never become law.

Let me conclude with this point. The House bill makes some radical changes in Medicare. It doesn't just reimburse physicians; it increases Medicare spending by $17 billion over 10 years. It makes larger cuts to Medicare Advantage, the highly successful insurance program for America's seniors. This will minimize patient choice in both rural and urban areas and, according to the Congressional Budget Office, 2 million seniors would lose their fee-for-service plans by the year 2013 under the House bill. It would significantly restrict Part D plans' ability to negotiate prescription drug prices.

We can do better than this. We should return to the bipartisan negotiations and pass a truly bipartisan bill which will ensure that physicians will be paid and Medicare patients will be served.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, here we are again. Once again the Senate is being asked to vote to proceed to a bill that is written on a partisan basis. As everybody knows who knows how the Senate functions, anything that is on a partisan basis does not get done.

Once again we are being asked if we want to agree to a process where no

amendments will be allowed. Once again we are being told to take it or leave it. The damage that is being done to the ability of this body to function is extraordinary. It should not be this way and it doesn't have to be this way.

I say this from a lot of experience I have had on the Finance Committee and, most importantly, my experience working with Senator BAUCUS, the chairman of the committee. During the last several years, the Finance Committee has produced numerous bipartisan health care products.

In 2003, Senator BAUCUS and I joined together, defied the long odds against it and produced a Medicare Prescription Drug bill.

In 2005, we worked together on a relief package in the aftermath of Hurricane Katrina.

In 2006, we passed the Tax Relief and Health Care Act.

In 2007, we worked together on a bipartisan Children's Health Insurance Program Reauthorization Bill. We also passed the Medicare, Medicaid, and Children's Health Insurance Program Extension Act of 2007.

I could go on and on. For years the Finance Committee has been the model of how a committee can work on a cooperative—and that basically means on a bipartisan—basis. I think we work best when we work together. For some reason that has not seemed to be the case this year and that is not Senator BAUCUS's fault.

I have tried to work this year to get a bill that could get signed into law. I personally think the White House is drawing lines in the sand that are unreasonable. However, there is a fact of our Constitution: The President holds the veto pen and if this bill passes today, we will see it used, and that is regardless of this Senator's position that maybe the White House has been too strict.

I tried to work toward a bill that can be signed by the President, because those are the facts of life. Obviously that was not the path the majority of the Senate—meaning the majority party—could follow. Even after the first cloture vote, even after it failed in the Senate, I tried to get a bipartisan compromise that could be signed into law. That effort was abandoned when the House voted to support the bill on which the Senate couldn't get cloture. That is not a realistic position for the other body to take but it doesn't matter; they took it, so we are here.

When we were in charge around here, I can say we certainly didn't appreciate it when, under Republican control in the House of Representatives, the Ways and Means Committee tried to dictate terms to this body. When Ways and Means Chairman Thomas tried to roll the Senate, I think I successfully defended the bipartisan Senate position. When I was chairman of the Finance Committee, I don't recall our bipartisan efforts being determined by House votes. To the contrary, I think we worked together in spite of House votes. In fact, the House budget—or the congressional budget adopted in the year 2003 that had provisions in it for taxes when the President of the United States wanted a $700 billion tax cut—I told enough Republicans in the Senate that I would not bring out of conference a tax bill that had more than half that amount, $350 billion.

I didn't tell the House of Representatives that before they voted on their budget, but they passed a budget that we could get enough votes to pass in the Senate because of the promise I made to some Republicans that we were not going to be dictated to by the White House or by the House of Representatives. And we didn't do more than a $350 billion package. Was there an uproar among House Republicans against me, when I had told enough Republicans in the House what we would do on that tax bill. So I think I have defended our position.

But let's be clear about another thing. That House vote I referred to went the way it did because Members were assured that the Senate was going to fix the problem in this bill. But we are in a process where we cannot fix that problem. They are counting on us to fix it so we would have a bill the President would sign. They are right about one thing: This bill does need to be improved. The bill the Democrats are trying to pass is woefully lacking in what it provides for rural America as opposed to what Senator BAUCUS and I were agreeing to by 11 o'clock Tuesday of this week.

I wish to call out one specific provision. Senator HARKIN and I have worked extensively on a provision for so-called ''tweener'' hospitals. These are hospitals which are too large to be critical access hospitals but too small to do well under the current Medicare payment systems. We had a provision to improve payments to these hospitals. It is not in the House Democrats bill, so a vote for cloture misses an opportunity to provide critical assistance to rural hospitals all over the country. I am sure Senator HARKIN and others are disappointed, as I am, with this omission. This is not something just for Iowa and for Senator HARKIN and for Senator GRASSLEY; this is something that affects 181 hospitals in 31 different States in this country. But that was left out in the House of Representatives. Why? Because the House of Representatives is controlled by the big States, by the big cities, and they don't care about rural America.

Voting for this bill accomplishes nothing. It will not become law. How much more clear can we be about that? To keep the pay cut of doctors from happening, we have to defeat this motion so we can sit down and finally produce a bill that can become law.

To improve Medicare, we have to produce a bill that can become law, and that means being signed by the President of the United States. To make sure that beneficiaries continue to have access to essential therapy services, we have to produce a bill that can become law. To help beneficiaries, we have to produce a bill that can become law. How many times do I have to say that?

To preserve access for durable medical equipment for seniors, we have to produce a bill that can become law. We have to be allowed to do our work in the Senate. And that work only gets done if we have bipartisanship.

We have to be allowed to produce the best bill possible through bipartisan compromise. Let's show that we can work on a cooperative basis. We have to defeat this motion so that we preserve the right of the Senate to have input on legislation, that we are not simply a rubberstamp for the House.

We should defeat this motion so that we can show that bipartisanship is not dead on important health care issues that matter to millions of people who depend on us as stewards of Medicare. Let's do the right thing and vote no. Vote no so this body does not abdicate its duties under the Constitution. Vote no so that we can get a bill done this week that can become law. Vote no so that we can get the job done.

A ''yes'' vote accomplishes nothing because it is going to delay for 2 weeks everything to be considered because of the President vetoing this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. The majority has 20 minutes, of which 10 minutes are reserved for the majority leader.

Mr. BINGAMAN. Mr. President, I will use a maximum of 5 minutes to respond to some of the points that were made.

First, let me say how much respect I have for Senator GRASSLEY. He is the ranking member on our Finance Committee. He is a very conscientious and fair individual with whom I have enjoyed working on many matters.

On this particular issue, I disagree with him. Let me point out there were three arguments made: First, that this is not bipartisan; it is clearly not the bipartisan agreement he and Senator BAUCUS were working to develop, but it is clearly a bipartisan agreement.

I am informed that 129 Republicans in the House voted for this bill. That is two-thirds of the Republicans who serve in the House. The vote in the House was 355 in favor. So this is a bipartisan bill by any definition. The fact that it has come from the House of Representatives rather than originating in the Senate, of course, is another matter. But it is bipartisan.

The second point, of course, is that there are important things that have been left out. I do not doubt that there are important things that have been left out and that I would like to see included. But the reality is, we have a bill that does important things; particularly, it heads off the expected cut in physician payments that is scheduled to occur next Tuesday. That is a

very important provision. And I think it makes all the sense in the world for us to pass what we have in front of us, pass what the House of Representatives has passed, fix the problems that legislation fixes, and then come back at a future time and try to solve these other problems, many of which I am sure I would wind up agreeing with my colleague from Iowa.

The third point is that we should oppose this because the President has said he would veto it. Frankly, I am not clear as to the substantive reason the President thinks this bill should be vetoed.

I believe strongly that the way the system is intended to operate is, Congress sends bills to the President. If he vetoes them, then Congress sees whether it has got enough votes to override the veto. If we do not, of course we have to take a different course.

In this circumstance, it looks to me like at least the House of Representatives has enough votes to override a Presidential veto, if the President were to take that course. I do not know what we would have in the Senate. I hope very much we would have the necessary 67 votes. I think it would certainly be in the interests of the people I represent in New Mexico to see this legislation enacted and enacted quickly.

So I urge my colleagues to support it and hope that colleagues on both sides of the aisle will support the legislation.

Mr. LEVIN. Mr. President, I support the Medicare Improvements for Patients and Providers Act, H.R.6331, which makes a number of needed changes related to Medicare reimbursement, including reimbursement for physicians' services.

Medicare physician fee schedule payments are updated each year according to a complex formula based on a sustainable growth rate, SGR. Unfortunately, because of the way the formula is calculated, even if Congress prevents the cuts in a given year, scheduled reimbursements cuts are likely to increase in subsequent years unless Congress takes additional action, such as developing a permanent alternative to the SGR formula.

I support efforts to ensure that physicians receive adequate reimbursement for their services. It could be financially unsound for physicians to continue to provide services to Medicare beneficiaries if reimbursement is inadequate. As a result, allowing reimbursement cuts to enter into effect could pose significant access problems as physician's are unable to afford providing services to Medicare beneficiaries in need of medical attention.

While I believe past measures to alleviate this burden on physicians have been helpful, I know from my discussions with health care providers throughout Michigan that more needs to be done. For the long term, Congress must find an alternative to the SGR. The SGR is linked not to the cost of providing health services, but to the performance of the overall economy. The cost of health care has been rising much faster than inflation. Our Nation should address the rising costs of health care as part of a larger discussion on health care reform. Reimbursement should more accurately represent the cost of providing services.

In the meantime, I support this legislation, which includes a delay on Medicare reimbursement cuts for physicians' services and replaces the cut with a 1.1-percent increase for 2009. I am hopeful that the Senate will pass this legislation and that the President will heed the will of Congress and the American people and sign this bill into law before the cuts enter into effect on July 1.

Mr. GRAHAM. Mr. President, today I wish to express my disappointment in the straight extension of the current temporary assistance for needy families, TANF, supplemental grant program, which is included in the Medicare bill. I oppose the extension of this program without updating the 10-year-old statistics that qualify States for participation in the program, and without the appropriate reauthorization and consideration of changes necessary to ensure that this assistance is being afforded to the States that need it most.

The TANF Supplemental Grant program was created in 1996 to provide additional assistance to States that spend less money per poor person on TANF services. Seventeen States qualified for additional TANF benefits under this program based on certain statistics collected at or around that time. More than 10 years later, these States are still receiving supplemental grant benefits based on the same 10-year-old statistics. A straight extension of this program does not award this assistance based on current conditions in States.

There is no doubt that our nation is facing challenging economic times. Rising gas prices, rising unemployment States, the housing crisis and rising food prices all place a particularly significant burden on less fortunate families. Some state TANF programs are seeing increased caseload pressure.

South Carolina can only afford to spend 29 percent of the national average per poor child on TANF services compared to some States that spend well over the national average. To make matters worse, South Carolina did not and has not qualified for the supplemental grant program due to an old statistic that has since changed.

Senator ROCKEFELLER and I introduced a proposal to allow States that spend below the national average on TANF services to participate in the supplemental grant program. Using updated statistics, our legislation would ensure that the dollars spent on this program are appropriately directed to States that need it most so that they can help struggling families get on their feet and back to work.

Unfortunately, the Senate Finance Committee chose to quickly pass this extension as a part of a larger bill in order to avoid the discussion of reauthorization and changes necessary to update the supplemental grant program. I am disappointed some States, like South Carolina, and families that might otherwise receive this additional assistance will not have the opportunity to benefit from a mere update of the current program, or from the consideration of Senator ROCKEFELLER's and my proposal.

I am committed to ensuring that Federal dollars spent on welfare services and benefits are spent efficiently. I am disappointed that the reauthorization of the supplemental grant program did not receive the attention it deserves, and I am hopeful that this can be addressed in the future.

Mr. AKAKA. Mr. President, I support the Medicare Improvement for Patients and Providers Act of 2008. We must quickly enact this legislation in order to ensure that Medicare beneficiaries continue to have access to health care, enhance Medicare benefits, and extend Medicaid disproportionate share, DSH, allotments for Hawaii.

This essential legislation will maintain Medicare physician payment rates for 2008 and provides a slight increase in 2009. If this legislation fails to pass, doctors will be faced with a 10.6-percent cut in Medicare reimbursements. Rising costs, difficulty in recruiting and retaining staff members, and declining reimbursement rates make it necessary to make improvements in Medicare reimbursements to ensure that Medicare beneficiaries have access to health care services.

The bill will enhance Medicare benefits. It will increase coverage for preventive health care services and make mental health care more affordable. In addition, the Act will help low-income seniors access health care services that they need.

In addition, this legislation includes a provision that extends Medicaid DSH allotments for Hawaii and Tennessee for another 18 months. Medicaid DSH resources support hospitals that care for Medicaid and uninsured patients.

Hawaii and Tennessee are the only two States that do not have permanent DSH allotments. The Balanced Budget Act of 1997 created specific DSH allotments for each State based on their actual DSH expenditures for fiscal year 1995. In 1994, Hawaii implemented the QUEST demonstration program that was designed to reduce the number of uninsured and improve access to health care. The prior Medicaid DSH program was incorporated into QUEST. As a result of the demonstration program, Hawaii did not have DSH expenditures in 1995 and was not provided a DSH allotment.

The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 made further changes to the DSH program, which included the establishment of a floor for DSH allotments. States without allotments were again left out.

The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 made additional changes in the DSH program. This included an increase in DSH allotments for low DSH States. States without allotments were again left out.

In the Tax Relief and Health Care Act of 2006, DSH allotments were finally provided for Hawaii and Tennessee for 2007. The act included a $10 million Medicaid DSH allotment for Hawaii for 2007. The Medicare, Medicaid, and SCHIP Extension Act of 2007 extended the DSH allotments for Hawaii and Tennessee until June 30, 2008.

This extension authorizes the submission by the State of Hawaii of a State plan amendment covering a DSH payment methodology to hospitals which is consistent with the requirements of existing law relating to DSH payments. The purpose of providing a DSH allotment for Hawaii is to provide additional funding to the State of Hawaii to permit a greater contribution toward the uncompensated costs of hospitals that are providing indigent care. It is not meant to alter existing arrangements between the State of Hawaii and the Centers for Medicare and Medicaid Services, CMS, or to reduce in any way the level of Federal funding for Hawaii's QUEST program.

I look forward to continuing to work with Chairman BAUCUS, Ranking Member GRASSLEY, and Senators ALEXANDER, CORKER, and INOUYE to permanently restore allotments for Hawaii and Tennessee. I thank the chairman and ranking member of the Finance Committee for all of their efforts on this issue of great importance to my home State of Hawaii.

Mr. President, Hawaii's health care providers continue to struggle to care for our growing number of individuals that are uninsured. These DSH resources will strengthen the ability of our providers to meet the increasing health care needs of our communities.

I yield the floor, and 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. BINGAMAN. 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. BINGAMAN. Mr. President, I ask unanimous consent that any time under a quorum call on this bill be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. 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. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, under the consent agreement that was entered, I have 10 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCONNELL. I will yield back the remainder of my time, and then am I correct that the only remaining speaker is the majority leader?

The PRESIDING OFFICER. That is correct.

Mr. MCCONNELL. Mr. President, let me be clear, my side, led by Senator GRASSLEY, has been willing to compromise to get a bill that could become law. Everyone agrees we need to fix the physician payment system. There is no disagreement on that. As Senator GRASSLEY has pointed out, we have offered to negotiate. We have offered to extend current law. We have tried to find a way to solve the problem. Unfortunately, the majority apparently is not interested. The bill we are voting on would cause 2 million seniors to lose the extra benefits they currently get in their Medicare Advantage plans. It would rob millions of rural seniors of the ability to choose a private fee-for-service plan. I worry about the impact that it would have on the Kentucky teacher retirement system.

We have a solution that would protect seniors' access to care, that would prevent a 10.6-percent cut in physician payments in Medicare, that would provide billions of dollars to help rural beneficiaries access care. This is a solution that could become law right away. I hope the majority can find a way to take one of the solutions we are offering so that physician payments are not cut and seniors' Medicare benefits are not put in jeopardy.

I yield back the remainder of my time.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, these are some of the organizations that support the Medicare bill now before the Senate. We have the American Association of Retired Persons, the AARP; Alzheimer's Association; the American Academy of Oncology; the American Academy of Audiology; the American Academy of Family Physicians; the American Academy of Opthalmology; American Ambulance Association; American Association of Nurses Anesthetists; American Cancer Society; American College of Cardiology; American Heart Association; American Hospital Association; American Medical Association, the AMA; American Medical Technologists; American Optometric Association; the American Osteopathic Association; American Psychological Association; American Society of Plastic Surgeons; Campaign for Tobacco Free Kids; Cleveland Clinic—to name a few institutions—National Osteoporosis Foundation; National Renal Administrators Association; National Rural Health Association; Parkinson's Action Network; Schizophrenia and Related Disorders Alliance of America; Society for Thoracic Surgeons; Suicide Prevention Action Network; Medical Rights Center; National Community Pharmacists Association.

I ask unanimous consent to print in the RECORD more than 200 organizations that want every Senator to vote to finish this legislation, to complete this legislation, to pass this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 6331, ''MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT OF 2008'' LIST OF SUPPORTING ORGANIZATIONS

Alliance for Aging Research; Alliance for Retired Americans; Alzheimer's Association; AMAG Pharmaceuticals, Inc.; American Academy of Audiology; American Academy of Dermatology; American Academy of Family Physicians; American Academy of Ophthalmology; American Academy of Otolaryngology; American Academy of Physical Medicine and Rehabilitation; American Ambulance Association; American Association of Bioanalysts; American Association of Cardiovascular and Pulmonary Rehabilitation; American Association for Clinical Chemistry; American Association for Geriatric Psychiatry; American Association for Homecare; American Association of Homes and Services; American Association of Medical Colleges; American Association of Nurse Anesthetists; American Association of Retired Persons (AARP).

American Cancer Society Cancer Action Network (ACS CAN); American Clinical Laboratory Association; American College of Cardiology; American College of Emergency Physicians (ACEP); American College of Nurse Midwives; American College of Obstetricians and Gynecologists; American College of Osteopathic Internists; American College of Physicians; American College for Preventive Medicine; American College of Radiology; American College of Surgeons; American Counseling Association; American Diabetes Association; American Federation of Labor & Congress of Industrial Organizations (AFL–CIO); American Federation of State, County and Municipal Employees; American Geriatrics Society; American Health Care Association; American Heart Association; American Hospital Association; American Kidney Fund; American Lung Association; American Medical Association (AMA); American Medical Group Association.

American Medical Technologists; American Mental Health Counselors' Association; American Nephrology Nurses' Association; American Occupational Therapy Association; American Optometric Association; American Osteopathic Association; American Pharmacists' Association; American Physical Therapy Association; American Podiatric Medical Association; American Psychiatric Association; American Psychological Association; American Public Health Association; American Regent, Inc.; American Renal Associates, Inc.; American Society of Anesthesiologists; American Society of Cataract and Refractive Surgery; American Society for Clinical Laboratory Science.

American Society for Clinical Pathology; American Society for Microbiology; American Society of Nephrology; American Society for Nutrition; American Society of Pediatric Nephrology; American Society of Plastic Surgeons; American Speech-Language-Hearing Association; American Stroke Association; American Telemedicine Association; American Thoracic Society; American Osteopathic Association; American Urological Association; Amgen; Association of American Medical Colleges (AAMC); Association for Community Affiliated Plans; Board of

Nephrology Examiners and Technology; California Dialysis Council; California Medical Association; Campaign for Tobacco Free Kids; Center for Clinical Social Work.

Center for Medicare Advocacy; Centers for Dialysis Care; Cleveland Clinic; Clinical Laboratory Coalition; Clinical Laboratory Management Association; Clinical Social Work Association; Coalition of State Rheumatology Organizations; College of American Pathologists; Colorectal Cancer Coalition; National Osteoporosis Foundation; National Partnership for Women and Families; National Patient Advocate Foundation; National Renal Administrators Association; National Rural Health Association; Northwest Kidney Centers; Parkinson's Action Network; Partnership for Prevention; Prevent Cancer Foundation; Prostrate Cancer Coalition; Quest Diagnostics.

Renal Advantage, Inc.; Renal Physicians Association; Renal Support Network; Renal Ventures Management, LLC; Roche Diagnostics; Satellite Healthcare; Schizophrenia and Related Disorders Alliance of America; Society of Gynecologic Oncologists; Society of Hospital Medicine; Society of Thoracic Surgeons; Society for Vascular Surgery; Suicide Prevention Action Network USA (SPAN USA); Susan G. Komen for the Cure Advocacy Alliance; U.S. Renal Care; Watson Pharma, Inc.; Y-ME National Breast Cancer Organization.

Consortium for Citizens with Disabilities Health Task Force, The Council for Quality Respiratory Care; Da Vita, Inc.; Diabetes Access to Care Coalition; Dialysis Patient Citizens; DSI, Inc.; Easter Seals; Emergency Department Practice Management Association; Families USA; Federation of American Hospitals; Food Marketing Institute; Fresenius Medical Care North America; Fresenius Medical Care Renal Therapies Group; Genzyme; Health Industry Distributors Association; ITEM Coalition; Kidney Care Council; Kidney Care Partners; Laboratory Corporation of America; Lance Armstrong Foundation; Leadership Council of Aging Organizations.

Lutheran Services in America; Marshfield Clinic; Mayo Clinic; Medical Group Management Association; Medicare Rights Center; Mental Health America; National Alliance on Mental Illness; National Association of Anorexia Nervosa and Associated Disorders; National Association of Chain Drug Stores; National Association of Community Health Centers; National Association for Medical Direction of Respiratory Care; National Association of Nephrology Technicians and Technologists; National Association of Social Workers; National Association of State Long-Term Care Ombudsmen Programs; National Association of State Mental Health Program Directors; National Association for the Support of Long-term Care.

National Committee to Preserve Social Security and Medicare; National Committee for Quality Assurance; National Community Pharmacists Association; National Council on Aging; National Council for Community Behavioral Healthcare; National Home Oxygen Patients Association; National Independent Laboratory Association; National Kidney Foundation; National MS Society.

Mr. REID. Mr. President, this bill has many items in it, one of which we call the doctors' fix, which prevents a 10.6-percent pay cut for physicians who participate in Medicare. It provides a payment freeze for 2008 and a 1.1-percent update for 2009. These are very important to the medical community.

The reason this legislation is important is, sure, the doctors should not have to take a pay cut. But the main thing is, this bill does not protect physicians; it protects patients because doctors have been dropping out of Medicare for a long number of years. There are many physicians in America today who will not treat Medicare patients because the payments are too low. But it is a spiraling effect. It is a snowballing effect. Many reimbursements through insurance companies and other organizations are based on what the Medicare reimbursement is. If this is low, then doctors all over the country will be affected. Patients will be affected. People, I repeat, will no longer be able to be treated by their physicians.

We know all these doctors' organizations that are part of this 200-plus organizations I submitted, the reason they are in favor of it is they want their physicians to treat Medicare patients. This will drive people out of Medicare.

We all recognize that President Bush does not like Social Security. He does not like Medicare. He wants them to go away. He wants to privatize Social Security, and he wants to do away with Medicare. This is his effort to do so. But it is the wrong thing to do. It is certainly the wrong thing to do.

This legislation will provide help for rural health care deliverers. Beneficiary investments are significant. Yet there are additional provisions in this legislation for pharmacies, dialysis patients, community health centers, ambulances, rural providers, e-prescribing, psychologist, social workers, and many others.

This is a fine piece of legislation. Remember, we already over here had an opportunity to do work on this bill. Every Democrat voted for it, and nine Republicans. Here is where we find ourselves tonight. Earlier this week, the House passed this identical legislation by a vote of 355 to 59. The Presiding Officer and I served in the House of Representatives. That is an overwhelming vote. It was a bipartisan vote. Democrats and Republicans voted for it. The legislation they passed would help, as I have stated, Medicare beneficiaries and head off looming cuts facing doctors.

Why is Medicare important? My first elective job was on a hospital board. We ran countywide in Clark County, Las Vegas. It was my first elective job. During the time that I was on that hospital board was a transition period. During the time I was there, Medicare passed back here and became the law all over the country. So for a part of my term, there was no Medicare for patients coming into Southern Nevada Memorial Hospital. The rest of the term, it was.

Prior to Medicare passing, 40 percent of the senior citizens who came to that hospital had no insurance. What happened is that wives, mothers, fathers, sons, daughters, neighbors, friends would have to sign that they would be responsible for their bill. If they didn't pay the bill, we had an extremely big collection department. It was a county hospital. It was an indigent facility. We would go after those people who would sign that these people needed hospital care.

After Medicare came into being, 99-plus percent of the seniors who come into a hospital have health care through Medicare. It is a wonderful program. Is it a perfect program? No. But is it a program worth following President Bush over the ledge to destroy it? That is what is going to happen tonight, Mr. President. If the Republicans do not support this legislation, they are having Medicare go over the cliff. People will be devastated by what is happening.

We have all had people visit our offices, I hope, this week. They visited mine, talking about how devastating this would be—not to the doctors. The doctors are going to survive with a 10-percent pay cut, most of them. But they are going to drop out of the system. It hurts the patients, and that is what this is all about.

Medicare is an important program. It is part of the legacy of our country, and we know our health care delivery system is in trouble. Medicare is one of the strong parts of it. We should continue it, not destroy it. A ''no'' vote on this legislation tonight is destroying Medicare.

The House bill was very similar to a bill drafted by Senator BAUCUS and supported by every Senate Democrat and many Senate Republicans earlier this month. We all know the issue must be resolved by July 1. It must be resolved by July 1. Our Republican colleagues argue, there will be other opportunities to address this issue. That, using a term of the marketplace, is a ''loss leader.'' There is no other way to do this. We have to do it tonight or it won't be done. July 1 comes next week. We are out of session next week. The House is out of session now. If not, they will be shortly. There are no other opportunities to address this issue. Some ask for a 30-day extension. A 30-day extension requires passage by this body and the House. The House, if they are not adjourned, soon will be. Both Speaker PELOSI and the House majority leader have issued statements that could not be more clear.

Quoting Speaker PELOSI:

> The House will not consider any further Medicare legislation.

This means that the 30-day extension is not an option, a week extension is not an option, a 10-minute extension is not an option.

The bill we seek to proceed to represents the only chance for Congress to head off the cuts that doctors will face at the end of this month. This is a good piece of legislation.

Some Republicans also say the Senate should have more time to speak on the bill and debate it. Yet the same Senators who make those claims are the ones who voted against proceeding it 2 weeks ago. You can't have it both ways. We asked to proceed to this 2 weeks ago. It was objected to.

We have had an interesting situation in the Senate.

I have a chart I have asked to be brought out here. Obviously, no one is running very hard to bring it, but it should be here quickly.

We have had an unusual situation. This is, it appears, the 79th filibuster. That is too bad: to filibuster something to preserve Medicare? That is what this is all about. It is too bad. This is legislation that is important.

I say to everyone within the sound of my voice, there are no excuses. This is it. You go home and explain to your family physician: Well, I wanted to talk about it more or I wanted a 20-day extension; they would not give it to me.

We have had 79 Republican filibusters, and the sad part about it is, we are still counting. Remember, this is our Velcro chart. Remember, a short time ago, it was 78. We stuck on a ''9'' back there, and I guess when we come back after the recess we will have to peel that off and put on an ''8'' and a ''0.'' Seventy-nine filibusters: untoward. And people who refuse to vote to let this legislation pass are destroying Medicare in the near future—certainly during the next 6 months.

Senate Republicans are playing a dangerous game of chicken, I guess. They have the audacity to say there are other ways of doing this. But in this game of chicken, the only losers will be Medicare patients—old people. Doctors will lose.

The Republicans who choose to block this important bipartisan legislation are going to lose. If there was any doubt that Republicans will regret this path of blindly following on this legislation, one need only look at their own. One need only look at a Congressman by the name of WALLY HERGER. WALLY HERGER is a long-time experienced Congressman. He represents the Second District of California. Here is what he did when he realized how good this legislation was. He realized that by blindly following the Republicans—who he thought knew what they were doing in the House—he made a big mistake.

Congressman WALLY HERGER was one of 59 Members in the entire 435 Members of the House of Representatives—one of 59—to vote against this legislation. Now, this is not some new guy who made a mistake because he did not know what hole to punch in the deal over there. He voted, and as soon as dawn broke in the House, he was on the House floor saying: I made a big mistake. Help me out of the dilemma I am in.

In fact, he was so concerned about this, he sent a letter to all of his constituents in his congressional district. He said, among other things:

> From my conversations with House Republican leaders, it was my understanding that the bill—

The bill we are debating right here tonight; this bill—

> voted on by the House was primarily a political exercise. . . .

It was ''primarily a political exercise.''

And he said:

> Clearly, the outcome of today's vote changed the dynamics of the situation.

Now, this is a direct quote from someone in the House of Representatives, a couple days ago, who voted against this legislation. Here is what he said:

> Clearly, the outcome of today's vote changed the dynamics of the situation. . . . Had I known the process would play out this way, I would have supported the House bill. And if the bill comes back to the House for final approval, I intend to fully support it.

Now, my friend, WALLY HERGER, whom I know—I used to see him in the House gym—recognizes he has made a big mistake, and he takes a full page and sends this letter to all his constituents saying: I made a big mistake. Forgive me.

So Senate Republicans do not have the luxury of changing their minds like Congressman HERGER did because right now you have to make a decision, and you know what the facts are. WALLY HERGER learned them later. And I am sure the other 58 who voted ''no'' feel the same way. This was an overwhelming vote in the House of Representatives on a totally bipartisan basis to do the right thing for the American people. We must decide now whether to stick with President Bush as lemmings going over the cliff, or should we do the right thing and pass this legislation?

A ''no'' vote will wreak havoc on our health care delivery system in America. And who will it hurt the most? It will hurt the most senior citizens. And it would be too bad as we leave here for 10 days that this legislation will, in the vernacular, go down. It should not. This is legislation that is meritorious. As WALLY HERGER said, if he had understood the dynamics of this legislation, he would not have voted ''no.''

Mr. President, I believe it is time for the vote.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to H.R. 6331, the Medicare Improvements for Patients and Providers Act.
>
> Harry Reid, Max Baucus, Debbie Stabenow, Jeff Bingaman, Patty Murray, John D. Rockefeller, IV, Thomas R. Carper, Mark L. Pryor, John F. Kerry, Dianne Feinstein, Richard Durbin, Daniel K. Inouye, Bill Nelson, Bernard Sanders, Jon Tester, Jim Webb, Frank R. Lautenberg.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 6331, the Medicare Improvements for Patients and Providers Act of 2008, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—58

| | | |
|---|---|---|
| Akaka | Feingold | Nelson (NE) |
| Baucus | Feinstein | Obama |
| Bayh | Harkin | Pryor |
| Biden | Inouye | Reed |
| Bingaman | Johnson | Roberts |
| Boxer | Kerry | Rockefeller |
| Brown | Klobuchar | Salazar |
| Byrd | Kohl | Sanders |
| Cantwell | Landrieu | Schumer |
| Cardin | Lautenberg | Smith |
| Carper | Leahy | Snowe |
| Casey | Levin | Stabenow |
| Clinton | Lieberman | Stevens |
| Coleman | Lincoln | Tester |
| Collins | McCaskill | Voinovich |
| Conrad | Menendez | Webb |
| Dodd | Mikulski | Whitehouse |
| Dole | Murkowski | Wyden |
| Dorgan | Murray | |
| Durbin | Nelson (FL) | |

NAYS—40

| | | |
|---|---|---|
| Alexander | Crapo | Lugar |
| Allard | DeMint | Martinez |
| Barrasso | Domenici | McConnell |
| Bennett | Ensign | Reid |
| Bond | Enzi | Sessions |
| Brownback | Graham | Shelby |
| Bunning | Grassley | Specter |
| Burr | Gregg | Sununu |
| Chambliss | Hagel | Thune |
| Coburn | Hatch | Vitter |
| Cochran | Hutchison | Warner |
| Corker | Inhofe | Wicker |
| Cornyn | Isakson | |
| Craig | Kyl | |

NOT VOTING—2

| | |
|---|---|
| Kennedy | McCain |

The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I enter a motion to reconsider the vote.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. Mr. President, we have something that is long overdue. We have an agreement to take care of this. Nelson Mandela will soon be 90 years old, in a matter of days. The old organization he was a member of decades ago—and he is probably still a member, but I am not too sure—the African National Congress is still treated as a terrorist organization. This takes care of that. We will eliminate that. So the people coming here from that great country, which has done so well for so long now, will be able to come in without being considered terrorists.

## REMOVING THE AFRICAN NATIONAL CONGRESS FROM TREATMENT AS A TERRORIST ORGANIZATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed

to the consideration of Calendar No. 852, H.R. 5690.

The PRESIDING OFFICER. Is there objection?

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5690) to remove the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, with an amendment, as follows:

H.R. 5690

On page 2, strike line 12 through the end of line 21 and insert the following:

*(a) EXEMPTION AUTHORITY.—The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may determine, in such Secretary's sole and unreviewable discretion, that paragraphs (2)(A)(i)(I), (2)(B), and (3)(B) (other than clause (i)(II)) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply to an alien with respect to activities undertaken in association with the African National Congress in opposition to apartheid rule in South Africa.*

Mr. LEAHY. Mr. President, I am very pleased the Senate will pass this legislation to exempt the African National Congress from designation under the Immigration and Nationality Act as a ''terrorist'' organization.

The historic role that the African National Congress played in ending the era of Apartheid in South Africa is well known, and I suspect that its designation as a terrorist organization is a surprise to many Americans. That the organization Nelson Mandela helped create to fight against an official policy of racism is deemed a terrorist organization is wrong and should be corrected.

I commend Senator KERRY and Congressman BERMAN for their attention to this issue, and the Members of the Judiciary Committee—Senators BIDEN, SCHUMER, WHITEHOUSE, FEINGOLD, and CARDIN—who have lent their support to this effort.

The overly broad laws Congress passed in haste after September 11, 2001, continue to unnecessarily bar legitimate asylum seekers from the sanctuary of the United States. I worked to ensure that the administration has the authority to waive these laws for organizations and individuals, but the administration has been unwilling to exercise this authority of its own accord.

Secretary Rice quite rightly pointed out that her government counterpart in South Africa must apply for a waiver of the material support bar in order to enter the United States for an official visit, and that it is an embarrassment. I would hope and expect that this embarrassment is no less acute when victims of violent conflicts are denied asylum in the United States because of these same laws.

The Judiciary Committee's recent oversight hearing with Secretary Chertoff was an example of an administration that will only make the tough, but correct decisions when the scrutiny or public embarrassment becomes too much. At this hearing, Secretary Chertoff announced that the Department of Homeland Security (DHS) reversed its position on a green card denial for an Iraqi who had been admitted into the United States on a special visa from Iraq. Salam Kareem Ahmad entered the United States after working as a translator for U.S. Marines in Iraq, and after receiving commendation from General Petraeus, only to be denied a green card by the administration.

Despite all of the administration's rhetoric about its commitment to freedom and democracy, DHS determined that Mr. Ahmad's involvement with an anti-Saddam Hussein group, the Kurdish Democratic Party, amounted to involvement with a terrorist organization. It should not take political pressure and media scrutiny to do the right thing. But in light of the administration's inattention to resolving injustices created by the material support bars, Congress is once again compelled to do what the administration can and should be doing on its own.

There is much work to be done by Congress and the next administration to fully resolve the terrible consequences these laws have brought about. I intend to continue working toward ensuring that our immigration and asylum laws are not used in a manner to harm those who come to the United States seeking its refuge and assistance. Our policies concerning asylum seekers have demonstrated America's commitment to human rights. The material support and terrorism bars that have prevented so many from our protection are a blemish on this legacy.

Mr. KYL. Mr. President, I rise to say a few words about the impending passage of H.R. 5690 and my amendment to that bill. My amendment narrows the individualized waiver provisions in the bill by excluding from waiver eligibility persons who are convicted of controlled-substances offenses and those for whom there is reason to believe that they will engage in terrorist activity after entry into the United States. The amendment also requires that the activities for which waiver is sought have been conducted ''in association with the African National Congress.''

With my amendment, the bill's grant of authority does not exceed that created by section 691 of the Consolidated Appropriations Act, 2008, on which I commented on December 18 of last year. Separate legislation is not needed to exempt Class III groups that are eligible for a waiver under section 691, a class that surely includes the African National Congress. I hope that in the future such matters will be addressed administratively rather than legislatively. Nevertheless, by enacting today's bill we impress upon the executive the importance of exercising that authority in a prompt and thorough manner. We trust, of course, that the executive will not use such authority to grant waivers to persons who, for example, engaged in violence that was deliberately targeted at innocent civilians. But we do expect the relevant agencies to act to avoid the diplomatic embarrassments of the past. With the changes made by my amendment, I commend H.R. 5690 to my colleagues.

Mr. REID. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the bill, as amended, be read the third time, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The bill (H.R. 5690), as amended, was passed.

## UNANIMOUS CONSENT REQUEST—H.R. 6331

Mr. MCCONNELL. Mr. President, with regard to the Medicare issue upon which we just voted, we have had a number of discussions in the course of the week about the way forward. Senator GRASSLEY has made it clear he would like to lead us in negotiations with the majority, represented by Senator BAUCUS, to bring us together to get this Medicare extension completed. The way to do it is on a bipartisan basis.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a Senate bill, which I will send to the desk. It is a clean 30-day extension of the Medicare payments bill.

Mr. President, I ask unanimous consent that the bill be read the third time, and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object. We are seeing another partisan game being played on something that affects the American people.

I have laid out in detail what this legislation does and what will happen to the American people if it doesn't pass. Obviously, the Republicans in the Senate have done what they feel is appropriate and that is to wipe out Medicare as we know it today.

People can chuckle all they want, but the senior citizens in America today and the health care delivery system are not chuckling. This is very important.

What has happened in this legislation tonight is detrimental to the health care delivery system, which is precarious at best even now.

There are no winners in their game—the game of the Republicans. It is noteworthy here——

Mr. MCCONNELL. Is my good friend objecting to my request?

Mr. REID. Mr. President, I am objecting, and I will use leader time to make a statement.

It is obvious that everybody can see there were 59 votes in favor of this. We needed 60. They have played this game before, going only to 59, and they are going to try to wiggle out of it some way. The only way to wiggle out of this is to accept this legislation.

My friend, the Republican leader, said he wants Ranking Member GRASSLEY to lead us to a bipartisan agreement. We have a leader. He is called the chairman of the committee. He is the chairman of the Finance Committee, MAX BAUCUS, one of the most experienced Members of this body. And he also has some experience in the other body. He led us to what is the right thing to do.

The majority of the Senate—in fact, 59 Senators—approved what we are trying to do today. I say to all my friends, even if this request were granted and I laid this out in some detail, the House would not be able to pass it.

I wish I could use a better term, but I did not graduate from Harvard, Yale, or Princeton. This is a phony excuse, this is a phony exercise and leads us only down one path—no help for patients and cuts for doctors.

By the way, I don't mean to disparage those schools. They are OK.

If my Republican friends truly wanted to prevent the physician fee cut from taking effect, they would have supported passage of this bill. In the record that is now before this body are more than 200 organizations that are begging that this legislation pass. This is the only bill we can send to the President in time to meet the deadline, the deadline that is established by law, July 1. The House did its work. They passed a bipartisan compromise by a 6-to-1 margin, 355 House Members to 59.

Moreover, even if the 31-day proposal could be passed, it does not solve any problems. It is an administrative nightmare. Medicare physicians and the beneficiaries they serve want the House-passed bill. They are not served by this false proposal.

I, of course, object, as I hope the record reflects, to this request and hope that my Republican colleagues will finally—one more, we only need one, one more Republican will do the right thing. I have said we are all here by virtue of being elected by our respective States. I had out here earlier today our Velcro chart, 79 filibusters. Is it any wonder that the House seats that came up during the off year—Hastert's went Republican, a Republican district that went Democratic; a seat in Louisiana that was a longtime Republican seat went Democratic. Is it any wonder that the State of Mississippi sent us a Democratic House Member? It is no wonder because they see what is going on over here.

I am very sorry for the people of our country that this legislation did not pass. But I want the record spread—Democrats to the number, every one of us, except Senator KENNEDY, who is ill, voted for this legislation. If Senator KENNEDY was not ill, he would have been here to vote. He would have been the 60th vote. We understand they probably would have peeled off 1 and it would have been 59.

The record should reflect that Democrats support this legislation because it is good for the American people. A majority of the Senate, 59 Members of the Senate, voted for this legislation. We will be back, and my colleagues will have another opportunity to vote for this bill. It will be led by the chairman of the Finance Committee, Senator BAUCUS.

Mr. MCCONNELL. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. Objection is heard. The Republican leader.

Mr. MCCONNELL. I believe I have the floor.

The path the majority leader just recommended we go down leads to a Presidential veto and an expiration of this law at the end of the week and a certain doc fix rejection. In other words, the doctors cut is going to go into effect at the end of this month because of this recalcitrant view, this excessively partisan approach that refuses to accept any input from this side of the aisle.

We have all known the way forward. In fact, Senator GRASSLEY and Senator BAUCUS working together started the way forward months ago by working together to get a bipartisan agreement, which is the way we have typically done these periodic Medicare bills. But, no, my good friend the majority leader jerks him back in and says: We want to do this on a strictly partisan basis. We don't care whether the President will veto the bill.

Here we are a few days before the doctors receive this unconscionable cut, and the majority is saying it is more important to play politics with this issue, to brag about the fact there are 59 Democrats who voted to go forward, to talk, of all things, during the Medicare debate about who won special elections for the House of Representatives in Illinois, Mississippi, or Louisiana. What in the world does that have to do with the subject matter?

The subject matter before us is not playing political games not bragging about the fact that every Democrat voted to go forward. We ought to be talking about the reality of this situation. And the reality is that the refusal of the majority to approach this issue on a bipartisan basis, as has been typically done in the past, will lead to a Presidential veto, a reduction in the reimbursement rates for doctors, an expiration at the end of the week. There is a way forward to get back together like we have typically done on this, and that is to approve a 30-day extension.

My good friend the majority leader has just objected to an opportunity to prevent the physicians' reduction we all agree should not occur. He is objecting to it. So even the most casual observer could not miss the point.

You have an opportunity to prevent the physicians' pay reimbursement reduction or let the law expire at the end of the week. That is the choice. It is perfectly clear.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I am sure it was a Freudian slip—59 Democrats voted for this. But next year at this time, there will be 59 Democrats at least. We have a situation where we have a clear bipartisan piece of legislation. How bad could it be? Mr. President, 355 Members of the House of Representatives.

The Founding Fathers set up two equal branches within the legislative branch. The House is just as powerful as we are. They have every right to do what they think is right, as we do, and they, on a bipartisan basis, 6 to 1, passed this bill. We are not jamming anything down anyone's throat. The House of Representatives passed this on a bipartisan basis because it was the right thing to do. We have read into the RECORD the apology of one of the 59 who recognized he voted wrong, and he apologized.

Mr. MCCONNELL. Mr. President, will the majority leader yield for a question?

Mr. REID. In just a minute. A veto by the President? Gee whiz, who would be afraid of him? He has a 29-percent approval rating. How in the world could anybody be afraid of him vetoing a bill? I cannot imagine why anyone would care about that.

We have tried to pass tonight on the Senate floor a bill we received from the House of Representatives that was approved by Republicans and Democrats. It has been through the committee process over there and over here as a result of all the work that has been done. And to think at this late hour, recognizing the House is not going to do anything—the Speaker has told us that. They passed a bill 6 to 1. Why would we even think they would take anything? The Speaker and the majority leader of the House said: We are not going to deal with this anymore.

We are going to have another opportunity—I want everyone over here, all my friends to understand that during the next 10 days, think about how you are going to vote on this the next time because you are going to have that opportunity. You go home and explain to all the 200-plus organizations whose names are in this RECORD right now, explain to them how you were doing the right thing because you were afraid

President Bush was going to veto a bill.

I will be happy to yield for a question.

Mr. MCCONNELL. When the President of the United States vetoes a bill, it doesn't become law, right, unless it is overridden?

Mr. REID. Absolute truth.

Mr. MCCONNELL. So if the President vetoes this bill, it is not likely that the fix will be prevented at the end of the week; is that right?

Mr. REID. I say to my friend and I say I don't know how many people are up here for reelection, but I am watching a few of them pretty closely, I say to all these people who are up for reelection: If you think you can go home and say, I voted no because this weak President, the weakest political standing since they have done polling, I voted because I was afraid to override his veto—come on.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. We probably don't need to prolong it much further, but in spite of the political observations of my good friend, the fact is, the President, as a matter of principle, will not sign this bill. At the end of the week, the doctors' reduction in reimbursement will go into effect. There is a way to prevent that, and that is to do a short-term extension to give us an opportunity to do what we have done in the past on these measures, and that is negotiate a settlement. That has been prevented by my good friend.

I think we have discussed this issue long enough. We have others waiting to debate the supplemental.

The PRESIDING OFFICER. Under the previous order, the motion to proceed to H.R. 6331 is withdrawn, and the bill is returned to the calendar.

## SUPPLEMENTAL APPROPRIATIONS ACT, 2008

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House.

The legislative clerk read as follows:

*Resolved*, That the House agree to the amendments of the Senate to the amendments of the House 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 amendments.

The PRESIDING OFFICER. Under the previous order, the motion to concur in the House amendments to the Senate amendment to the House amendment to the Senate amendment to the bill is considered made.

The Senator from Virginia is recognized.

Mr. WEBB. Are we in order to proceed on the supplemental?

The PRESIDING OFFICER. The Senator is recognized for up to 5 minutes.

Mr. WEBB. Mr. President, I don't expect very many people to vote against this supplemental. It comes to us from the House with a vote, I recall, of 416 to 12. The President asked for most of the provisions in this bill. The one provision I would like to speak very briefly about tonight is the GI bill provision that is in this supplemental. This is not an expansion of veterans' benefits. This is a new program. This is the first wartime GI bill benefit since Vietnam.

I wish to thank very much people on both sides of the aisle for all the work we have been able to do. There were 11 Republicans who cosponsored this provision, in addition to others who voted for it the first time around. There were more than 300 sponsors in the House. Those sponsors in the House included 90 Republicans.

I especially express my appreciation to Senator HAGEL and Senator WARNER, as well as Senator LAUTENBERG, for being the principal cosponsors along with me on this measure, also Chairman AKAKA of the Veterans' Affairs Committee and the majority leader, who was with us early on.

There are people on my staff who were working on this every day for 18 months, it is a very complex bill: Paul Reagan, my chief of staff; Michael Sozan, my legislative director; William Edwards, my legislative assistant for veterans' affairs; Jacki Ball; Jessica Smith and Kimberly Hunter, who are on our communications staff; Phillip Thompson and Mac McGarvey, both former Marines, who worked hard early on. And those from the staff of the Committee on Veterans' Affairs: Bill Brew, staff director, and Babette Polzer.

This is a landmark piece of legislation that will be in this provision. There are going to be a lot of veterans in the United States who are going to be very happy with the Senate tonight.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I know the time is late. This is a very important bill. It is one that has many good features, and the good features certainly outweigh the bad features. I know we never get everything we want in Congress. We certainly heard a lot about that a few minutes ago. I wish to talk about a couple of very important parts of this bill.

Also in the GI bill is something I worked very hard to put in that bill, which is the transferability of the education benefits that a person in the military now is able to transfer to a spouse or children.

There are many people who don't want to leave the military to take that education opportunity, but they would love to give their spouse or their child that opportunity. It is now in this bill. Very important.

It also incorporates a bill that I introduced early this year, again, for veterans. Who would have thought, Mr. President, that someone who dies serving our country in Iraq and leaves behind a $300 bill due the Veterans' Administration for education benefits—that they were not able to finish because they gave their life in the war—would then get a bill from the Veterans' Administration for that $385? In fact, Mr. President, that is what has been happening since we went into the war on terror.

The Secretary of Veterans Affairs asked me to introduce a bill so he would not have to do that because he knew it was wrong and that we wouldn't want it being done. This bill we are voting on tonight will go retroactive to 9/11, 2001, and it will assure that every family who has been sent a bill and paid that bill, after their loved one has died in service to their country, will be reimbursed, and no bill will ever go out again. That is in this bill, and I am very proud we finally passed it.

Also in this bill is the Merida Initiative, as part of the supplemental. In my home State, and all the border States with Mexico, we are seeing violence with drug cartels that are now targeting our law enforcement officers on our side of the border as well as those in Mexico. They are dying trying to stop the drug cartels that are importing drugs into our country. The Merida Initiative that President Bush and President Calderon have put together is a part of this supplemental. I had hoped that we could also help our local law enforcement officials who do not have the equipment they need to deal with these more violent, more sophisticated drug cartels, but I am telling you right now I am going to pursue that in the next bill we pass that is an appropriations bill because our local law enforcement officials are certainly in need of our help.

We didn't get that in this bill, and I am disappointed, but there will be another day. We have to do this together. We have to stop the drug infusion into our country and stop these heinous crimes that are being committed by the drug cartels in Mexico.

So I support this bill. I hope we will all support it. It is a supplemental. Most of it is what the President asked for. We didn't all get what we wanted, but it is a worthy bill to support.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I plan to raise a point of order in a moment, but first I wish to make a statement.

The emergency spending bill being considered by the Senate would provide $210 million for the 2010 Census. No strings are attached to the funding, giving the Census Bureau freedom to spend the money in any way it chooses. While the mission of the Census Bureau is vitally important because of its role in apportioning the House of Representatives and the distribution of billions of dollars in federal grants, the agency has proved to be notoriously bad at spending taxpayer money—and the last thing Congress should do is provide more.

Emergency spending bills should be reserved only for true emergencies, and the 2010 Census is not one of them. The Census Bureau has spent hundreds of millions of dollars over the past 8 years preparing for the 2010 Census. Yet, even that much time and that much money has not been enough to prevent the Bureau from being woefully underprepared.

One of the top priorities for the 2010 Census was modernizing the method for collecting census data so that technology would replace the traditional pen and paper method. One former Director of the Census Bureau called the modernization effort a ''significant improvement'' over the way data had been collected in the past.

Modernization of the census would take two forms:

First, allowing citizens to fill out census forms over the Internet, rather than on paper only.

Second, equipping census workers who go door-to-door to collect information with handheld computers instead of paper forms.

Two contracts were awarded to build the technology: one to Lockheed Martin for, among other things, the development of an online system and a second to the Harris Corporation for the development of the handheld computers. Unfortunately, mismanagement and incompetence forced the Census Bureau to abandon both the Internet in March 2006 and the handheld computers in April 2008 as a means of collecting data. In place of technology, the Bureau has decided to revert back to an entirely paper-based system—exactly the same way census data was collected 200 years ago.

According to the Census Bureau, the reason for abandoning technology and reverting to paper was its own failure to communicate what it wanted to the contractors. The result was a great deal of confusion, schedule delays and irreversible cost overruns. According to the Government Accountability Office, the Census Bureau was warned repeatedly that problems would mount if it failed to define what it wanted the contractor to do. Instead of taking action, the Bureau kept changing its mind about what it wanted. As recently as January 16, 2008—nearly 2 years after the contract was awarded—the Census Bureau made 400 changes to the contract for handheld computers. To this day, the Census Bureau has still not finalized the handheld computer contract with the Harris Corporation and may not do so until September.

The Census Bureau's mismanagement of the handheld computer contract has become the poster-child for how not to run a large information technology contract. Poor management by the Bureau has diminished the role that technology will play in the 2010 census to the point of embarrassment. Americans will take their Census by paper at the same time that more than 80 million people are filing their Federal taxes online according to the Pew Internet and American Life Project, 75 percent of all adults are actively online. That percentage increases to between 85–90 percent for adults under the age of 50.

According to the Census Bureau, the impact of abandoning technology in the 2010 Census will be a $3 billion overrun. This would bring the total price tag of the 2010 Census to roughly $14.5 billion—or more than double the cost in 2000. Congress should not reward mismanagement at the Census Bureau with an additional $210 million in emergency funding for FY 2008. It is unfair that Congress would ask taxpayers to bail out the Census Bureau for its incompetence in light of the repeated warnings that cost overruns would result from its poor management.

Because the problems of the Census Bureau are of its own making, any additional funding needs for fiscal year 2008 should come out of the budget of the Census Bureau or the Department of Commerce. The real ''emergency'' with the 2010 Census is the failure, mismanagement and incompetence of the Census Bureau.

According to Congress' own rules, emergency spending is only allowed for needs that truly cannot wait until the next spending cycle. These rules are not difficult to understand and lay out clearly what is and what is not an emergency.

There are many activities funded in the bill that are not actual emergencies according to the rules, but at the top of the list of non-emergencies is the $210 million for the 2010 Census. The 2010 Census may go down in history as one of the worst managed and most expensive of all time, primarily because it saw enormous problems on the horizon and chose to ignore them—leading to the emergency today.

Problems at the Census Bureau have been obvious to auditors and to Congress for years, and the funding in this bill is nothing more than a taxpayer-subsidized bailout for a mismanaged and incompetent agency. The Senate should uphold a point of order against the $210 million included in this bill for the 2010 Census because it violates every definition of emergency spending and provides no accountability for how the money will be spent by an agency that has proven that it desperately needs accountability.

According to the rules, spending can only qualify as an emergency if it meets all of the following criteria:

It is a necessary expenditure—an essential or vital expenditure, not one that is merely useful or beneficial;

It is sudden—coming into being quickly, not building up over time;

It is urgent—a pressing and compelling need requiring immediate action;

It is unforeseen—not predictable or seen beforehand as a coming need, although an emergency that is part of an overall level of anticipated emergencies, particularly when estimated in advance, would not be ''unforeseen''; and

It is not permanent—the need is temporary in nature.

Not only does funding for the Census fall short of meeting all of the criteria for emergency spending, it actually fails to meet any of the criteria.

According to Senate Concurrent Resolution 21, any emergency funding for the Census would have to be ''necessary, essential, or vital—not merely useful or beneficial.'' The purpose of this rule is to separate true emergencies from needs that can wait for the regular appropriations process. An accurate count of the population is important for apportioning the House of Representatives, but that alone does not qualify it for emergency funding.

One of the best ways to determine whether funding is ''necessary'' or ''vital'' is to ask the following basic question: ''How does the Census Bureau plan to spend $210 million?'' If funding is truly necessary then there should be a clear answer to that question in the form of a specific plan stating the emergency and how the money would be spent. So, what is the money for? The answer is: no one knows.

The Census Bureau has not requested any emergency funding from the emergency supplemental appropriations bill, nor has it provided a plan for how the money would be spent if received. At a March 6, 2008, hearing of the Senate Appropriations Subcommittee on Commerce, Justice, and Science, Chairman BARBARA MIKULSKI directly asked both the Commerce Secretary, Carlos Gutierrez, and the Census Director, Steven Murdock, whether they needed emergency funding. Sen. MIKULSKI gave them a deadline of April 10 to make their request, but both the Secretary of Commerce and the Director of the Census Bureau declined to request any funding. In response, the Commerce Department stated that it did not need emergency money because plenty of funding was available within the department's existing budget. On April 3, 2008—a week ahead of Sen. MIKULSKI's deadline—Secretary of Commerce Gutierrez instead sent Congress a request to allow the Department to reprogram the department's existing funds to cover the cost overruns at the Census Bureau. Reprogramming existing funds would force the Department of Commerce to offset an increase in Census funding and to bear the burden of its own mistakes rather than placing the burden on taxpayers. On June 9, the President sent a letter to Congress asking for an increase to its fiscal year 2009 budget request for the Census, but also provides offsetting decreases to other programs. The Administration has stated that it would like for all Census money to come from non-emergency spending, which would ensure that the Census Bureau's needs are not paid for out of deficit spending.

Unfortunately, Congress has chosen deficit spending over fiscal responsibility by including $210 million in this bill for the Census. Congress would rather spend additional taxpayer

money than cut existing program budgets within the Department of Commerce. Including money in this bill for the census shows little regard for taxpayers, viewing them as a source of easy money rather than as people who work hard for their income. Congress is simply playing games with the budget rules and driving up the deficit.

Senate rules require that emergency spending bills be reserved only for needs that are ''sudden, urgent and unforeseen'' in nature. The United States has been conducting a census every 10 years since 1790 as required by the Constitution and therefore is never unforeseen.

The Census Bureau is, however, currently facing a likely $3 billion cost overrun for the 2010 Census because of its decision to abandon the use of handheld computers and rely exclusively on paper. Only by stretching the meaning of ''sudden, urgent and unforeseen'' beyond recognition can it be said that the Census Bureau did not see this problem coming. More than 18 months ago, the Census Bureau itself recognized that abandoning the handheld computers for paper would result in a cost increase for the 2010 Census of at least $1 billion.

On August 31, 2006, Former Census Director Louis Kincannon wrote a letter to the Subcommittee on Federal Financial Management with the following warning about reverting to a paper-based census:

''In addition to significant cost increases to the 2010 Census, reverting to a paper-based operation will compromise efforts to improving coverage . . . and will significantly increase the risk of operational failure during the 2010 Census.''

Even as that letter was written, the Census Bureau was being warned that its poor management of the handheld computer project could force the Bureau to revert to an all-paper census. The problems and cost overruns that are materializing today were predicted publicly for a long time, but the Census Bureau ignored the warnings and took no action to prevent the problems.

Chairman HENRY WAXMAN, of the House Oversight and Government Reform Committee, has extensively documented the warnings that were given to the Census Bureau over several years. In addition, the Census Bureau was warned repeatedly by the Government Accountability Office, the Commerce Inspector General, the MITRE Corporation and Congress about its poor planning of the 2010 Census. Each step along the way, the Bureau systematically ignored every warning, leading to the schedule delays and cost overruns being experienced today. The following chronology shows clearly that the current problems being experienced by the Census Bureau are not ''sudden, urgent or unforeseen.''

January 2004—GAG recommended that the Secretary of Commerce develop a ''single integrated project plan'' for executing the 2010 Census, including how to incorporate technology. The Census Bureau ignored the recommendation and moved forward without a plan.

September 2004—The Commerce Inspector General warned that the Bureau should follow a number of key ''software engineering practices'' to avoid pitfalls with the handheld computers. These included doing a better job with ''system requirements'' and overseeing its contractor. The contract for the handhelds was awarded to the Harris Corporation with very few details about what should be produced—more than two years later the plans are still not finalized.

June 2005—GAG warned the Census Bureau that the agency was ''at increased risk of not adequately managing major IT investments and is more likely to experience cost and schedule overruns and performance shortfalls.'' GAO made several recommendations aimed at improving weaknesses in the Bureau's management of information technology. The Census Bureau failed to adequately respond to these recommendations.

March 2006—As the Bureau was getting ready to award the contract to the Harris Corporation, GAO warned that the agency did not have a ''full set of capabilities they need to effectively manage the acquisitions.'' Unless the problem was to be addressed, GAO warned that technology problems could lead to ''cost overruns, schedule delays, and performance shortfalls.'' The Census Bureau ignored the warnings and still has not addressed them more than two years later.

June 2006—The Senate Subcommittee on Federal Financial Management held a hearing on the Census and then-Director Louis Kincannon was asked about whether there was a backup plan if the handheld computers did not work. Even as the GAO was raising concerns that technology for the 2010 Census was in jeopardy, the Director said that no backup plan was needed since the computers were guaranteed to work, and said the following:

''You might as well ask me what happens if the Postal Service refuses to deliver the census forms.''

July 2006—GAO issued a report stating that if the Census Bureau did not do more to ensure the success of the handheld computers, it would be faced with the ''possibility of having to revert to the costly paper-based census used in 2000.''

April 2007—GAO testified before Congress that ''uncertainty surrounded'' the handheld computers because the devices were not being properly tested and The Census Bureau ignored the warnings.

June 2007—The Census Bureau's private, independent consultant—the MITRE Corporation—sounded a loud alarm and warned that the Bureau's continued refusal to make final specifications could put the entire census at risk of severe cost overruns. Census Bureau management dismissed the warning.

July 2007—GAO testified again before a Senate subcommittee that there were ''technical problems with the handheld computing devices'' and that ''risk management activities'' were ''imperative.'' Failure to address these concerns could threaten to overtake the handheld computer project.

October 2007—Once again GAO, with a rising sense of urgency, warned that the handheld contract faced ''an increased probability that decennial systems will not be delivered on schedule and within budget.'' The Census Bureau did not disagree with this assessment.

November 2007—MITRE Corporation executives called an emergency meeting with the Deputy Director of the Census to recommend that he develop a backup plan for paper because the problems with the handheld computers were so severe.

December 2007—In the last days of the year on December 11, the outgoing Director of the Census Bureau testified at a House hearing about the handheld computers and brushed off any concerns raised by Members. He denied that any serious problems existed or that there were any significant delays or cost overruns.

For years, there were warnings raised to the Census Bureau on nearly a monthly basis at times, but those warnings were patently ignored and disdained by Census management. Not until February 2008—when the media caught wind of the true situation—did the Census Bureau acknowledge publicly that there was a serious problem with the handheld computers and that large cost overruns were likely.

In testimony before the Senate Homeland Security Committee on March 5, 2008, the Secretary of Commerce, Carlos Gutierrez, took it one step further and accepted responsibility for failing to act earlier. He said:

''Clearly the problem was more significant than had been conveyed in the December 11 hearing.

In testimony before the Committee on April 15, Secretary Gutierrez admitted that the Bureau was aware of problems by early 2007, when he said:

''Concerns about the [handheld computer) program grew over time and Census and Commerce officials became increasingly aware of the significance of the problems through GAO and Office of Inspector General reviews, the 2007 dress rehearsal and internal assessments.''

None of these concerns were relayed to Congress until it was too late and emergency funding was the only recourse. With this chronology of events, it is simply not possible to claim that any problems with the 2010 Census being seen today are ''sudden, urgent and unforeseen.'' They have been just the opposite: unsurprising, longstanding and predictable.

Without diminishing the importance of the 2010 Census, the funding in this bill does not meet the definition of an emergency by a long shot. The problems surfacing today were not only

predicted many times in the past few years, but were documented publicly in numerous congressional hearings. A vote to waive the rules on emergency spending in this situation is a vote to render the emergency spending rules meaningless. A vote to waive the rules is also a vote to reward incompetent management at the Census Bureau despite its ignoring years of repeated warnings that problems were on the horizon.

In order to qualify for emergency funding, it must be proved that funding for the 2010 Census is ''temporary in nature.'' The rule is intended to ensure that needs that are long-standing or ongoing do not get funding under emergency rules. Rather, only those needs that are short-lived can qualify as an emergency.

No activity of the U.S. Government has existed for a longer period of time nor has an activity of the government been as predictable as the decennial census. Article 1, Section 2 of the Constitution states that ''The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct.'' With these words, the Founding Fathers established that a census of the entire population would be taken every ten years in perpetuity. Since the birth of the Nation more than 230 years ago, a census has been taken every 10 years—few things in government are as permanent as the census.

It should come as a surprise to no one that there will be a census in 2010, least of all to Congress and to the Census Bureau. $210 million in emergency spending should not be included in a bill that is intended only for measures that are ''not permanent'' or ''temporary.''

The Census Bureau finds itself today as the recipient of a bailout from Congress because it has been taught by past experience to expect a bailout whenever times get tough. The example of the 2000 Census provides an illustration of how the expectation of a congressional bailout drives up costs because it decreases concerns about getting the best price.

By the late 1990s, census planners were operating under the assumption that the 2000 Census would cost $4 billion—then the most expensive of all time. At the time, the Census Bureau was planning to use a method of data collection known as ''sampling'' during the 2000 Census. On January 25, 1999, only 15 months before Census Day 2000, the Supreme Court ruled that sampling was not allowable, and that the Census Bureau would have to redesign the 2000 Census.

Although the issue was highly controversial, and subject to a ruling by the Supreme Court, the Census Bureau failed to make any plans whatsoever in the event that sampling would not be allowed. In September 1999, GAO reported that: ''The bureau did not begin detailed budgeting for a nonsampling-based census until after the Supreme Court ruled that the Census Act prohibited the use of statistical sampling.'' Thus, poor planning and mismanagement forced the Census Bureau to request an additional $2.6 billion from Congress during the final year of preparations.

Congress was faced with the decision to either cut $2.6 billion from existing programs or designate the new funding as an emergency. Not surprisingly, Congress chose to designate the $2.6 billion as an emergency since it allowed the funding to get around the budget rules that would have otherwise required spending cuts. It is the worst kept secret in Washington that emergency spending is nothing more than a ploy by politicians to bust through the budget caps and spend more money. Although Members of Congress were spared from having to make any difficult choices, taxpayers were not so lucky.

Today, for the 2010 Census, Congress is once again facing a decision about how to come up with $3 billion. And, once again it wants to pay for it on the backs of the American people. Management at the Census Bureau is smart enough to know that Congress will never hold the agency accountable for its mismanagement of taxpayer dollars, as evidenced by the $210 million in this bill. Congress should begin holding the Census Bureau accountable today and sustain the point of order against emergency funding for the census in this bill.

MEMBERS OF CONGRESS HAVE REPEATEDLY NOTED THAT CENSUS PROBLEMS WERE A FAILURE OF MANAGEMENT, NOT THE RESULT OF AN EMERGENCY

By providing $210 million to the Census Bureau, Congress is disregarding the findings of its own committees. There have been no fewer than five committee hearings in the past 3 months detailing the long-standing failures of the Census Bureau to properly manage the 2010 Census.

Several members of Congress from both parties and both houses have commented over the past several months about the poor management of the Census Bureau and the shocking indifference it showed towards those that tried to raise a warning. The following statements have been made in recent months by various Members of Congress.

On March 6, the Chairman of the Senate Commerce, Justice and State Appropriations Subcommittee, Senator BARBARA MIKULSKI, said that it was ''shocking'' that the 2010 Census will be done the same way ''we've been doing censuses for 200 years.'' Senator MIKULSKI also stated that ''a paper census in America borders on a scandal.''

On June 18th, the ranking member of the CJS Subcommittee, Senator RICHARD SHELBY, said that the $3 billion cost overrun is the result of ''gross mismanagement of the Census Bureau in acquiring hand held computers.''

In March 2008, Representative CAROLYN MALONEY called the management of the 2010 Census a ''mess'' and said that ''what we're facing is a statistical Katrina.'' In April 2008, upon hearing that the Census Bureau decided to abandon the handheld computers, she said: ''It brings little satisfaction to have been right about this, but we've said since last year the Census was in real peril.''

Representative HENRY WAXMAN, Chairman of the House Oversight and Government Reform Committee, blamed the cost overruns on ''serious mismanagement'' and said that ''the costly decision to return to a paper census was avoidable.''

At a hearing in March, Senator TOM CARPER, Chairman of the subcommittee with jurisdiction over the Census Bureau, said that ''the Census Bureau did not heed the warnings coming from GAO and others that their handheld project was troubled.''

Representative LACY CLAY, who chairs the House Census Subcommittee said, ''This appalling failure of management oversight by both the Census Bureau and Harris Interactive, combined with ridiculous cost overruns is totally unacceptable.'' Representative CLAY also said: ''[Harris] is delivering half of the hand-held computers that the Census Bureau originally ordered. The machines can't do what we wanted them to do. And yet, Harris expects the taxpayers to provide more than $700 million more to pay for their failures. That is outrageous.''

Senator JOE LIEBERMAN said that ''it is inexcusable that the Census Bureau must still rely on paper and pencils to perform its most important function.''

Senator SUSAN COLLINS, in discussing the management of the census, said that ''there is little to applaud and much to be concerned about.'' Senator COLLINS went to blame agency management for a ''combination of wishful thinking, lax management, and tunnel vision.''

Even the Secretary of Commerce, Carlos Gutierrez, who is ultimately responsible for the 2010 Census, said that the problems with the handheld computers are not the result of an unexpected emergency, but is ''a management problem.''

THE CENSUS BUREAU HAS A POOR TRACK RECORD OF USING TAXPAYER MONEY

The Census Bureau has one of the worst track records of any federal agency when it comes to spending taxpayer money. Numerous accounts can be given to highlight the way in which the Census Bureau wastes money through negligence, mismanagement and incompetence. The $210 million in emergency funding in the bill is nothing more than rewarding bad behavior with more money and no accountability.

Consider the following ways in which the Census Bureau has done a poor job of controlling the cost of the census:

The cost of the census has doubled every time it has been taken since 1970.

In 1970, it cost only $248 million to count 200,000 American citizens, but in 2010, it will cost nearly $15 billion to count 300,000 citizens—that means it will cost 60 times more to count 1½ times as many people. In the 1990 Census it cost $10 per person to count the population—in the 2010 Census, it will cost at least $47 per person.

More recently, the Census Bureau awarded a $600 million cost-plus contract to the Harris Corporation for the development of handheld computers, which has skyrocketed above the original plan. The handheld computers were supposed to perform a number of functions, including two functions called Address Canvassing and Non-Response Follow Up:

Address Canvassing is the process of plotting every American household with a GPS coordinate.

Non-Response Follow Up is the process of collecting information door-to-door from households that don't respond to the census by mail.

Due to mismanagement by the Census Bureau, the project has not only been severely scaled back but the cost of the contract will likely double. In April, the Secretary of Commerce decided to eliminate Non-Response Follow Up from the list of functions that the handheld computer would perform, leaving only Address Canvassing. The Harris Corporation estimated that the impact of that decision so close to the 2010 Census would increase the cost of the contract from approximately $600 million to $1.3 billion—an overrun of $700 million to be funded by taxpayers.

According to estimates based on the new contract, the unit cost for each handheld computer would be $600 for a device that can do nothing more than plot homes on a map using GPS coordinates. This means that the Census Bureau will pay $600 for a custom-made handheld device that can do less than an off-the-shelf BlackBerry that costs $200 or an iPhone that costs $275.

One of the most glaring examples of wasted money at the Census Bureau is seen in the recent cost overrun for a technology help-desk planned for census takers going door-to-door in 2010. The original for the help desk—before the decision was made to abandon technology for a paper census—was $36 million. After the decision to use paper only, the estimated cost of the technology help desk increased to $217 million.

Some will argue that without immediate emergency funding, the Census Bureau will not be able to pull off the 2010 Census, putting apportionment and important programs in jeopardy.

This is not true. The next fiscal year is only 3 months away and any funding that the Census Bureau needs can be provided then. There is no compelling argument that emergency deficit spending on the 2010 Census is needed immediately. Perhaps the reason why $210 million is being included is because the Congress—like the Census Bureau—is once again mismanaging its constitutional duties to pass appropriations bills on time.

Also, as I already stated earlier, it is not clear what this money would actually be used for and so it is impossible to say it is essential. It is incomprehensible why the Census Bureau needs an extra $210 million at this point when it is planning to spend an overall amount of $14.5 billion on the 2010 Census. That is more than twice as much as the cost of the 2000 Census that was done the exact same way—by pencil and paper.

There are plenty of deficit-neutral options available to provide funding for the 2010 Census, including transferring money already available within the Department of Commerce. Or, Congress could cut or eliminate less important programs to free up money for the 2010 Census.

Furthermore, some may argue that the concerns about poor management at the Census Bureau can be dealt with another time—the most important thing is getting the 2010 Census done right and without delay.

I would respond by noting that this country is always in the middle of preparations for the next decennial census—if management concerns are always pushed back then they will never be addressed. Providing a bailout for the Census Bureau now is tantamount to excusing the poor management that has prevailed at the agency for the better part of a decade.

Report after report by the GAO and the Inspector General have called upon the Census Bureau to improve its poor management of the 2010 Census. Each of those reports and warnings were ignored because, ultimately, the agency knew that Congress didn't care about accountability. Congress should deal with the management concerns immediately and start by withholding the bailout money in this bill.

Mr. President, this is a simple point of order, but it has tremendous ramifications on whether we are going to effectively oversight the rest of the executive agencies.

Three and a half years ago, TOM CARPER and I started oversight hearings on the census. At that time, GAO said: They are not going to make it. They are not doing what they need to do. It was totally ignored, both by the Census Bureau as well as the Department of Commerce. Now we find that even though they have had two contracts—one with Lockheed and one with another company—to put the census online—we are going to be the only modern country that doesn't have the census online—they have totally withheld, totally canceled that contract, and totally didn't perform. The other, to do with electronic data collection, is now a flop, and they admit the reason it is a flop is because the Census Bureau did not communicate with the contractor.

In this bill is $210 million to say: Oh, we are sorry. We are going to give you more money because you didn't do it well.

Secretary Gutierrez says there is plenty of money in the Commerce Department to cover this cost, and I am going to raise a point of order that it is not an emergency. There is plenty of money there, and we are sending exactly the wrong message to every other agency in this Government by allowing an agency that is going to do the census the same way it did 200 years ago because of incompetency. We are going to give them $200 million on an emergency basis, and we are going to charge the next generation because we are not going to pay for it. We are going to borrow the money, and we are going to embrace and endorse incompetence.

So, Mr. President, I raise a point of order, pursuant to section 204(a)(5) of the fiscal year 2008 budget resolution, S. Con. Res. 21, against the emergency designation of $200 million for the Census Bureau in the message in the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, the Senator from Oklahoma has raised a point of order, and I want all our colleagues to know that his point of order lies against the emergency designations for the census funding, as he has just talked about, but in reality his point of order lies against all the emergency spending in this amendment, including the veterans education funding and the extension of unemployment benefits, and against the disaster relief.

So I urge our colleagues to vote with us on the point of order. It has already been part of the agreement. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Under the previous order, the motion to waive the Budget Act is considered made.

Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 77, nays 21, as follows:

[Rollcall Vote No. 161 Leg.]

YEAS—77

| | | |
|---|---|---|
| Akaka | Coleman | Lautenberg |
| Alexander | Collins | Leahy |
| Baucus | Cornyn | Levin |
| Bayh | Dodd | Lieberman |
| Bennett | Dole | Lincoln |
| Biden | Domenici | Lugar |
| Bingaman | Dorgan | Martinez |
| Bond | Durbin | McCaskill |
| Boxer | Feingold | McConnell |
| Brown | Feinstein | Menendez |
| Brownback | Hagel | Mikulski |
| Bunning | Harkin | Murkowski |
| Byrd | Hutchison | Murray |
| Cantwell | Inouye | Nelson (FL) |
| Cardin | Johnson | Nelson (NE) |
| Carper | Kerry | Obama |
| Casey | Klobuchar | Pryor |
| Clinton | Kohl | Reed (RI) |
| Cochran | Landrieu | Reid (NV) |

| | | |
|---|---|---|
| Roberts | Snowe | Vitter |
| Rockefeller | Specter | Warner |
| Salazar | Stabenow | Webb |
| Sanders | Stevens | Whitehouse |
| Schumer | Sununu | Wicker |
| Shelby | Tester | Wyden |
| Smith | Thune | |

NAYS—21

| | | |
|---|---|---|
| Allard | Craig | Gregg |
| Barrasso | Crapo | Hatch |
| Burr | DeMint | Inhofe |
| Chambliss | Ensign | Isakson |
| Coburn | Enzi | Kyl |
| Conrad | Graham | Sessions |
| Corker | Grassley | Voinovich |

NOT VOTING—2

| | |
|---|---|
| Kennedy | McCain |

The PRESIDING OFFICER. On this vote, the yeas are 77, the nays are 21. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, 1 year ago, Congress sent the President a war funding supplemental that included clear direction to bring our troops home by December of 2007. The President chose to veto that bill. If he had signed that bill, most of our troops would be home today.

Instead of bringing our troops home, the President decided to increase our commitment of U.S. troops and treasure to a war that has now entered its sixth year. Over 4,100 U.S. servicemembers have died. Over 30,000 U.S. servicemembers have been wounded. This year, the President asked Congress to approve another $178 billion for this endless war. With enactment of this supplemental, Congress will have approved over $656 billion for the war in Iraq.

Once again, the President threw down the gauntlet and said he would veto the supplemental bill if Congress added funding for anything other than the war. He made this demand at a time when the U.S. economy is in trouble.

Under the President's failed fiscal leadership, deficits and debt are on the rise. Unemployment is on the rise, with the largest 1 month increase in 20 years. Economic growth came to a virtual halt at the end of last year. Food and fuel costs are dramatically climbing. Mr. President, 8.8 million home owners have mortgages that exceed the value of their homes, and foreclosures have increased 57 percent.

While saying no to funds for America, the President wanted this Congress to approve more funding to reconstruct Iraq. We have already approved $45 billion for reconstruction projects in Iraq. Despite the fact that the Iraqi government is running a huge surplus due to excess oil revenues, the President asked this Congress to spend another $3 billion of American taxpayer dollars on reconstructing Iraq.

The President wants money to build schools in Sadr City but not in Seattle. He wants money for roads in Ramadi but not Richmond. The President wants money for Mosul but not Minneapolis. He wants to reconstruct Baghdad but not Baltimore or Birmingham.

Congress listened to the President. We had hearings on his request, and we concluded that, notwithstanding his ill-considered veto threat, we would include funding to help our citizens here at home.

The amendment that is before the Senate extends unemployment benefits for 13 weeks. Over the past year, the number of unemployed workers in this country has grown by 1.6 million to a level of 8.5 million people.

I am pleased that the amendment includes critical funding for our veterans. I commend Senator WEBB and Senator WARNER for their leadership in drafting legislation that provides our veterans with an education benefit that they have earned.

We also have a moratorium on six burdensome Medicaid regulations. The President wanted to pass billions of dollars of expenses on to the States for rehabilitation services and school-based services for children with special needs. Congress said no.

We have included $2.65 billion for disaster assistance to help the victims of the Midwest floods, as well as other disasters that have happened over the last year for which the President sought no additional funding. We have added funding for the Food and Drug Administration to help protect our food and drug supplies. We also modified the President's request for the war by adding $160 million to his request for funding DOD efforts in Afghanistan. We must never forget that those who attacked us on 9/11 trained in Afghanistan, not Iraq. We also include language mandating that Iraq match, dollar for dollar, further U.S. contributions to reconstructing Iraq.

This year, the Appropriations Committee has held, and will continue to hold, oversight hearings looking at waste, fraud and corruption in Iraq. Unchecked corruption in Iraq is providing much of the funding for the very enemy our servicemen and women are fighting—and President Bush has demonstrated either unwillingness or an inability to check the flow of funds and weapons from these sources to the enemy. This amendment requires the Secretary of State to develop a comprehensive anticorruption strategy and submit to Congress the identities of Iraqi officials believed to have committed corrupt acts. I am also pleased that this legislation continues to provide funding, funding not requested by President Bush, for the Special Inspector General for Iraqi Reconstruction. As a result of our recent hearings on fraud and corruption in Iraq, we learned that there are only five FBI agents assigned to investigate fraud in Iraq and Afghanistan. For this administration, look no evil, see no evil. Well, it is time to take our blinders off. This amendment includes $5 million to increase FBI investigations, and the committee will continue to hold hearings on fraud and waste in Iraq.

Despite the positive measures for struggling Americans, our veterans, and their families included in this amendment, I deeply regret that this legislation will go to President Bush without the necessary checks to ensure that the war in Iraq is not open-ended. The majority of the American people have come to see this war as a costly mistake that needs to be brought to a close. This legislation brings us no closer to that goal.

However, with this legislation, we will once again take care of our troops. We also invest in America here at home.

There is more to do. I am disappointed that the White House blocked our efforts to add funding to help the Gulf States recover from Hurricane Katrina, to provide additional low-income home energy assistance, and to invest in our infrastructure. I have consulted with the leadership, and next month, the committee will consider a second supplemental to deal with the Midwest floods, Hurricane Katrina, and to make critical investments in America.

I urge adoption of the amendment.

I ask unanimous consent that an explanatory statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT SUBMITTED BY SENATOR ROBERT C. BYRD, CHAIRMAN OF THE SENATE COMMITTEE ON APPROPRIATIONS, REGARDING THE HOUSE AMENDMENT TO THE SENATE AMENDMENT TO HOUSE AMENDMENT NUMBER 2 TO THE SENATE AMENDMENT TO H.R. 2642

Following is an explanation of the fiscal year 2008 supplemental appropriations and fiscal year 2009 appropriations in the further amendment of the House to Senate amendment numbered 2 to House amendment numbered 2 to the amendment of the Senate to H.R. 2642, the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2008, including disclosure of congressionally directed spending items as defined in rule XLIV of the Standing Rules of the Senate.

The further House amendment provides that, in lieu of the matter proposed to be inserted by the Senate, language be inserted providing supplemental appropriations for military construction, international affairs, disaster assistance, and other security-related and domestic needs, as well as language providing for accountability in contracting, improved veterans education benefits, temporary extended unemployment compensation, and a moratorium on certain Medicaid regulations. The amendment also strikes lines 1 through 3 on page 60 of the Senate engrossed amendment of September 6, 2007.

Unless otherwise noted, all appropriations in the amendment are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 and section 301(b)(2) of S. Con. Res. 70, the congressional budget resolutions for fiscal years 2008 and 2009.

NOTIFICATION OF EMERGENCY LEGISLATION

The congressional budget resolution (S. Con. Res. 21) agreed to by Congress for fiscal

year 2008 includes a provision relating to the notification of emergency spending. This provision requires a statement of how the emergency provisions contained in the bill meet the criteria for emergency spending as identified in the budget resolution. The amendment contains emergency funding for fiscal year 2008 for overseas deployments and other activities, for hurricane recovery in the gulf coast region, for the 2008 Midwest floods, and other natural disasters, and for other needs. The funding is related to unanticipated needs and is for situations that are sudden, urgent, and unforeseen, specifically the global war on terror, the hurricanes of 2005, the ongoing floods in the Midwest and other natural disasters, and rising unemployment. The amendment also funds the costs of ongoing military deployments and other requirements through the beginning months of the next fiscal year. These needs meet the criteria for emergency funding.

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

The amended bill provides a total of $850,000,000 to remain available until expended for Public Law 480 Title II Grants for fiscal year 2008. The amended bill provides $350,000,000, as requested, for the urgent humanitarian needs identified by the administration. Further, the amended bill provides an additional $500,000,000 for unanticipated cost increases for food and transportation to be made available immediately.

In addition, because the need for urgent humanitarian food assistance and continuing volatility of food and transportation costs are expected to continue into fiscal year 2009, the amended bill provides a total of $395,000,000, as requested, to be made available beginning October 1, 2008.

CHAPTER 2—JUSTICE

DEPARTMENT OF JUSTICE

OFFICE OF INSPECTOR GENERAL

The amended bill includes $4,000,000 for the Office of Inspector General. The Inspector General is directed to continue its audit and oversight activities of the Federal Bureau of Investigation's use of National Security Letters (NSLs) and orders for business records, pursuant to Section 215 of the USA PATRIOT Act.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The amended bill includes $1,648,000 for General Legal Activities for the Criminal Division to provide litigation support services to the Special Inspector General for Iraq Reconstruction for its ongoing investigations and cases involving corruption in the reconstruction of Iraq. The amended bill does not include funding requested to create Iraq and Afghanistan support units within General Legal Activities, Criminal Division. These worthy activities should be supported through funds made available to the Departments of State or Defense.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The amended bill includes $5,000,000 for the U.S. Attorneys for extraordinary litigation expenses associated with terrorism prosecutions in the United States.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

The amended bill includes $28,621,000 for the U.S. Marshals Service. Within this funding level is $7,951,000 to provide security at high-threat terrorist trials in the United States and $3,700,000 to improve court and witness security in Afghanistan.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The amended bill provides $106,122,000 for the Federal Bureau of Investigation (FBI). This funding level includes $101,122,000 for operations in Iraq and Afghanistan and for enhanced counterterrorism activities and $5,000,000 to increase the FBI's capacity to investigate fraudulent contracts in Iraq and Afghanistan. The FBI is directed to provide the House and Senate Committees on Appropriations with a detailed plan for the obligation of these funds no later than 30 days after the enactment of this Act and to update this plan on a quarterly basis with actual obligations.

The amended bill also provides $82,600,000 in bridge funding for the FBI to maintain the operations described above into fiscal year 2009.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The amended bill includes $29,861,000 for the Drug Enforcement Administration to further its narco-terrorism initiative and Operation Breakthrough; to conduct financial investigations and to support intelligence activities, such as signals intelligence, to assist the Government of Afghanistan's counter-narcotics and narco-terrorism programs; and to purchase a helicopter for Foreign-deployed Advisory Support Team transportation.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

The amended bill includes $4,000,000 for the Bureau of Alcohol, Tobacco, Firearms and Explosives for necessary costs of operations in Iraq.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The amended bill provides $9,100,000 for the Bureau of Prisons to monitor communications of incarcerated terrorists, collect intelligence, and disseminate relevant information to other Federal law enforcement agencies.

GENERAL PROVISION, THIS CHAPTER

The amended bill includes a provision authorizing the use of funds appropriated in this chapter, or available by the transfer of funds in this chapter, for activities pursuant to section 504 of the National Security Act of 1947.

CHAPTER 3—MILITARY CONSTRUCTION AND VETERANS AFFAIRS

DEPARTMENT OF DEFENSE

*Iraq*.—The Administration's request has been reviewed for military construction in Iraq to ensure that the recommended projects are consistent with contingency construction standards. The establishment of permanent bases in Iraq is not supported, and the amended bill does not include any funds to establish any such base, or convert any base in Iraq from a temporary to permanent status. The amended bill includes language prohibiting the obligation or expenditure of funds for Iraq construction projects provided under Military Construction, Army, and Military Construction, Air Force, until the Secretary of Defense certifies that none of the funds are to be used for the purpose of providing facilities for permanent basing of U.S. military personnel in Iraq. The Secretary of Defense is further directed to provide to the Committees on Appropriations of both Houses of Congress, no later than 30 days after enactment of this act, an updated Master Plan for U.S. basing in Iraq, including an inventory of installations that have been closed; those that are scheduled to close, and the timeline for their closure; and a finite list of potential enduring locations describing the mission, military construction requirements, and projected population of these locations.

*Child Development Centers*.—The amended bill recommends a total of $210,258,000 to design and build twenty new child development centers for the Army, Navy, Marine Corps, and Air Force. The Department should be commended for following the lead of Congress by requesting funds for additional child development centers.

*Army Barracks Improvements*.—The deplorable conditions that have recently been uncovered in some permanent party Army barracks, including those which house soldiers returning from the wars in Iraq and Afghanistan, have raised numerous concerns about the adequacy of living conditions for military personnel. The Army created a permanent party barracks modernization program in 1994 to eliminate inadequate barracks. However, this program is not projected to be completely funded until 2013. Given this timeline, it is unacceptable that the Army has allowed some of its existing permanent party barracks to fall into disrepair. While many of the repairs and upgrades to existing barracks can be accomplished with Sustainment, Restoration, and Modernization (SRM) funds, there is a need for additional military construction funds to expedite barracks replacements. The amended bill includes a total of $200,000,000 for the Army to accelerate the construction of new barracks, or to provide major renovations to existing barracks. The funding is provided subject to the development of an expenditure plan to be submitted to the Committees on Appropriations of both Houses of Congress.

MILITARY CONSTRUCTION, ARMY

The amended bill recommends $1,108,200,000 for Military Construction, Army. The funds are provided as follows:

[In thousands of dollars]

| Location | Protect description | Request | Recommendation |
|---|---|---|---|
| AK: Fort Wainwright | Child Development Center [1] | 17,000 | 17,000 |
| CA: Fort Irwin | Child Development Center [1] | 11,800 | 11,800 |
| CO: Fort Carson | Child Development Center [1] | 8,400 | 8,400 |
| CO: Fort Carson | Soldier Family Assistance Center | 8,100 | 8,100 |
| GA: Fort Gordon | Child Development Center [1] | 7,800 | 7,800 |
| GA: Fort Stewart | Soldier Family Assistance Center | 6,000 | 6,000 |
| HI: Schofield Barracks | Child Development Center | 12,500 | 12,500 |
| KS: Fort Riley | Transitioning Warrior Support Complex | 50,000 | 50,000 |
| KY: Fort Campbell | Child Development Center [1] | 9,900 | 9,900 |
| KY: Fort Campbell | Soldier Family Assistance Center | 7,400 | 7,400 |
| KY: Fort | Knox Child Development Center | 7,400 | 7,400 |

[In thousands of dollars]

| Location | Protect description | Request | Recommendation |
|---|---|---|---|
| LA: Fort Polk | Soldier Family Assistance Center | 4,900 | 4,900 |
| MO: Fort Leonard Wood | Starbase Complex 6, Phase 1 | | 50,000 |
| NC: Fort Bragg | Child Development Center [1] | 8,500 | 8,500 |
| NY: Fort Drum | Warrior in Transition Facilities | 38,000 | 38,000 |
| OK: Fort Sill | Child Development Center [1] | 9,000 | 9,000 |
| TX: Fort Bliss | Child Development Center [1] | 5,700 | 5,700 |
| TX: Fort Bliss | Child Development Center [1] | 5,900 | 5,900 |
| TX: Fort Bliss | Child Development Center [1] | 5,700 | 5,700 |
| TX: Fort Hood | Child Development Center [1] | 7,200 | 7,200 |
| TX: Fort Hood | Warrior In Transition Unit Ops Facilities | 9,100 | 9,100 |
| TX: Fort Sam Houston | Child Development Center [1] | 7,000 | 7,000 |
| VA: Fort Lee | Child Development Center [1] | 7,400 | 7,400 |
| Afghanistan: Bagram AB | Administrative Building [1] | 13,800 | 13,800 |
| Afghanistan: Bagram AB | Aircraft Maintenance Hangar | 5,100 | 5,100 |
| Afghanistan: Bagram AB | Ammunition Supply Point | 62,000 | 62,000 |
| Afghanistan: Bagram AB | Bulk Fuel Storage and Supply, Phase 3 | 23,000 | 23,000 |
| Afghanistan: Bagram AB | Bulk Fuel Storage and Supply, Phase 4 | 21,000 | 21,000 |
| Afghanistan: Bagram AB | New Roads | 27,000 | 27,000 |
| Afghanistan: Bagram AB | Power Plant | 41,000 | 41,000 |
| Afghanistan: Ghazni | Rotary Wing Parking | 5,000 | 5,000 |
| Afghanistan: Kabul | Consolidated Compound | 36,000 | 36,000 |
| Afghanistan: Various Locations | Counter IED Road—Route Alaska | 16,500 | 16,500 |
| Afghanistan: Various Locations | Counter IED Road—Route Connecticut | 54,000 | 54,000 |
| Iraq: Al Asad AB | Hot Cargo Ramp | 18,500 | 18,500 |
| Iraq: Al Asad AB | Landfill | 3,100 | 3,100 |
| Iraq: Al Asad AB | Power Plant | 40,000 | |
| Iraq: Al Asad AB | South Airfield Apron (India Ramp) | 28,000 | 28,000 |
| Iraq: Al Asad AB | Urban Bypass Road | 43,000 | |
| Iraq: Baghdad IAP | Water Supply, Treatment & Storage Ph III | 13,000 | 13,000 |
| Iraq: Camp Adder | Convoy Support Center Relocation, Phase II | 39,000 | 39,000 |
| Iraq: Camp Adder | Multi-Class Storage Warehouse | 17,000 | |
| Iraq: Camp Adder | POL Storage Area | 10,000 | 10,000 |
| Iraq: Camp Adder | Power Plant | 39,000 | |
| Iraq: Camp Adder | Wastewater Treatment & Collection System | 9,800 | 9,800 |
| Iraq: Camp Anaconda | Hazardous Waste Incinerator | 4,300 | 4,300 |
| Iraq: Camp Anaconda | Landfill | 6,200 | 6,200 |
| Iraq: Camp Anaconda | Power Plant | 39,000 | |
| Iraq: Camp Constitution | Juenile TIFRIC | 11,700 | 11,700 |
| Iraq: Camp Cropper | Brick Factory | 9,500 | |
| Iraq: Camp Marez | Landfill | 880 | 880 |
| Iraq: Camp Ramadi | Landfill | 880 | 880 |
| Iraq: Camp Speicher | Aviation Navigation Facilities | 13,400 | 13,400 |
| Iraq: Camp Speicher | Landfill | 5,900 | 5,900 |
| Iraq: Camp Speicher | Military Control Point | 5,800 | 5,800 |
| Iraq: Camp Speicher | Power Plant | 39,000 | |
| Iraq: Camp Speicher | Rotary Wing Parking Apron | 49,000 | |
| Iraq: Camp Taqqadum | Landfill | 880 | 880 |
| Iraq: Camp Warrior | Landfill | 880 | 880 |
| Iraq: Fallujah | Landfill | 880 | 880 |
| Iraq: Mosul | Urban Bypass Road | 43,000 | |
| Iraq: Qayyarah West | North Entry Control Point | 11,400 | 11,400 |
| Iraq: Qayyarah West | Perimeter Security Upgrade | 14,600 | 14,600 |
| Iraq: Qayyarah West | Power Plant | 26,000 | |
| Iraq: Scania | Entry Control Point | 5,000 | 5,000 |
| Iraq: Scania | Water Storage Tanks | 9,200 | 9,200 |
| Iraq: Victory Base | Landfill | 6,200 | 6,000 |
| Iraq: Victory Base | Level 3 Hospital | 13,400 | 13,400 |
| Iraq: Victory Base | Wastewater Treatment & Collection System | 9,800 | 9,800 |
| Iraq: Victory Base | Water Treatment &. Storage Phase II | 18,000 | 18,000 |
| Iraq: Various Locations | Facilities Replacement | 72,000 | |
| Iraq: Various Locations | Overhead Cover—eGlass | 135,000 | 135,000 |
| Kuwait: Camp Arifjan | Communication Center | 30,000 | 30,000 |
| Worldwide: Unspecified | Planning and Design (GWOT) | 64,200 | 52,800 |
| Worldwide: Unspecified | Planning and Design (WIT) | 14,600 | 14,600 |
| Worldwide: Unspecified | Planning and Design (COG) [1] | 6,000 | 6,000 |
| Total | | 1,486,100 | 1,108,200 |

[1] Requested by the Department of Defense in fiscal year 2008 and/or the March 2008 Adjustments package.

## MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

The amended bill recommends $355,907,000 for Military Construction, Navy and Marine Corps. The funds are provided as follows:

[In thousands of dollars]

| Location | Project description | Request | Recommendation |
|---|---|---|---|
| CA: Camp Pendleton | 11th Marine Regiment HQ, Armory, BEQ | 34,970 | 34,970 |
| CA: Camp Pendleton | 5th Marine Regiment Addition, San Mateo | 10,890 | 10,890 |
| CA: Camp Pendleton | Armory Intelligence Battalion, 16 Area | 4,180 | 4,180 |
| CA: Camp Pendleton | Armory, Regiment & Battalion HQ, 53 Area | 5,160 | 5,160 |
| CA: Camp Pendleton | BEQ & Mess Hall HQ (13) Area | 24,390 | 24,390 |
| CA: Camp Pendleton | EOD Operations Facility | 13,090 | 13,090 |
| CA: Camp Pendleton | ISR Camp—Intelligence Battalion | 1,114 | 1,114 |
| CA: Camp Pendleton | JIEDDO Battle Courses [1] | 9,270 | 9,270 |
| CA: Camp Pendleton | Military Police Company Facilities | 8,240 | 8,240 |
| CA: Twentynine Palms | Regimental Combat Team HQ Facility | 4,440 | 4,440 |
| CA: China Lake NAWS | JIEDDO Battle Courses [1] | 7,210 | 7,210 |
| CA: Point Mugu | JIEDDO Battle Courses [1] | 7,250 | 7,250 |
| CA: San Diego | Child Development Center [1] | 17,930 | 17,930 |
| CA: Twentynine Palms | JIEDDO Battle Courses [1] | 11,250 | 11,250 |
| FL: Whiting Field NAS | JIEDDO Battle Courses [1] | 780 | 780 |
| MS: Gulfport NCBC | JIEDDO Battle Courses [1] | 6,570 | 6,570 |
| NC: Camp Lejeune | Child Development Center [1] | 16,000 | 16,000 |
| NC: Camp Lejeune | JIEDDO Battle Courses [1] | 11,980 | 11,980 |
| NC: Camp Lejeune | Maintenance/Operations Complex 2/9. | 43,340 | 43,340 |
| SC: Parris Island MCRD | Recruit Barracks | | 25,360 |
| VA: Yorktown NWS | JIEDDO Battle Courses [1] | 8,070 | 8,070 |
| Djibouti: Camp Lemonier | CJTF–HOA HQ Facility | 29,710 | |
| Djibouti: Camp Lemonier | Dining Facility | 20,780 | 20,780 |
| Djibouti: Camp Lemonier | Fuel Farm [1] | 4,000 | 4,000 |
| Djibouti: Camp Lemonier | Full Length Taxiway [1] | 15,490 | 15,490 |
| Djibouti: Camp Lemonier | Network Infrastructure Expansion | 6,270 | 6,270 |
| Djibouti: Camp Lemonier | Water Production | 19,140 | 19,140 |
| Djibouti: Camp Lemonier | Western Taxiway [1] | 2,900 | 2,900 |
| Worldwide: Unspecified | Planning and Design (GTF) | 7,491 | 7,491 |
| Worldwide: Unspecified | Planning and Design (GWOT) | 4,300 | 4,300 |
| Worldwide: Unspecified | Planning and Design (CDC) [1] | 1,101 | 1,101 |
| Worldwide: Unspecified | Planning and Design (JIEDDO) [1] | 2,951 | 2,951 |
| Total | | 360,257 | 355,907 |

[1] Requested by the Department of Defense in fiscal year 2008 and/or the March 2008 Adjustments package.

*Joint IED Defeat Organization (JIEDDO) Battle Courses.*—The amended bill recommends $65,331,000 to construct facilities for enhanced counter-improvised explosive device training in furtherance of the goals of the Joint IED Defeat Organization. These funds address a technical correction in the Administration's fiscal year 2008 Global War on Terror budget request and are offset by a rescission in title IX.

MILITARY CONSTRUCTION, AIR FORCE

The amended bill recommends $399,627,000 for Military Construction, Air Force. The funds are provided as follows:

[In thousands of dollars]

| Location | Project description | Request | Recommendation |
|---|---|---|---|
| CA: Beale AFB | Child Development Center [1] | 17,600 | 17,600 |
| FL: Eglin AFB | Child Development Center [1] | 11,000 | 11,000 |
| NJ: McGuire AFB | JIEDDO Battle Courses [1] | 6,200 | 6,200 |
| NM: Cannon AFB | Child Development Center [1] | 8,000 | 8,000 |
| Afghanistan: Bagram AB | East Side Helo Ramp | 44,400 | 44,400 |
| Afghanistan: Bagram AB | ISR Ramp. | 26,300 | 26,300 |
| Afghanistan: Bagram AB | Parallel Taxiway Phase 2 | 21,400 | 21,400 |
| Afghanistan: Bagram AB | Strategic Ramp | 43,000 | 43,000 |
| Iraq: Balad AB | Fighter Ramp | 11,000 | 11,000 |
| Iraq: Balad AB | Foxtrot Taxiway | 12,700 | 12,700 |
| Iraq: Balad AB | Helicopter Maintenance Facilities. | 34,600 | 34,600 |
| Kyrgyzstan: Manas AB | Strategic Ramp | 30,300 | 30,300 |
| Oman: Masirah AB | Expeditionary Beddown Site | 6,300 | 6,300 |
| Qatar: Al Udeid AB | Facility Replacements | 40,000 | 30,000 |
| Qatar: Al Udeid AB | Northwest (CAS) Ramp [1] | 60,400 | 60,400 |
| Worldwide: Unspecified | Planning and Design (GWOT) | 35,000 | 35,000 |
| Worldwide: Unspecified | Planning and Design (CDC) [1] | 1,427 | 1,427 |
| Total | | 409,627 | 399,627 |

[1] Requested by the Department of Defense in fiscal year 2008 and/or the March 2008 Adjustments package.

*Joint IED Defeat Organization (JIEDDO) Battle Courses.*—The amended bill recommends $6,200,000 to construct facilities for enhanced counter-improvised explosive device training in furtherance of the goals of the Joint IED Defeat Organization. These funds address a technical correction in the Administration's fiscal year 2008 Global War on Terror budget request and are offset by a rescission in title IX.

MILITARY CONSTRUCTION, DEFENSE-WIDE

The amended bill recommends $890,921,000 for Military Construction, Defense-Wide. The funds are provided as follows:

[In thousands of dollars]

| Location | Project description | Request | Recommendation |
|---|---|---|---|
| GA: Fort Benning | Hospital Replacement | | 350,000 |
| KS: Fort Riley | Hospital Replacement | | 404,000 |
| NC: Camp Lejeune | Hospital Addition | | 64,300 |
| TX: Fort Sam Houston | Burn Rehabilitation Center | 21,000 | 21,000 |
| Qatar: Al Udeid AB | Logistics Storage Warehouse | 6,600 | 6,600 |
| Worldwide: Unspecified | Planning and Design (MTF) | | 45,021 |
| Total | | 27,600 | 890,921 |

*Medical Treatment Facilities Construction.*—There is a great concern with the large backlog of needed recapitalization for medical treatment facilities for military service members and their families. The current Future Years Defense Plan (FYDP) for Tricare Management Activity military construction averages $412,000,000 per year for fiscal years 2009 through 2013, and much of this amount is accounted for by medical research facilities. With the services identifying recapitalization requirements ranging in the several billions of dollars, the current FYDP for medical construction is obviously and severely insufficient. The Department's inventory of medical treatment facilities is riddled with aging hospitals, clinics, and other facilities that do not meet current standards for medical care. Adding to this problem is the fact that several installations are adding thousands of personnel and dependents due to Base Realignment and Closure, the relocation of units from Europe and Korea to the United States, and the Growing the Force initiative that will add 92,000 active duty personnel to the Army and Marine Corps. The amended bill therefore recommends $863,321,000 for additional medical treatment facility construction. These funds will provide for the Army's top two priority hospital replacement projects in the United States as well as a top priority hospital addition for the Marine Corps.

The Department of Defense is also directed to develop a comprehensive master plan for medical treatment facilities construction, to include both recapitalization and new requirements. This plan shall include a comprehensive priority list of projects for all services, provide a cost estimate for each project, supply data on the current state of facilities and the projected change in demand for services due to growth for each location on the list, indicate the extent to which identified construction requirements are programmed in the FYDP, and indicate the resources required for associated planning and design work. This report shall be submitted to the Committees on Appropriations of both Houses of Congress no later than December 31, 2008.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

The amended bill recommends $11,766,000 for Family Housing Construction, Navy and Marine Corps. The funds are provided as follows:

[In thousands of dollars]

| Location | Project description | Request | Recommendation |
|---|---|---|---|
| CA: Camp Pendleton | Public-Private Venture, Phase 6B | 10,692 | 10,692 |
| CA: Twentynine Palms | Public-Private Venture, Phase 2A | 1,074 | 1,074 |
| Total | | 11,766 | 11,766 |

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

The amended bill recommends $1,278,886,000 for Department of Defense Base Closure Account 2005 instead of $1,202,886,000 as requested by the Administration. The amount provided fully funds the Administration's request to expedite medical facility construction at Bethesda and Fort Belvoir, and provides an additional $862,976,000 for BRAC 2005 implementation.

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

The amended bill recommends $100,000,000 for General Operating Expenses to implement the provisions of title V of this Act.

INFORMATION TECHNOLOGY SYSTEMS

The amended bill recommends $20,000,000 for Information Technology Systems to implement the provisions of title V of this Act, including support for any personnel increases within the Veterans Benefits Administration.

CONSTRUCTION, MAJOR PROJECTS

The amended bill recommends $396,377,000 for Construction, Major Projects to accelerate and complete planned major construction of Level I polytrauma rehabilitation centers as identified in the Department of Veterans Affairs' Five Year Capital Plan.

*Polytrauma Center Initiative.*—The nature of combat in Iraq and Afghanistan has resulted in new patterns of polytraumatic injuries and disabilities requiring specialized intensive rehabilitation and high coordination of care. Operating under a national Memorandum of Agreement with the Department of Defense (DOD), the Department of Veterans Affairs (VA) polytrauma rehabilitation

centers continue to provide treatment and care to severely injured combat personnel requiring polytrauma inpatient rehabilitation. The medical care the VA is providing to military personnel is exceptional. However, space in the existing polytrauma facilities is dated, with cramped quarters and treatment facilities scattered throughout hospital campuses. These inefficiencies prove to be difficult for patients with mobility issues, compromised immune systems, and those suffering from psychological wounds. In an effort to accelerate the VA's planned expansion and consolidation of polytrauma rehabilitation centers on existing hospital campuses as outlined in the Department's February 2008 Five Year Capital Plan, the amended bill recommends providing $396,377,000 to fully fund the design and construction of these crucial projects.

GENERAL PROVISIONS, THIS CHAPTER

The amended bill includes the following general provisions for this chapter:

Section 1301 provides an additional appropriation for Military Construction, Army for the acceleration of barracks improvements at Army installations.

Section 1302 relates to the Armed Forces Institute of Pathology.

Section 1303 relates to the collection of certain debts owed to the Department of Veterans Affairs by service members killed in a combat zone.

CHAPTER 4—DEPARTMENT OF STATE AND FOREIGN OPERATIONS

SUBCHAPTER A—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

INTRODUCTION

The budget request totals $5,073,608,000 in emergency supplemental funds for fiscal year 2008, and the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) provided $1,473,800,000 for immediate requirements. The amended bill provides for Department of State, Foreign Operations and Related Programs a total of $5,164,108,000, which is $90,500,000 above the pending budget request.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The budget request included $2,283,008,000 for Diplomatic and Consular Programs, of which $575,000,000 was appropriated in the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) for operations and security at the United States Embassy in Iraq.

The amended bill includes an additional $1,465,700,000 for Diplomatic and Consular Programs, which is $242,308,000 below the pending request. Within the amount provided, $210,400,000 is for worldwide security protection. Funds for diplomatic and consular programs are to be allocated as follows:

DIPLOMATIC AND CONSULAR PROGRAMS

[In thousands of dollars]

| Activity | Pending request | Amended bill | Change from request |
|---|---|---|---|
| Iraq Diplomatic Operations | 1,545,608 | 1,150,000 | −395,608 |
| Afghanistan—Operations and Worldwide Security Protection | 162,400 | 200,200 | +37,800 |
| Pakistan—Operations | | 7,500 | +7,500 |
| Western Hemisphere Travel Initiative | | 1,000 | +1,000 |
| Worldwide Security Protection | | 48,000 | +48,000 |
| Civilian Workforce Initiative | | 55,000 | +55,000 |
| Public Diplomacy | | 4,000 | +4,000 |
| Total, Diplomatic and Consular Programs | 1,708,008 | 1,465,700 | −242,308 |

*Afghanistan*.—Within the total, the amended bill includes $200,200,000, which is $37,800,000 above the request, for necessary expenses for diplomatic and security operations in Afghanistan. Of this amount, $162,400,000 is for enhanced security operations, including additional high threat protection teams, increased overhead cover and physical security measures, replacement of armored vehicles, and local guard service. In addition, $19,000,000 is for the establishment of a Department of State-managed air transport capability in Afghanistan for Department of State and United States Agency for International Development (USAID) personnel to manage country programs, provide support for medical evacuation, and other security-related operations. Finally, $18,800,000 is for support of operations and personnel for Provincial Reconstruction Teams (PRTs) in Afghanistan.

*Iraq*.—Within the total, $1,150,000,000 is for the diplomatic and security operations of the United States Mission in Iraq, which is $395,608,000 below the pending request. The cost of operations of the United States Mission in Iraq totals $2,141,000,000 for fiscal year 2008, including $1,150,000,000 provided in this Act, $575,000,000 provided as bridge funding in Public Law 110–161 and $416,000,000 in funds carried over from prior year appropriations. Nearly $900,000,000 is requested for supporting security requirements for diplomatic and development personnel in Iraq.

The amended bill includes funding for mission operations, security, logistics support, information technology, and operations of PRTs. Congress has provided an additional $196,543,000 since fiscal year 2006 for follow-on facilities requirements identified by the Department of State, as follows: extend the perimeter wall; construct a dining facility; construct additional housing; construct a tactical operations center for Diplomatic Security; construct a static guard camp; and construct overhead cover. The actual cost of building the New Embassy Compound (NEC) has reached a total of $788,543,000 to date.

The number of permanent and temporary personnel assigned to Iraq, with the exception of USAID, should be decreased to accommodate all personnel within the NEC and any improvements can be made with previously appropriated funds. USAID will play a critical role in assisting the Government of Iraq in effectively allocating its budgetary resources.

The additional $43,804,000 requested for follow-on projects for the NEC in Baghdad is not included. At least $77,027,000 in prior year funding programmed for follow-on projects is available for obligation and these funds should be used to provide additional secure housing for a smaller number of personnel.

None of the funds provided under this heading in this Act shall be made available for follow-on projects, other than the proposed funding for overhead cover. The Department of State should include a detailed plan for the use of funds for follow-on projects as part of the spending plan required by this Act.

Due to an extended accreditation and verification process and the addition of follow-on projects, occupancy of the NEC offices and housing has been delayed. This rigorous process to address and validate whether the NEC was constructed to code and contract specifications was supported. Now that the process is complete, occupancy of the offices and housing should proceed without delay in order to provide the maximum protection to United States personnel.

The rationale for co-location of the Departments of State and Defense in the NEC is recognized. However, the proposed New Office Building and the Interim Office Building reconfigurations are projected to delay occupancy of NEC offices by up to one year. Given the difficult security environment in Baghdad, this lengthy delay is not acceptable. The Departments of State and Defense are expected to consult with the Committees on Appropriations on options for moving forward with limited co-location plans in the most accelerated, secure, and cost-effective manner. Any future construction in Iraq shall be subject to the Capital Security Cost Sharing Program, in the same manner as all other embassy construction projects worldwide.

There is a concern that private security contractors have been utilized without the necessary authority, oversight, or accountability. The Department of State is directed to provide a report to the Committees on Appropriations not later than 45 days after enactment of this Act on the implementation status of each of the recommendations of the October 2007 report of the Secretary of State's Panel on Personal Protective Services. The Department of State is encouraged to aggressively review security procedures and seek the necessary authority to ensure that increased security is achieved with effective oversight and accountability.

The Secretary of State should take appropriate steps to ensure that assistance for Iraq is 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.

*Pakistan*.—The amended bill includes $7,500,000 for operations, security, and personnel engaged in diplomatic activities to promote economic and political development in the Federally Administered Tribal Areas along the Pakistan and Afghanistan border.

*Sudan*.—The amended bill includes resources to support the diplomatic mission in Sudan including the United States Special Envoy for Sudan.

*Buying Power Maintenance Account*.—The amended bill provides authority to transfer funds available in this Act, and in a prior Act, to the Buying Power Maintenance Account in accordance with section 24 of the State Department Basic Authorities Act, to manage exchange rate losses in fiscal year 2008.

*Civilian Workforce Initiative*.—The amended bill provides $55,000,000 to increase the civilian diplomatic capacity of the Department of State to meet the increasing and complex demands of diplomacy in the 21st century. Within the total, $30,000,000 is for the initial development and deployment of a civilian

capacity to respond to post-conflict stabilization and reconstruction challenges and $25,000,000 is to strengthen capabilities of the United States diplomatic corps and promote broader engagement with the rest of the world, including expanding training and enhanced interagency collaboration.

The amended bill includes funds to replace Foreign Service positions worldwide, which were previously moved to Iraq and to increase the number of positions participating in critical needs foreign language training. The Department of State has transferred approximately 300 Foreign Service positions from embassies around the world to Iraq and to associated language training, leaving key posts understaffed. These funds are to be used to support United States foreign policy in priority, understaffed regions, particularly South and East Asia, the Western Hemisphere, and Africa.

Funds made available for the civilian stabilization initiative are for the Active and Standby Response Corps portion of the initiative and to enhance operations of the Office of the Coordinator for Reconstruction and Stabilization. In addition to the funds provided to the Department of State, $25,000,000 is appropriated in this Act under the heading ''Operating Expenses of the United States Agency for International Development'' to implement the USAID portion of the civilian stabilization initiative. The funding request for the Civilian Response Corps will be considered as part of the fiscal year 2009 appropriations process and none of the funds provided in this Act are to be used to implement the Civilian Response Corps portion of the initiative.

*Diplomatic Security-Worldwide Security Protection*.—The amended bill also includes $48,000,000 above the request for worldwide security protection. The amount provided is available to restore 100 positions in the diplomatic security personnel that were redirected to Iraq to address urgent security requirements for United States personnel elsewhere in the world.

*Directorate of Defense Trade Controls*.—Increased demands on the Directorate of Defense Trade Controls' Office of Defense Trade Controls Licensing have led to delays in license processing. The Secretary of State is directed to review the workload demands and staffing needs of the office and report any recommendations to the Committees on Appropriations not later than 45 days after enactment of this Act.

*Middle East Peace Process*.—The security and support requirements for the personnel and operations that accompany the Middle East peace process have been, and should continue to be, supported through the operations funds available in fiscal year 2008. Any additional requirements associated with these activities will be considered during the fiscal year 2009 appropriations process.

*Public Diplomacy*.—The amended bill includes $4,000,000 for the Office of Public Diplomacy and Public Affairs to expand new media for targeted Arabic language television programs for the purpose of fostering cultural, educational, and professional dialogues through indigenous Arabic language satellite media.

*Western Hemisphere Travel Initiative*.—The amended bill recommends not less than $1,000,000 to expand public outreach efforts related to implementation of the Western Hemisphere Travel Initiative (WHTI). With WHTI implementation occurring as early as June 2009, there is concern about the lack of a comprehensive, coordinated plan between the Department of State, the Department of Homeland Security, and the United States Postal Service to broadly disseminate information to the traveling public concerning the final WHTI implementation requirements at the Nation's land and sea ports. The Department of State is encouraged to provide significantly increased outreach to border communities, including through radio, print media, and additional passport fairs.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

The amended bill includes an additional $9,500,000 for Office of Inspector General (OIG) at the Department of State, which is $9,500,000 above the pending request. Of the total, $5,000,000 is to enhance the Department of State Inspector General's oversight of programs in Iraq and Afghanistan, $2,500,000 is for operations of the Special Inspector General for Iraq Reconstruction (SIGIR), and $2,000,000 is for operations of the Special Inspector General for Afghanistan Reconstruction (SIGAR).

The Department of State OIG, USAID OIG, SIGIR, and SIGAR each have independent oversight responsibilities in Iraq and Afghanistan. The inspectors general should, to the maximum extent practicable, coordinate, and de-conflict all activities related to oversight of assistance programs for the reconstruction of Iraq and Afghanistan to ensure that oversight resources are used effectively and are not unnecessarily duplicative.

To ensure continuity of oversight of permanent United States Missions, the USAID OIG and the Department of State OIG are expected to actively participate in oversight of all programs funded by this Act and prior Acts making appropriations for the Department of State and foreign operations, in particular oversight of diplomatic and development operations and facilities. Joint oversight with SIGIR or SIGAR is strongly encouraged; however once fully staffed, the Department of State OIG or the USAID OIG should, to the maximum extent practicable, be designated as the lead for any joint oversight conducted with SIGIR or SIGAR of funds involving diplomatic operations and facilities in Iraq and Afghanistan.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The amended bill includes an additional $76,700,000 for urgent embassy security, construction, and maintenance costs, which is $83,300,000 below the request. The funds are to construct 300 secure apartments and a secure office building, including the necessary perimeter security, utility, and dining facilities, for United States Mission staff in Afghanistan. Currently, there are a small number of permanent construction apartments and the majority of diplomatic and Mission personnel live in structures with limited protection. Additional funds for this purpose are provided in subchapter B.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The amended bill includes $66,000,000 for Contributions to International Organizations, which is for United States contributions to the U.N. Assistance Mission in Afghanistan and the U.N. Assistance Mission in Iraq. Funding is also provided to meet fiscal year 2008 assessed dues to organizations whose missions are critical to protecting United States national security interests, including the North Atlantic Treaty Organization, the International Atomic Energy Agency, and the Organization for the Prohibition of Chemical Weapons.

The Department of State is directed not later than 45 days after enactment of this Act, to provide a report to the Committees on Appropriations detailing total United States-assessed contributions, any arrears from prior years and potential arrears for fiscal years 2008 and 2009 for each of the organizations funded under this heading.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The budget request included $723,600,000 for Contributions for International Peacekeeping Activities, of which $390,000,000 of funds designated as an emergency was provided in the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) for the United States contribution to the United Nations/African Union (UN/AU) hybrid peacekeeping mission to Darfur (UNAMID).

The amended bill includes an additional $373,708,000 for assessed costs to U.N. peacekeeping operations. Within the total under this heading, not less than $333,600,000 is provided for UNAMID, which is the same as the request. Additionally, the amended bill includes $40,108,000 to meet unmet fiscal year 2008 assessed dues for the international peacekeeping missions to countries such as the Democratic Republic of the Congo, Côte d'Ivoire, Haiti, Liberia, and Sudan.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

The amended bill includes an additional $2,000,000 for International Broadcasting Operations to continue increased broadcasting to Tibet.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

The budget request included $80,000,000 for International Disaster Assistance. The Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) provided $110,000,000 for emergency humanitarian requirements.

The amended bill includes $220,000,000 for International Disaster Assistance, which is $220,000,000 above the pending request. These funds should be used to respond to urgent humanitarian requirements worldwide, including in Burma, Bangladesh, the People's Republic of China, and countries severely affected by the international food crisis.

USAID is directed to substantially increase food assistance for Haiti to address critical food shortages and malnutrition. Preventing hunger and combating poverty in Haiti should be a USAID priority.

As the State Peace and Development Council (SPDC) has compounded the humanitarian crisis in Burma by failing to respond to the needs of the Burmese people in the wake of Cyclone Nargis and by refusing offers of assistance from the international community, the Department of State and USAID should seek to avoid providing assistance to or through the SPDC.

The amended bill also includes funds under this heading and the heading ''Development Assistance'' in subchapter B to help address the international food crisis. Programs should address both rural and urban food requirements.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

The budget request included $61,800,000 for Operating Expenses of the United States Agency for International Development, of which $20,800,000 was provided in the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) for operations in Iraq.

The amended bill includes $150,500,000 for Operating Expenses of the United States Agency for International Development.

Of the funds provided under this heading, the amended bill includes $41,000,000 to continue support for security needs in Iraq and Afghanistan, which is the same as the request. In addition, $30,000,000 is included to increase support for staffing, security, and

operating needs in Afghanistan and Sudan, and $19,500,000 in Pakistan.

The amended bill also includes $25,000,000 to support the development and deployment of a civilian capacity to respond to post-conflict stabilization and reconstruction needs. Funds made available for the civilian stabilization initiative are for the Active and Standby Response Corps portion of the initiative and none of the funds provided in this Act may be used to develop the Civilian Response Corps. Additional funding for this initiative is provided in the ''Diplomatic and Consular Programs'' account for the Department of State portion of the initiative.

In addition, the amended bill includes $35,000,000 to enable USAID to hire above attrition in fiscal year 2008. The Administration's request for fiscal year 2009 includes $92,000,000 for hiring 300 USAID foreign service officers as part of a three-year initiative. Funding provided in this Act is intended to support the hiring of additional Foreign Service officers in fiscal year 2008 in order to begin rebuilding the capacity of the Agency to carry out its mission. USAID is directed to consult with the Committees on Appropriations on the use of these funds and to recruit mid-career personnel. As USAID seeks to strengthen its workforce, USAID is encouraged to consult with the Department of Defense on ways to benefit from the experience of retiring officers, including establishment of a transition program.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

The amended bill includes an additional $4,000,000 for the United States Agency for International Development Office of Inspector General to support increased oversight of programs in Iraq and Afghanistan.

## OTHER BILATERAL ECONOMIC ASSISTANCE

### ECONOMIC SUPPORT FUND

The budget request included $2,217,000,000 for Economic Support Fund (ESF), of which $208,000,000 was provided in the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) for emergency requirements in the West Bank and in North Korea, as requested.

The amended bill includes $1,882,500,000 for ESF, which is $126,500,000 below the request. An additional $75,000,000 is provided under the heading Democracy Fund for political development programs for Iraq. Funds are to be allocated as follows:

ECONOMIC SUPPORT FUND

[In thousands of dollars]

| Country and region | Amended bill |
|---|---|
| Afghanistan | 859,000 |
| Bangladesh | 25,000 |
| Central America | 25,000 |
| Central African Republic | 1,000 |

ECONOMIC SUPPORT FUND—Continued

[In thousands of dollars]

| Country and region | Amended bill |
|---|---|
| Chad | 2,000 |
| Democratic Republic of the Congo | 12,500 |
| Iraq | 424,000 |
| Jordan | 175,000 |
| Kenya | 12,000 |
| Mexico | 20,000 |
| Nepal | 7,000 |
| North Korea | 53,000 |
| Philippines | 15,000 |
| Sri Lanka | 6,000 |
| Sudan | 45,000 |
| Thailand | 2,500 |
| Uganda | 17,500 |
| West Bank and Gaza | 171,000 |
| Zimbabwe | 5,000 |
| Exchanges Africa | 5,000 |
| Total | 1,882,500 |

*Iraq*.—The amended bill includes $424,000,000 for Iraq, which is $373,000,000 below the request. The sums provided enable the Department of State and USAID to continue programs in Iraq through the end of fiscal year 2008 and into the first two quarters of fiscal year 2009. After providing more than $45,000,000,000 to help rebuild Iraq, the United States should reduce bilateral assistance levels and reduce the number of Department of State personnel involved in the reconstruction effort who are located in Iraq. Funds provided for Iraq are to be allocated as follows:

IRAQ PROGRAMS

[In thousands of dollars]

| Activity | Pending request | Amended bill | Change from request |
|---|---|---|---|
| Provincial Reconstruction Teams (PRTs) | 165,000 | 139,000 | −26,000 |
| Provincial Reconstruction Development Councils | 100,000 | 85,000 | −15,000 |
| Local Governance Program | 65,000 | 54,000 | −11,000 |
| Community Stabilization Program (CSP) | 155,000 | 100,000 | −55,000 |
| Community Action Program (CAP) | | 75,000 | +75,000 |
| Infrastructure Security Protection for Oil, Water and Electricity | 70,000 | | −70,000 |
| Operations and Maintenance of Key USG-Funded Infrastructure | 134,000 | 10,000 | −124,000 |
| Iraqi-American Enterprise Fund | 25,000 | | −25,000 |
| Provincial Economic Growth (including Agriculture and Microfinance) | | 25,000 | +25,000 |
| National Capacity Development | 248,000 | 70,000 | −178,000 |
| Marla Fund | | 5,000 | +5,000 |
| Total | 797,000 | 424,000 | −373,000 |

*Community Action Program (CAP)*.—The amended bill includes $75,000,000 for continued support for the Community Action Program.

*Community Stabilization Program (CSP)*.—The amended bill includes $100,000,000 for the CSP, which is $55,000,000 below the request. Recent findings of a March 18, 2008 USAID Inspector General audit (E–267–08–001–P) of possible fraud and misuse of some CSP funds are of concern. Therefore the amended bill withholds 50 percent of funding until the Secretary of State certifies and reports that USAID is implementing recommendations contained in the audit to ensure proper use of funds.

*Enterprise Fund*.—The amended bill does not include any funding for the creation, capitalization, operation, or support of any enterprise fund in Iraq. The Department of State is directed not to reprogram any funds made available by this or prior Acts for an enterprise or enterprise-related fund in Iraq.

*Infrastructure Security Protection for Oil, Water, and Electricity*.—The amended bill does not include funding for these functions, which should be supported by the Government of Iraq.

*Marla Ruzicka Iraqi War Victims Fund*.—The amended bill includes $5,000,000 for the Marla Ruzicka Iraqi War Victims Fund for continued assistance for Iraqi civilians who suffer losses as a result of the military operations.

*National Capacity Development (NCD)*.—Within the amount provided in ESF for Iraq, $70,000,000 is provided for NCD, which is $178,000,000 below the request. The Government of Iraq should assume increasing responsibility for the cost of these activities.

*Operations and Maintenance of Key U.S. Government-Funded Infrastructure*.—The amended bill includes $10,000,000 for operations and maintenance of key United States government-funded infrastructure, which is $124,000,000 below the request. These functions should be funded by the Government of Iraq and this Act includes sufficient funding to allow the United States to provide technical assistance and training. In addition, the amended bill conditions the funds on the signing and implementation of an asset transfer agreement between the United States and Iraq.

*Provincial Economic Growth*.—The amended bill includes $25,000,000 for provincial economic growth activities.

*Vulnerable Groups*.—Up to $10,000,000 of funds made available for Iraq in this chapter, including from the Migration and Refugee Assistance and International Disaster Assistance accounts, should be made available for programs to assist vulnerable Iraqi religious and ethnic minority groups, including Christians. The Secretary of State should designate staff at United States Embassy Baghdad to oversee and coordinate such assistance.

*Afghanistan*.—The amended bill includes $859,000,000 in ESF for Afghanistan, which is $25,000,000 above the request. USAID is directed to review its reconstruction efforts in Afghanistan; focus its assistance, including capacity building, through local Afghan entities; give greater attention to accountability and monitoring to minimize corruption; and emphasize programs which directly improve the economic, social, and political status of Afghan women and girls. Funds provided for Afghanistan are to be allocated as follows:

AFGHANISTAN PROGRAMS

[In thousands of dollars]

| Activity | Pending request | Amended bill | Change from request |
|---|---|---|---|
| Civilian Assistance Program | | 10,000 | +10,000 |
| Governance and Capacity Building | 135,000 | 165,000 | +30,000 |
| 2009 Elections | 100,000 | 70,000 | −30,000 |
| National Solidarity Program | 40,000 | 65,000 | +25,000 |
| Health and Education | 50,000 | 75,000 | +25,000 |
| North Atlantic Treaty Organization POHRF | | 2,000 | +2,000 |
| Power | 175,000 | 150,000 | −25,000 |
| Provincial Reconstruction Teams (PRTs)/Provincial Governance | | 50,000 | +50,000 |
| Roads | 329,000 | 200,000 | −129,000 |
| Rural Development/Alternative Livelihoods | | 65,000 | +65,000 |
| Trade and Investment | 5,000 | 7,000 | +2,000 |
| Total | 834,000 | 859,000 | +25,000 |

*Civilian Assistance*.—The amended bill includes $10,000,000 for USAID's Afghan Civilian Assistance Program to continue assistance for civilians who have suffered losses as a result of the military operations, and $2,000,000 for the NATO/ISAF Post-Operations Humanitarian Relief Fund.

*Governance and Capacity Building*.—The amended bill provides $165,000,000 for governance and capacity building programs, which is $30,000,000 above the request, to fund rule of law, human rights, and local and national capacity building.

*National Solidarity Program*.—The amended bill includes $65,000,000 for the National Solidarity Program to support small-scale development initiatives. The funding shall be programmed in a manner consistent with the Afghan National Development Strategy.

*Power*.—The amended bill includes $150,000,000 for power, which is $25,000,000 below the request. The request includes funding for gas and diesel power projects and there is a concern that diesel generators are costly to maintain and will exacerbate Kabul's already heavily polluted air. The completion of the north-south transmission line to enable Afghanistan to purchase electricity from its northern neighbors for distribution to other areas of the country is supported. Funding for the Northern Electrical Power System or the Shebergan Gas-Fired Plant is not included. The World Bank should play a larger role in financing such infrastructure projects.

It is noted that Afghanistan has considerable potential for small hydro and solar power development to service Afghanistan's many remote communities that have no other access to electricity, and not less than $15,000,000 of the funds shall be used for renewable energy projects in rural areas.

*Provincial Reconstruction Teams*.—The amended bill provides $50,000,000 for PRTs in Afghanistan.

*Roads*.—The amended bill includes $200,000,000 for roads, which is $129,000,000 below the request.

*Rural Development and Alternative Livelihoods*.—The amended bill includes $65,000,000 for rural development and alternative livelihood programs and an additional $35,000,000 for counternarcotics under the ''International Narcotics Control and Law Enforcement'' account to expand counternarcotics programs in Afghanistan. The Secretary of State is directed to consult with the Committees on Appropriations on the use of these funds.

*2009 Elections*.—The amended bill includes $70,000,000 for preparations for the 2009 elections.

*Bangladesh*.—The amended bill includes $25,000,000 for assistance for Bangladesh for cyclone recovery and reconstruction assistance.

*Central America*.—The amended bill includes $25,000,000 for the countries of Central America in fiscal year 2008, in addition to funds otherwise made available for assistance for these countries, for a program to be called the ''Economic and Social Development Fund for Central America'', of which $20,000,000 is to be administered by USAID, in consultation with the Department of State. The purpose of the program is to promote economic and social development and good governance in targeted, low-income areas, including rural communities that are particularly vulnerable to drug trafficking and related violence and organized crime. These funds should support programs that emphasize community initiatives and public-private partnerships. United States funds should be matched with contributions from public and private sources to the maximum extent practicable. USAID is directed to consult with the Committees on Appropriations prior to the obligation of these funds. Of the funds available, $5,000,000 shall be administered by the Bureau of Educational and Cultural Affairs for educational exchanges with the countries of Central America.

*Democratic Republic of the Congo*.—The amended bill includes $12,500,000 for assistance for eastern Democratic Republic of the Congo for urgent conflict mitigation and recovery programs and for programs relating to sexual violence against women and girls. Of this amount, not less than $1,000,000 is to establish and support a training center for health workers who provide care and treatment for victims of sexual violence, and not less than $2,000,000 is for training military and civilian investigators, prosecutors, and judges to bring the perpetrators of such crimes to justice.

*Exchanges with Africa*.—The amended bill includes $5,000,000 for educational exchanges with countries in Africa, specifically to counter extremism. These funds should be administered by the Bureau of Educational and Cultural Affairs.

*Jordan*.—The amended bill includes a total of $200,000,000 for economic assistance for Jordan, of which $175,000,000 is appropriated under this heading, and $25,000,000 is appropriated through a general provision. The Government of Jordan remains a key ally and has played a leading role in supporting peace initiatives in the Middle East. Programming of these resources should be done in consultation with the Government of Jordan and refugee relief organizations and funds should be used to meet the needs of Iraqi refugees. The Secretary of State, after consultation with the Government of Jordan, the United Nations, and international organizations and non-governmental organizations with a presence in Iraq, is directed to submit a report to the Committees on Appropriations not later than 45 days after enactment of this Act detailing (1) short- and medium-term options the United States and other countries and organizations could pursue to assist Iraqis in Jordan to maintain their educational and vocational skills and earn income; and (2) longer term options that the United States and the Government of Jordan can take to address the economic, social and health needs of refugees from Iraq, including the feasibility of extending temporary residence status for Iraqis registered with the United Nations High Commissioner for Refugees.

*Kenya*.—The amended bill includes $12,000,000 for assistance for Kenya for political, ethnic and tribal reconciliation activities.

*Mexico*.—The amended bill includes $20,000,000 for assistance for Mexico for institution building and support of civil society. Funding for these purposes was requested through the International Narcotics and Law Enforcement (INCLE) account. The amended bill includes $5,000,000 for human rights training for police, prosecutors, and prison officials; $3,000,000 for victim and witness protection; and $3,000,000 to support NGOs and civil society. The amended bill also includes $5,000,000 for a literacy program for local police. USAID is encouraged to work with non-governmental organizations, civil society, and local police to replicate the literacy program being implemented in Nezahualcoyotl, Mexico. The amended bill also includes funding for the Office of the UN High Commissioner for Human Rights in Mexico (OHCHR). The Department of State is directed to work with the Mexican Government, the OHCHR, and civil society organizations in Mexico to promote respect for human rights by Mexican police and military forces.

*Nepal*.—The amended bill includes $7,000,000 for assistance for Nepal to strengthen democracy and support the peace process, including the demobilization and reintegration of ex-combatants, and for economic development programs in rural communities affected by conflict.

*North Korea*.—The amended bill includes up to $53,000,000 for energy-related assistance for North Korea in support of the goals of the Six-Party Talks Agreement, in addition to the $53,000,000 appropriated in division J of Public Law 110–161, which is the same as the total amount requested. Prior to the obligation of assistance for North Korea, the Secretary of State is directed to report to the Committees on Appropriations that North Korea is continuing to fulfill its commitments under the Six-Party Talks Agreement.

*Pakistan*.—The amended bill does not include funding for assistance for Pakistan in this subchapter. These needs are addressed in funding appropriated in the fiscal year 2009 bridge.

*Philippines*.—The amended bill includes $15,000,000 for assistance for the Philippines for programs to further peace and reconciliation in the southern Philippines, and recognizes the shared interest between the United States and the Philippines in combating terrorism in this region.

*Sri Lanka*.—The amended bill includes $6,000,000 for assistance for Sri Lanka to be provided through USAID to support economic development programs in the eastern region of Sri Lanka to solidify recent gains

against the Liberation Tigers of Tamil Eelam. These funds should be used to assist Tamil and Muslim minorities in Sri Lanka.

*Sudan*.—The amended bill includes $45,000,000 for assistance for Sudan to support election-related activities.

*Thailand*.—The amended bill includes $2,500,000 for assistance for Thailand to address economic and social development needs in southern Thailand. The Department of State is directed to consult with the Committees on Appropriations prior to the obligation of these funds.

*Uganda*.—The amended bill includes $17,500,000 for assistance for northern Uganda. These funds should be used to support economic development, governance, assistance for war victims, and reintegration of ex-combatants.

*West Bank and Gaza*.—The amended bill includes not more than $171,000,000 for economic assistance for the West Bank and Gaza, which is $24,000,000 below the request. The Department of State is directed to provide a report to the Committees on Appropriations not later than 90 days after the enactment of this Act on how United States economic assistance for the West Bank supports the larger Palestinian Reform and Development Plan as well as a description of other donor support of this plan. The report should describe how assistance from the United States and other donors will improve conditions in the West Bank, including through job creation and housing programs.

*Zimbabwe*.—The amended bill includes $5,000,000 for assistance for Zimbabwe to support political reconciliation activities.

DEPARTMENT OF STATE

DEMOCRACY FUND

The amended bill includes $76,000,000 for Democracy Fund programs, requested under the heading ''Economic Support Fund'', to be made available as follows:

*Chad*.—The amended bill includes $1,000,000 for democracy activities in Chad.

*Iraq*.—The amended bill includes $75,000,000 for democracy activities in Iraq. These funds are intended to be available through nongovernmental organizations, including the National Endowment for Democracy, and not less than $8,000,000 for the United States Institute of Peace. These funds should be awarded expeditiously to prevent interruption of current operations.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The amended bill includes $390,300,000 for International Narcotics Control and Law Enforcement (INCLE) activities in Afghanistan, Iraq, Mexico, Central America, Haiti, the Dominican Republic, and the West Bank, which is $343,700,000 below the request. The Secretary of State is directed to consult with the Committees on Appropriations on the use of these funds.

*Iraq*.—The amended bill includes $85,000,000 for Iraq for justice and rule of law programs, which is $74,000,000 below the request. Funding for prison construction is not included.

*Afghanistan*.—The amended bill includes $35,000,000, which is $35,000,000 above the request, to support programs to strengthen counternarcotics efforts, to improve the training of the Afghan police, including border police, to advance the development of institutional capacity professionalism of the justice sector, and to help facilitate cooperation between the police and the judiciary at both the national and regional levels. The Department of State is directed to report to the Committees on Appropriations not later than 180 days after enactment of this Act on the level of counternarcotics cooperation by the Government of Afghanistan at the national and regional level and should detail, nationally and by province, the steps that the Government of Afghanistan is taking to arrest and prosecute leaders of Afghan drug cartels; disarm and disband private militias; and end corruption among national and provincial police forces.

*Central America*.—The amended bill includes $24,800,000 for assistance for Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama, and an additional $5,000,000 for Haiti and the Dominican Republic under the Merida Initiative. Although funding was requested only through the INCLE account, funding for the Merida Initiative is provided in the accounts from which such activities are traditionally funded. The amended bill provides funding for specialized police training and non-lethal equipment to strengthen the law enforcement and criminal justice institutions for the purpose of combating drug trafficking and related violent crime and increasing the capacity and professionalism of Central American police forces.

Impunity within the military and police forces of several of these countries and corruption within their justice systems is of concern. The Secretary of State is directed to submit a report in writing on mechanisms in place to ensure eligibility of recipients of United States assistance.

The omission of Haiti and the Dominican Republic from the request for the Merida Initiative makes it more likely that these vulnerable countries would become increasingly favored transit routes for drug traffickers. The amended bill includes $2,500,000 for Haiti and $2,500,000 for the Dominican Republic as part of the Merida Initiative to support counternarcotics and border security programs, anti-corruption, judicial reform, institution-building, and rule of law programs.

*Mexico*.—There is a shared responsibility between the United States and Mexico to combat drug trafficking and related violence and organized crime. The amended bill includes $215,500,000 to support programs to enable the Government of Mexico to respond to these threats in accordance with the rule of law. The amended bill includes $10,000,000 for demand reduction and drug rehabilitation activities; $3,000,000 to provide technical and other assistance to enable the Government of Mexico to put into service a unified national police registry; and not more than $24,000,000 for program development and support. To the extent possible, any equipment and technology purchases should be interoperable based on open standards with the equipment and technology being used by their United States Government counterparts.

Corruption and impunity within Mexico's military and police forces are of concern. Recommendations of the National Human Rights Commission have been ignored and investigations of violations of human rights by Mexican military and police forces rarely result in convictions. The Secretary of State, in consultation with relevant Mexican Government authorities, is directed to report to the Committees on Appropriations that mechanisms are in place to ensure eligibility of recipients of United States assistance.

There is concern with the failure to investigate and prosecute the police officers responsible for human rights violations, including rape and sexual violence against women, at San Salvador Atenco on May 3–4, 2006, and in Oaxaca between June and December 2006. These and other such violations by members of the Mexican military and police forces have been documented and require thorough, credible and transparent investigation and prosecution by the Mexican Attorney General.

The state and Federal investigations into the October 27, 2006, killing in Oaxaca of American citizen Bradley Will have been flawed and the Secretary of State is directed, not later than 45 days after enactment of this Act and 120 days thereafter, to submit a report to the Committees on Appropriations detailing progress in conducting a thorough, credible, and transparent investigation to identify the perpetrators of this crime and bring them to justice. The Department of State should work with Mexican Government authorities and relevant Federal government agencies of the United States to assist in the investigation of this case.

*West Bank*.—The amended bill includes $25,000,000 for ongoing training of vetted units of the Palestinian National Security Forces, which is the same as the request.

MIGRATION AND REFUGEE ASSISTANCE

The budget request included $230,000,000 for Migration and Refugee Assistance, of which $200,000,000 was provided in the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) for emergency refugee requirements in Iraq and the West Bank and Gaza.

The amended bill includes $315,000,000 for Migration and Refugee Assistance, which is $285,000,000 above the pending request. Funds should be made available to meet unmet global refugee needs, including to assist Iraqi refugees in Jordan, Syria, Lebanon, Turkey, Egypt, and the surrounding region, as well as internally displaced persons in Iraq. Funds may also be used, if necessary, for the admissions costs of Iraqis granted special immigrant status under the Special Immigrant Visa program authorized by the National Defense Authorization Act of 2008. In addition, funds may be used to offset administrative costs associated with the expanded requirements of the Iraqi refugee program, in consultation with the Committees on Appropriations.

The humanitarian crisis involving Iraqi refugees and internally displaced persons is of concern and the Government of Iraq has dedicated insufficient resources to assist this most vulnerable segment of the Iraqi population. The Department of State shall urge the Government of Iraq to provide a substantial increase in funding for humanitarian assistance to the Iraqi refugee population residing in the region and within the country. In addition, the Secretary of State should ensure that the Senior Coordinator for Iraqi Refugee Issues gives particular attention to the needs of vulnerable minority groups, including ethnic and religious minorities.

The welfare and security of the 7,900 Lao Hmong in the Thai military camp in Petchaboon, northern Thailand is of concern and the Department of State is directed to urge the Government of Thailand to support a transparent screening process to identify those who have a legitimate fear of return to Laos. Any attempt to force the return of Hmong refugees to Laos is strongly opposed.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

The amended bill includes $31,000,000 for the United States Emergency Refugee and Migration Assistance Fund to prevent depletion of this emergency fund.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

The amended bill includes $13,700,000 for Nonproliferation, Anti-terrorism, Demining and Related Programs (NADR), which is $8,700,000 above the request.

Of these funds, $5,000,000 is for presidential protective service support in Afghanistan, which is the same as the request, and $2,500,000 is for a United States contribution to the Comprehensive Test Ban Treaty International Monitoring System.

*Central America*.—The amended bill also includes $6,200,000 for the Merida Initiative for

the countries of Central America, which is $6,200,000 above the request. Although funding for these purposes was requested only through the INCLE account, funding has been provided in the NADR account, from which such activities are traditionally funded.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

The amended bill includes $137,500,000 for Foreign Military Financing Program, which is $137,500,000 above the request.

*Central America*.—The amended bill includes $4,000,000 to augment the ongoing naval cooperation program and maritime security assistance to strengthen the ability of the countries of Central America to improve maritime security and interdiction capabilities, including to complement existing regional systems and programs.

*Jordan*.—The amended bill includes a total of $50,000,000 for military assistance for Jordan, of which $17,000,000 is appropriated under this heading and $33,000,000 is appropriated through a general provision.

*Mexico*.—The amended bill includes $116,500,000 in support of military-to-military cooperation between the United States and Mexico.

SUBCHAPTER B—BRIDGE FUND SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009

The budget request totals $3,605,000,000 in emergency supplemental funds for fiscal year 2009. The amended bill provides a total of $3,679,500,000 for the Department of State, Foreign Operations and Related Programs for fiscal year 2009 emergency supplemental requirements, which is $74,500,000 above the request.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The amended bill includes $704,900,000 for Diplomatic and Consular Programs. Within this amount, $78,400,000 is available for worldwide security protection and not more than $550,500,000 is available as a bridge fund for Iraq operations.

To meet increased security and personnel requirements, the amended bill includes $89,400,000 for Afghanistan, $7,000,000 for Pakistan, $3,000,000 for Somalia, and $15,000,000 for Sudan. In addition, the amended bill includes $40,000,000 to continue the support of new positions to develop language and other critical skills of the diplomatic corps and for civilian post-conflict stabilization initiatives.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

The amended bill includes $57,000,000 for Office of Inspector General at the Department of State, of which $15,500,000 is to continue oversight of programs in Iraq and Afghanistan, and the Middle East.

*Special Inspector General for Iraq Reconstruction (SIGIR)*.—The amended bill includes $36,500,000 for SIGIR for continued oversight of United States reconstruction programs in Iraq, as authorized by section 3001 of Public Law 108–106.

*Special Inspector General for Afghanistan Reconstruction (SIGAR)*.—The amended bill includes $5,000,000 for SIGAR, which is $5,000,000 above the request, and which is authorized by section 1229 of Public Law 110–181. Such funds shall be used for oversight of United States reconstruction programs in Afghanistan. None of the funds shall be used to duplicate investigations that have been conducted or to support offices or systems of inspectors general at the Department of State or USAID. SIGAR should co-locate staff and ''back office'' support systems with other inspectors general to the extent feasible.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The amended bill includes $41,300,000 for urgent embassy security, construction, and maintenance costs. Funds should be used to construct safe and secure office space for the increasing number of diplomatic and development personnel living and working in Kabul, Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The amended bill includes $75,000,000 for Contributions to International Organizations.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The amended bill includes $150,500,000 for Contributions for International Peacekeeping Activities to fund the Administration's revised estimate of the United States-assessed contribution to international peacekeeping.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

The amended bill includes $6,000,000 for International Broadcasting Operations.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

The amended bill includes $75,000,000 for Global Health and Child Survival to continue programs to combat avian influenza.

DEVELOPMENT ASSISTANCE

The amended bill includes $200,000,000 for Development Assistance, which is for a new Food Security Initiative to promote food security in countries affected by significant food shortages, such as programs to assist farmers to increase crop yields, including in Darfur. Of this amount, up to $50,000,000 should be used for local and regional purchase. The Secretary of State is directed to submit a report to the Committees on Appropriations not later than 45 days after enactment of this Act, and prior to the initial obligation of funds, on the proposed uses of funds to alleviate starvation, hunger, and malnutrition overseas, including a list of those countries facing significant food shortages.

INTERNATIONAL DISASTER ASSISTANCE

The amended bill includes $200,000,000 for International Disaster Assistance to meet urgent humanitarian requirements worldwide, including support for critical needs in Bangladesh, Burma, and the People's Republic of China. A portion of these funds should be used for assistance for internally displaced persons in Iraq and Afghanistan. In addition, funds are available under this heading to assist in the response to the international food crisis.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

The amended bill includes $93,000,000 for Operating Expenses of the United States Agency for International Development to address staffing, security, and operating needs.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

The amended bill includes $1,000,000 for Operating Expenses of the United States Agency for International Development Office of Inspector General.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

The amended bill includes $1,124,800,000 for Economic Support Fund to address critical health, economic, and security needs. These funds are to be allocated as follows:

ECONOMIC SUPPORT FUND

[In thousands of dollars]

| Country and region | Amended bill |
|---|---|
| Afghanistan | 455,000 |
| Bangladesh | 50,000 |
| Burma | 5,300 |
| Central African Republic | 2,000 |
| Chad | 5,000 |
| Democratic Republic of the Congo | 10,000 |
| Iraq | 102,500 |
| Jordan | 100,000 |
| Kenya | 25,000 |
| North Korea | 15,000 |
| Pakistan | 150,000 |
| Sudan | 25,000 |
| Uganda | 15,000 |
| West Bank and Gaza | 150,000 |
| Zimbabwe | 15,000 |
| Total | 1,124,800 |

*Afghanistan*.—The amended bill includes $455,000,000 for assistance for Afghanistan.

*Governance and Capacity Building*.—The amended bill includes $20,000,000 for the National Solidarity Program to support small-scale development initiatives; and not less than $35,000,000 for preparations for the 2009 elections. The funding shall be programmed in a manner consistent with the Afghan National Development Strategy.

*Rural Development and Alternative Livelihoods*.—The amended bill includes not less than $35,000,000 for rural development and alternative livelihoods.

*Bangladesh*.—The amended bill includes $50,000,000 for cyclone recovery and reconstruction assistance.

*Burma*.—The amended bill includes $5,300,000 for assistance for Burma for humanitarian programs along the Thai-Burma border.

*Iraq*.—The amended bill includes $102,500,000 for assistance for Iraq.

*Community Action Program (CAP)*.—The amended bill includes $32,500,000 for continued support for the Community Action Program.

*Community Stabilization Program (CSP)*.—The amended bill includes $32,500,000 for continued support for the Community Stabilization Program.

*Marla Ruzicka Iraqi War Victims Fund*.—The amended bill includes $2,500,000 for the Marla Ruzicka Iraqi War Victims Fund for continued assistance for Iraqi civilians who suffer losses as a result of the military operations.

*Provincial Reconstruction Teams (PRTs)*.—The amended bill includes $35,000,000 for continued support for the Provincial Reconstruction Teams.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The amended bill includes $199,000,000 for International Narcotics Control and Law Enforcement activities in Iraq, Afghanistan, the West Bank, Mexico, and Africa. The Secretary of State is directed to consult with the Committees on Appropriations on the use of these funds.

MIGRATION AND REFUGEE ASSISTANCE

The amended bill includes $350,000,000 for Migration and Refugee Assistance to respond to urgent humanitarian and refugee admissions requirements, including those involving refugees from Iraq, Afghanistan, and central Africa.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING, AND RELATED PROGRAMS

The amended bill includes $4,500,000 for Nonproliferation, Anti-terrorism, Demining

and Related Programs, for humanitarian demining in Iraq.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

The amended bill includes $302,500,000 for Foreign Military Financing Program, of which $100,000,000 is for assistance for Jordan, $170,000,000 is for assistance for Israel, and $32,500,000 is for assistance for Lebanon.

PEACEKEEPING OPERATIONS

The amended bill includes $95,000,000 for Peacekeeping Operations for programs in Africa to address needs beyond those projected in the fiscal year 2009 budget request, including for Darfur and $10,000,000 for Peacekeeping Operations in the Democratic Republic of the Congo (DRC). These funds are made available to support infantry battalions of the DRC armed forces, to protect vulnerable civilians in the eastern region of the country, and should be made available in accordance with thorough vetting procedures. The Department of State should ensure that trained units are being provided professional leadership, appropriate training in human rights, and adequate pay.

SUBCHAPTER C—GENERAL PROVISIONS, THIS CHAPTER

The amended bill includes the following general provisions for this chapter:

EXTENSION OF AUTHORITIES

Section 1401 extends certain authorities necessary to expend Department of State and foreign assistance funds.

IRAQ

Section 1402 imposes certain conditions and limitations on assistance for Iraq and requires reports.

AFGHANISTAN

Section 1403 imposes certain conditions and limitations on assistance for Afghanistan and requires a report.

WEST BANK

Section 1404 directs the Department of State to provide a report to the Committees on Appropriations not later than 90 days after enactment of this Act, and 180 days thereafter, on the Palestinian security assistance program.

WAIVER OF CERTAIN SANCTIONS AGAINST NORTH KOREA

Section 1405 grants waiver authority to the President with respect to certain assistance to North Korea and the ''Glenn Amendment,'' which established automatic sanctions in the Arms Export Control Act on non-nuclear weapon states that detonate a nuclear device.

MEXICO

Section 1406 sets a ceiling on funding for Mexico at $400,000,000. The provision also provides a restriction on the use of funding for budget support or cash payments and restricts obligation of 15 percent of the funding provided under the headings ''Foreign Military Financing Program'' and ''International Narcotics Control and Law Enforcement'' until the Secretary of State submits a report in writing.

CENTRAL AMERICA

Section 1407 states that $65,000,000 may be made available for the countries of Central America, Haiti and the Dominican Republic and prohibits the use of funding for budget support or cash payments. The provision restricts obligation of 15 percent of the funding provided under the headings ''Foreign Military Financing Program'' and ''International Narcotics Control and Law Enforcement'' for the military and police forces until the Secretary of State submits a report in writing.

BUYING POWER MAINTENANCE ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Section 1408 provides authority to utilize $26,000,000 from appropriations for Diplomatic and Consular Programs from a prior Act and authority to transfer up to an additional $74,000,000 of the funds made available by this Act to the Buying Power Maintenance Account to manage exchange rate losses in fiscal year 2008. The Department of State shall consult on any proposed transfers resulting from this authority. The Department of State estimates the impact of currency fluctuations to be at least $260,000,000 on United States diplomatic operations worldwide.

In addition, the provision includes authority to transfer unobligated and expired balances after fiscal year 2008 into the Buying Power Maintenance Account to address future exchange rate losses. The Secretary of State shall submit a report to the Committees on Appropriations not later than October 15, 2008, on the amount transferred by this authority in this or any fiscal year, the total amount of exchange rate losses in fiscal year 2008, and the accumulated impact of losses from prior years.

Finally, authority is granted to the Broadcasting Board of Governors to transfer unobligated and expired balances after fiscal year 2008 into its Buying Power Maintenance Account.

SERBIA

Section 1409 authorizes the Secretary of State to withhold funds related to reimbursement of costs associated with damage to the United States Embassy in Belgrade resulting from the February 21, 2008, attack.

RESCISSIONS

Section 1410 rescinds prior year funds and makes them available for a contribution to the World Food Program and for programs in the INCLE account. The provision also rescinds prior year funds from the Iraq Relief and Reconstruction Fund.

DARFUR PEACEKEEPING

Section 1411 authorizes the President to utilize prior year Foreign Military Financing Program and Peacekeeping Operations funds for transfer or lease of helicopters or related equipment necessary for operations of the AU/UN hybrid peacekeeping mission in Darfur.

TIBET

Section 1412 provides up to $5,000,000 for the establishment of a United States Consulate in Lhasa, Tibet, under the headings ''Diplomatic and Consular Programs'' and ''Embassy Security, Construction and Maintenance'' in this and prior Acts, and recommends certain actions regarding the opening of such a consulate.

The Secretary of State is directed to submit a report to the Committees on Appropriations not later than 90 days after enactment of this Act detailing efforts taken by the Department of State to establish a United States Consulate in Lhasa, Tibet, and a description of any policies or programs by the Government of the People's Republic of China aimed at undermining public support for Tibet including in the media, academia, and political arenas.

JORDAN

(INCLUDING RESCISSION OF FUNDS)

Section 1413 provides $58,000,000 for assistance for Jordan, which is offset by a rescission of an equal amount from the Millennium Challenge Corporation.

ALLOCATIONS

Section 1414 requires that funds in the specified accounts shall be allocated as indicated in the respective tables in this explanatory statement. Any change to these allocations shall be subject to the regular notification procedures of the Committees on Appropriations.

REPROGRAMMING AUTHORITY

Section 1415 allows for reprogramming of funds made available in prior years 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

Section 1416 requires the Secretary of State to provide detailed spending plans to the Committees on Appropriations on the uses of funds appropriated in subchapters A and B. These funds are also subject to the regular notification procedures of the Committees on Appropriations.

TERMS AND CONDITIONS

Section 1417 establishes that unless designated otherwise in this chapter, the terms and conditions contained within the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) shall apply to funds appropriated by this chapter, with the exception of section 699K.

TITLE II—DOMESTIC MATTERS

CHAPTER 1—FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

The amended bill provides an additional $150,000,000 for Food and Drug Administration, Salaries and Expenses, available until September 30, 2009. FDA is directed to provide the Committees on Appropriations monthly expenditures reports on the use of these funds.

CHAPTER 2—COMMERCE, JUSTICE, AND SCIENCE

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

The amended bill includes $210,000,000 for increased costs associated with the poor management of the 2010 Decennial Census. Within the funds provided, not less than $50,300,000 shall be used to restore funding associated with the approved March 26, 2008 reprogramming within the Bureau of the Census. Funds transferred pursuant to the reprogramming to address immediate shortfalls within the Field Data Collection Automation contract from the American Community Survey, Census Coverage Measurement activities, and other Census activities may result in increased risk and other unintended consequences to other parts of the Census. The $50,300,000 shall be available solely to complete previously planned activities and address vacancies in the aforementioned areas in order to reduce risk and ensure a successful 2010 Decennial Census.

The Census Bureau shall submit to the Committees on Appropriations of the Senate and the House of Representatives, within 30 days of enactment of this Act, a detailed plan showing a timeline of milestones and expenditures for the 2010 Decennial Census, and shall include a quantitative assessment of the associated risk to the program as it is currently constituted. In addition, the Inspector General shall submit quarterly reports to the Committees on Appropriations, until the conclusion of the 2010 Decennial Census, detailing the progress of the revised plan for the execution of the 2010 Decennial

Census and any unanticipated slippages from the revised 2010 milestones, as well as reassessing the associated risk to the program. The Census Bureau is directed to provide the Inspector General with any required information so that the quarterly reports can begin 60 days after submission of the plan.

Because rising costs associated with the 2010 Decennial Census and the Department's and the Bureau's lack of contract oversight are cause for particular concern, the bill includes not less than $3,000,000 for the Department's Office of the Inspector General for Census contract oversight activities and not less than $1,000,000 solely for a reimbursable agreement with the Defense Contract Management Agency to review and improve Census contract management.

DEPARTMENT OF JUSTICE

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The amended bill includes $178,000,000 for additional costs of the Bureau of Prisons (BOP) related to the custody and care of inmates and the maintenance and operation of correctional and penal institutions. The BOP has been chronically underfunded in recent budget requests, due to consistently underestimated growth in inmate populations and inadequate funding requests for medical expenses. As a result, BOP facilities face rising staff-to-inmate ratios, placing corrections officers and inmates at unacceptable risk of violence. The amended bill includes funding for FCI Pollock activation costs and for inmate drug abuse treatment required by law. The Administration is urged to re-estimate BOP fixed costs and prisoner population for fiscal year 2009 and to provide the House and Senate Committees on Appropriations with those estimates no later than August 1, 2008. Further, the BOP is directed to notify the Committees of current staff-to-inmate ratios at all Federal prisons on a monthly basis.

OTHER AGENCIES

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND EXPLORATION

The amended bill includes $62,500,000 for Science, Aeronautics and Exploration.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

The amended bill includes $22,500,000 for Research and Related Activities, of which $5,000,000 shall be available solely for activities authorized by section 7002(b)(2)(A)(iv) of Public Law 110–69.

EDUCATION AND HUMAN RESOURCES

The amended bill includes $40,000,000 for Education and Related Activities of which $20,000,000 is for section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1) and $20,000,000, is for activities authorized by section 10A of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1a).

CHAPTER 3—ENERGY

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

The amended bill includes an additional $62,500,000 for Science. The Department of Energy is instructed to utilize this funding to eliminate all furloughs and reductions in force which are a direct result of budgetary constraints. Workforce reductions which are a result of completed work or realignment of mission should proceed as planned. This funding is intended to maintain technical expertise and capability at the Office of Science, and may be used for National Laboratory Research and Development including research related to new neutrino initiatives. Funding for research efforts shall not be allocated until the Office of Science has fully funded all personnel requirements.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

The amended bill includes an additional $62,500,000 for Defense Environmental Cleanup.

CHAPTER 4—LABOR AND HEALTH AND HUMAN SERVICES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

The amended bill provides $110,000,000 for Unemployment Compensation State Operations to compensate the States for the administrative costs of processing the Unemployment Insurance (UI) claims workload for the balance of fiscal year 2008. New UI claims are increasing, reaching a level in April 2008 nearly 18 percent greater than the previous year. States are beginning to experience service degradation in the form of call center delays for claimants, waiting times for adjudication of disputed claims, and reductions in program integrity activities, tax collection, and tax audits. While funding in the Consolidated Appropriations Act, 2008 is sufficient to cover the costs of processing 2.4 million Average Weekly Insured Unemployment (AWIU), claims have already climbed above 2.9 million AWIU. The amount provided will compensate States for the claims workload estimated by the Department of Labor up to the point where additional funds are released under a legislated trigger.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

The amended bill provides $150,000,000 in additional funding for the National Institutes of Health to support additional scientific research. This funding is to be distributed on a pro-rata basis across the NIH institutes and centers.

CHAPTER 5—LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

The amended bill provides the customary death gratuity to Annette Lantos, widow of Tom Lantos, late a Representative from the State of California.

TITLE III—NATURAL DISASTER RELIEF AND RECOVERY

CHAPTER 1—AGRICULTURE

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

The amended bill provides $89,413,000 for the Emergency Conservation Program for disaster relief. The recent Midwest floods and tornadoes have added to disaster relief funding needs. Therefore, these funds are provided to meet these and other disaster relief funding needs.

NATURAL RESOURCES CONSERVATION SERVICE

EMERGENCY WATERSHED PROTECTION PROGRAM

The amended bill provides $390,464,000 for the Emergency Watershed Protection Program for disaster relief. The recent Midwest floods and tornadoes have added to disaster relief funding needs. Therefore, these funds are provided to meet these and other disaster relief funding needs.

CHAPTER 2—COMMERCE

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The amended bill provides $100,000,000 for economic development assistance in Presidentially-declared disaster areas to provide disaster relief, long-term recovery and restoration of infrastructure.

CHAPTER 3—CORPS OF ENGINEERS

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

Public Law 109–148, the 3rd emergency supplemental appropriations act of 2006, Public Law 109–234, the 4th emergency supplemental appropriations act of 2006, and Public Law 110–28, the emergency supplemental appropriations act of 2007, provided funds to repair and restore hurricane damaged projects, accelerate completion of New Orleans area flood and storm damage reduction projects, and provide 100-year storm protection for the greater New Orleans area. The scope and magnitude of the work required has increased with time. The current cost estimate requires $5,761,000,000 in additional Federal funds and a non-Federal cost-share of $1,527,000,000.

The Administration requested this funding under the Construction account in the fiscal year 2009 budget. The amended bill provides the full amount of the request as a supplemental appropriation to ensure the existing schedule for completion of 100-year protection for the greater New Orleans area by 2011 is met. However, $2,926,000,000 is provided under Flood Control and Coastal Emergencies in order to provide continuity in appropriations for projects to repair, restore, and accelerate completion of the levels of protection authorized prior to Hurricane Katrina. None of the funds recommended for this purpose shall be available until October 1, 2008.

In addition, the amended bill provides $605,988,800 to respond to recent natural disasters. The funding included under the Construction; Mississippi River and Tributaries; Operation and Maintenance; and Flood Control and Coastal Emergency accounts that reference natural disasters are provided to address nationwide disaster recovery and emergency situations and should not be construed to pertain exclusively to any single disaster event. The Corps shall prioritize all projects to ensure that the most critical health and safety risks are addressed.

CONSTRUCTION

The amended bill includes $2,896,700,000 for Construction. Within the recommended funds, $1,077,000,000 is provided to complete the 100-year storm protection for the Lake Pontchartrain and Vicinity project; $920,000,000 is provided to complete the 100-year storm protection for the West Bank and Vicinity project; and $838,000,000 is provided for elements of the Southeast Louisiana Urban Drainage project that are within the geographic perimeter of the West Bank and Vicinity projects and the Lake Pontchartrain and Vicinity project.

The amended bill includes a provision which requires the Lake Pontchartrain and Vicinity, West Bank and Vicinity and Southeast Louisiana projects be cost shared 65 percent Federal and 35 percent non-Federal as proposed by the Administration with a resulting Federal cost of $2,835,000,000 and a non-Federal cost of $1,527,000,000. While the amended bill includes specific statutory dollar amounts for the three projects, statutory language has been included that would allow the Administration to request a reprogramming of funds, if required. However, the

Corps should use this reprogramming ability sparingly.

Due to recent natural disasters, the Corps of Engineers has identified a number of projects that are currently under construction that have been damaged by storm and flood events. The amended bill includes $61,700,000 for the Corps to repair and rehabilitate these construction projects that were affected by natural disasters.

MISSISSIPPI RIVER AND TRIBUTARIES

Due to recent natural disasters, the Corps of Engineers has identified a number of Federally-maintained construction and maintenance projects that have been damaged or otherwise impacted by storm and flood events. The amended bill includes $17,590,000 for the Corps to repair and rehabilitate these projects that were affected by natural disasters.

OPERATION AND MAINTENANCE

Due to recent natural disasters, the Corps of Engineers has identified a number of navigation and flood damage reduction projects that have been impacted by storm and flood events. The amended bill provides $298,344,000 for the Corps to restore navigation channels and harbors to pre-storm conditions; and to repair eligible flood damage reduction and other projects in States affected by natural disasters.

FLOOD CONTROL AND COASTAL EMERGENCIES

The amended bill provides $3,152,854,800 for Flood Control and Coastal Emergencies. The funding includes, at full Federal expense, the following amounts: $704,000,000 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 for storm-proofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; $459,000,000 for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $53,000,000 to improve protection at the Inner Harbor Navigation Canal; $456,000,000 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 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 for repair and restoration of authorized protections and floodwalls; and $359,000,000 to complete the authorized protection for the Lake Pontchartrain and Vicinity Project, for the West Bank and Vicinity Project and the New Orleans to Venice Project. While the Committee has recommended specific statutory dollar amounts for the projects identified under this heading, statutory language has been included that would allow the Administration to request a reprogramming of funds, if required. However, the Corps should use this reprogramming ability sparingly.

Due to recent natural disasters, the Corps of Engineers has identified a number of projects that have been damaged by storm and flood events. The amended bill includes $226,854,800 for the Corps to prepare for flood, hurricane and other natural disasters and support emergency operations, repairs, and other activities in response to flood and hurricane emergencies, as authorized by law; to repair and rehabilitate eligible projects that were affected by natural disasters; and to fund claims processing and discovery costs associated with Hurricane Katrina lawsuits.

The amended bill includes a provision directing the Corps to continue the NEPA alternative evaluation of all options for permanent pumping of storm water in the New Orleans metropolitan area with particular attention to Options 1, 2 and 2a and within 90 days of enactment of this Act provide the House and Senate Appropriation Committees cost estimates to implement Options 1, 2 and 2a of the above cited report. Current plans do not fully account for the operational challenges that arise during major storm events and are not, therefore, fully protective of public safety.

EXPENSES

The amended bill includes $1,500,000 for additional oversight and management costs associated with Hurricane Katrina recovery efforts.

CHAPTER 4—SMALL BUSINESS

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Based on early estimates of damages due to severe storms and flooding in a number of states, the amended bill includes $164,939,000 in loan subsidy for the costs of providing direct loans for homeowners and business-owners so that they can recover from the effects of these disasters. The amended bill also includes a total of $101,814,000 for the administrative costs for carrying out the loan program. These funds will provide for the on site presence of Small Business Administration (SBA) employees to assist disaster victims in obtaining low interest loans from the SBA. Funding will support additional to staff in call centers, disaster resource sites, and loan processing centers and for field inspections to verify damages and losses of homes and businesses. Funding is also necessary to hire additional attorneys to carry out the loan closing process, as well as staff to service the loans. Of this amount, $6,000,000 may be transferred to the Salaries and Expenses account for indirect administrative expenses and $1,000,000 is for the Office of Inspector General for audits and reviews of disaster loans.

CHAPTER 5—FEMA DISASTER RELIEF

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

The amended bill provides an additional $897,000,000 for Disaster Relief. The recent Midwest floods and tornadoes have added to disaster relief funding needs. The 1993 Midwest floods cost FEMA over $1.1 billion fifteen years ago and the current damage is likely to cost at least this amount, but in inflated dollars. This funding is provided to partially meet these and other disaster relief funding needs.

CHAPTER 6—HOUSING AND URBAN DEVELOPMENT

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PERMANENT SUPPORTIVE HOUSING

The amended bill includes funding for Louisiana Permanent Supportive Housing, in the amount of $73,000,000. This is a new program, and the money is split between two accounts in the bill—the Homeless Assistance Grants and the Project-Based Rental Assistance programs. This program will provide funding for the 3,000 units of permanent supportive housing that are envisioned in the HUD-approved Louisiana Road Home Program. This will enable the promise of the Road Home Program to address the housing needs of our most vulnerable citizens, in particular extremely low-income homeless, disabled and frail elderly persons, to be fulfilled. Of the $73,000,000 provided, $20,000,000 will fund 2,000 project-based vouchers (funded for 1-year terms) with $3,000,000 in administrative fees, and $50,000,000 will fund 1,000 Shelter Plus Care units (funded for five-year terms). These are the ideal and proven housing programs for creating permanent supportive housing for the populations in question. The program funds are provided to the State of Louisiana or its designee or designees, and language is included stating that the administering entity or entities can act as a public housing agency for purposes of administering the funding.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

The amended bill provides $300,000,000 for the Community Development Fund for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas for which the President declared a major disaster.

TITLE IV—EMERGENCY UNEMPLOYMENT COMPENSATION

The amended bill includes language providing a temporary extension of unemployment benefits to workers who have lost their jobs. Specifically, the amended bill provides up to 13 weeks of extended unemployment benefits in every State to workers exhausting regular unemployment compensation. The extended benefits program will terminate on March 31, 2009. The percentage of workers exhausting unemployment benefits is currently 37 percent, which is higher than at the beginning of any of the past five recessions. Not only will workers and their families benefit from extended benefits, providing this financial assistance also can reduce the severity and duration of an economic downturn. Experts agree that extending unemployment benefits is one of the most cost-effective and fast acting forms of economic stimulus because workers who have lost their paychecks have little choice but to spend these benefits quickly.

TITLE V—VETERANS EDUCATIONAL ASSISTANCE

Title V of the amended bill includes provisions designed to expand the educational benefits for men and women who have served in the armed forces since the terrorist attacks of September 11, 2001. The provisions will closely resemble the educational benefits provided to veterans returning from World War II.

The benefits included in title V would apply to all members of the military who have served on active duty, including activated reservists and National Guard. To qualify, veterans must have served at least three months of qualified active duty, beginning on or after September 11, 2001. The amended bill provides for benefits to be paid in amounts linked to the amount of active duty service.

In addition to tuition and other established charges, the benefit includes a monthly stipend for housing costs as well as tutorial assistance and licensure and certification tests.

The amended bill would create a new program in which the government will agree to match, dollar for dollar, any voluntary additional contributions to veterans from institutions whose tuition is more expensive than the maximum educational assistance provided in the amended bill.

In addition, title V allows for members of the armed services to transfer their benefits to their spouse or children.

Finally, the amended bill provides for the veterans to have up to fifteen years after they leave active duty to use their educational assistance entitlement. Veterans would be barred from receiving concurrent assistance from this program and another similar program.

TITLE VI—ACCOUNTABILITY AND TRANSPARENCY IN GOVERNMENT CONTRACTING

CHAPTER 1—CLOSE THE CONTRACTOR FRAUD LOOPHOLE

Chapter 1 of title VI is identical to the language of H.R. 5712, ''Close the Contractor Fraud Loophole Act,'' passed by the House on April 23, 2008 and was in the Senate amendment adopted on May 22, 2008. It closes a loophole in a proposed rule so that mandatory fraud reporting requirements would apply to U.S. contractors working overseas as well as to contractors working here at home.

CHAPTER 2—GOVERNMENT FUNDING TRANSPARENCY

Chapter 2 of title VI is identical to the language of H.R. 3928, ''Government Funding Transparency Act of 2007,'' passed by the House on April 23, 2008 and was in the Senate amendment adopted on May 22, 2008. It requires any company or organization receiving at least $25 million and 80 percent or more of their revenue from federal payments to disclose the compensation of their most highly-compensated officers.

TITLE VII—MEDICAID PROVISIONS

Title VII of the amended bill includes language extending the current moratorium to April 2009 on four Medicaid regulations pertaining to: graduate medical education payments; limits on payments to government safety net providers; rehabilitation services; and school-based administrative and specialized medical transportation services for children. The amended bill also establishes a moratorium for the same period for two Medicaid regulations pertaining to: health care provider taxes and targeted case management. The cost of the moratoria is fully offset over five and ten years in the amended bill by provisions that extend an asset verification demonstration to all fifty States and reduce balances in the Physician Assistance and Quality Initiative Fund. These six moratoria are identical to those included in H.R. 5613, which was approved by the House by a 349–62 vote and were in the Senate amendment adopted on May 22, 2008.

The moratorium on these six regulations is included in the amended bill due to concerns about their potential negative impact on essential medical services for millions of people, particularly for seniors, people with disabilities, and children, and on the providers of these safety net services. These regulations also would have a far-reaching impact on graduate medical education, outreach and supportive services designed to help individuals get the medical care they need, and foster care services.

According to the Congressional Budget Office (CBO), these regulatory changes would reduce Federal Medicaid spending by more than $17,500,000,000 over the next five years, shifting these costs to States and localities. These cuts would occur during an economic downturn when States and localities are least able to restore services. Further, the authorizing committees indicate that many of these regulations alter longstanding Medicaid policy without specific Congressional authorization.

Additional time is required to examine the potential impact of these regulations. Accordingly, the amended bill includes $5,000,000 for a study to be completed no later than September 2009 by an independent entity to assess the prevalence of the problems in the Medicaid program the regulations were intended to address and their impact on each State. The amended bill also includes $25,000,000 for the purpose of reducing fraud and abuse in the Medicaid program.

TITLE VIII—GENERAL PROVISIONS, THIS ACT

The amended bill includes the following general provisions:

Section 8001 establishes the period of availability for obligation for appropriations provided in this Act.

Section 8002 provides that, unless otherwise noted, all appropriations in this Act are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 and section 301(b)(2) of S. Con. Res. 70, the congressional budget resolutions for fiscal years 2008 and 2009.

Section 8003 provides for a reduction of $3,577,845,000 from the Procurement; Research, Development, Test and Evaluation; and Defense Working Capital headings within chapter 1 of title IX of this Act. The section also provides that the reduction shall be applied proportionally to each appropriation account under such headings, and to each program, project, and activity within each such appropriation account.

Section 8004 amends section 9310 of this Act, which prohibits the obligation or expenditure of funds available to the Department of Defense to implement any final action on joint basing initiatives. The amendment excepts funds deposited in the Department of Defense Base Closure Account 2005 from this restriction.

Section 8005 makes funds provided in Public Law 110–28, which remain available for obligation, within the operation and maintenance portion of the Defense Health Program for Post Traumatic Stress Disorder and Traumatic Brain Injury (TBI) available for psychological health and traumatic brain injury.

Section 8006 provides that this Act may be referred to as the ''Supplemental Appropriations Act, 2008''.

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642
(Amounts in thousands)

| | Request | Recommended | Recommended vs. Request |
|---|---|---|---|
| TITLE I | | | |
| MILITARY CONSTRUCTION, VETERANS AFFAIRS, INTERNATIONAL AFFAIRS, AND OTHER SECURITY-RELATED MATTERS | | | |
| CHAPTER 1 | | | |
| DEPARTMENT OF AGRICULTURE | | | |
| Foreign Agricultural Service | | | |
| Public Law 480 Title II Grants, FY 2008 (emergency)... | 350,000 | 850,000 | +500,000 |
| Public Law 480 Title II Grants, FY 2009 (emergency)... | 395,000 | 395,000 | --- |
| Total, Chapter 1..... | 745,000 | 1,245,000 | +500,000 |
| CHAPTER 2 | | | |
| DEPARTMENT OF JUSTICE | | | |
| Office of Inspector General (emergency)..... | --- | 4,000 | +4,000 |
| Legal Activities | | | |
| Salaries and expenses, general legal activities (emergency)..... | 4,093 | 1,648 | -2,445 |
| Salaries and expenses, United States Attorneys (emergency)..... | 5,000 | 5,000 | --- |
| Total, Legal activities..... | 9,093 | 6,648 | -2,445 |
| United States Marshals Service | | | |
| Salaries and expenses (emergency)..... | 14,921 | 28,621 | +13,700 |
| Federal Bureau of Investigation | | | |
| Salaries and expenses, FY 2008 (emergency)..... | 101,122 | 106,122 | +5,000 |
| Salaries and expenses, FY 2009 (emergency)..... | 39,062 | 82,600 | +43,538 |
| Total, Federal Bureau of Investigation..... | 140,184 | 188,722 | +48,538 |
| Drug Enforcement Administration | | | |
| Salaries and expenses (emergency)..... | 8,468 | 29,861 | +21,393 |
| Bureau of Alcohol, Tobacco, Firearms and Explosives | | | |
| Salaries and expenses (emergency)..... | 4,000 | 4,000 | --- |
| Federal Prison System | | | |
| Salaries and expenses (emergency)..... | 9,100 | 9,100 | --- |
| Total, Chapter 2..... | 185,766 | 270,952 | +85,186 |
| CHAPTER 3 | | | |
| DEPARTMENT OF DEFENSE | | | |
| Military construction, Army (emergency)..... | 1,440,750 | 1,108,200 | -332,550 |
| Military construction, Navy and Marine Corps (emergency)..... | 237,505 | 355,907 | +118,402 |
| Military construction, Air Force (emergency)..... | 305,000 | 399,627 | +94,627 |
| Military construction, Defense-Wide (emergency)..... | 27,600 | 890,921 | +863,321 |
| Total, Active Components..... | 2,010,855 | 2,754,655 | +743,800 |

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642
(Amounts in thousands)

| | Request | Recommended | Recommended vs. Request |
|---|---|---|---|
| Family housing construction, Navy and Marine Corps (emergency) | 11,766 | 11,766 | --- |
| Base realignment and closure account 2005 (emergency) | 415,910 | 1,278,886 | +862,976 |
| Total, Department of Defense | 2,438,531 | 4,045,307 | +1,606,776 |
| DEPARTMENT OF VETERANS AFFAIRS | | | |
| Departmental Administration | | | |
| General operating expenses (emergency) | --- | 100,000 | +100,000 |
| Information technology systems (emergency) | --- | 20,000 | +20,000 |
| Construction, major projects (emergency) | --- | 396,377 | +396,377 |
| Total, Departmental Administration | --- | 516,377 | +516,377 |
| General Provisions | | | |
| Sec. 1301. Barracks improvements (emergency) | --- | 200,000 | +200,000 |
| Total, Department of Veterans Affairs | --- | 716,377 | +716,377 |
| Total, Chapter 3 | 2,438,531 | 4,761,684 | +2,323,153 |
| CHAPTER 4 | | | |
| SUBCHAPTER A | | | |
| SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008 | | | |
| DEPARTMENT OF STATE | | | |
| Administration of Foreign Affairs | | | |
| Diplomatic and consular programs (emergency) | 1,708,008 | 1,465,700 | -242,308 |
| Worldwide security protection | (162,400) | (210,400) | (+48,000) |
| Office of the Inspector General (emergency) | --- | 9,500 | +9,500 |
| Embassy security, construction, and maintenance (emergency) | 160,000 | 76,700 | -83,300 |
| Total, Administration of Foreign Affairs | 1,868,008 | 1,551,900 | -316,108 |
| International Organizations | | | |
| Contributions to international organizations (emergency) | 53,000 | 66,000 | +13,000 |
| Contributions for international peacekeeping activities, current year (emergency) | 333,600 | 373,708 | +40,108 |
| Total, International Organizations | 386,600 | 439,708 | +53,108 |
| Total, Department of State | 2,254,608 | 1,991,608 | -263,000 |
| RELATED AGENCY | | | |
| Broadcasting Board of Governors | | | |
| International broadcasting operations (emergency) | --- | 2,000 | +2,000 |
| BILATERAL ECONOMIC ASSISTANCE | | | |
| Funds Appropriated to the President | | | |
| International disaster assistance (emergency) | --- | 220,000 | +220,000 |
| Operating expenses of the United States Agency for International Development (emergency) | 41,000 | 150,500 | +109,500 |

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642
(Amounts in thousands)

| | Request | Recommended | Recommended vs. Request |
|---|---|---|---|
| Operating expenses of the US Agency for International Development, Office of Inspector General (emergency) | --- | 4,000 | +4,000 |
| Other Bilateral Economic Assistance | | | |
| Economic support fund (emergency) | 2,009,000 | 1,882,500 | -126,500 |
| Department of State | | | |
| Democracy Fund (emergency) | --- | 76,000 | +76,000 |
| International narcotics control and law enforcement (emergency) | 734,000 | 390,300 | -343,700 |
| Migration and refugee assistance (emergency) | 30,000 | 315,000 | +285,000 |
| U.S. Emergency Refugee and Migration Assistance Fund (emergency) | --- | 31,000 | +31,000 |
| Nonproliferation, anti-terrorism, demining and related programs (emergency) | 5,000 | 13,700 | +8,700 |
| Total, Bilateral Economic Assistance | 2,819,000 | 3,083,000 | +264,000 |
| MILITARY ASSISTANCE | | | |
| Funds Appropriated to the President | | | |
| Foreign Military Financing Program (emergency) | --- | 137,500 | +137,500 |
| Total, Subchapter A | 5,073,608 | 5,214,108 | +140,500 |
| SUBCHAPTER B | | | |
| BRIDGE FUND SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009 | | | |
| DEPARTMENT OF STATE | | | |
| Administration of Foreign Affairs | | | |
| Diplomatic and consular programs (emergency) | 1,064,450 | 704,900 | -359,550 |
| Worldwide security protection | (45,800) | (78,400) | (+32,600) |
| Office of the Inspector General (emergency) | 16,800 | 57,000 | +40,200 |
| Embassy security, construction, and maintenance (emergency) | --- | 41,300 | +41,300 |
| Total, Administration of Foreign Affairs | 1,081,250 | 803,200 | -278,050 |
| International Organizations | | | |
| Contributions to international organizations (emergency) | 40,000 | 75,000 | +35,000 |
| Contributions for international peacekeeping activities, current year (emergency) | --- | 150,500 | +150,500 |
| Total, International Organizations | 40,000 | 225,500 | +185,500 |
| Total, Department of State | 1,121,250 | 1,028,700 | -92,550 |
| RELATED AGENCY | | | |
| Broadcasting Board of Governors | | | |
| International broadcasting operations (emergency) | --- | 6,000 | +6,000 |
| BILATERAL ECONOMIC ASSISTANCE | | | |
| Funds Appropriated to the President | | | |
| Global health and child survival (emergency) | --- | 75,000 | +75,000 |
| Development assistance (emergency) | 210,000 | 200,000 | -10,000 |

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642
(Amounts in thousands)

| | Request | Recommended | Recommended vs. Request |
|---|---|---|---|
| International disaster assistance (emergency) | 270,000 | 200,000 | -70,000 |
| Operating expenses of the United States Agency for International Development (emergency) | 60,000 | 93,000 | +33,000 |
| Operating expenses of the US Agency for International Development, Office of Inspector General (emergency) | --- | 1,000 | +1,000 |
| Total, Funds Appropriated to the President | 540,000 | 569,000 | +29,000 |
| Other Bilateral Economic Assistance | | | |
| Economic support fund (emergency) | 1,297,700 | 1,124,800 | -172,900 |
| Department of State | | | |
| International narcotics control and law enforcement (emergency) | 225,000 | 199,000 | -26,000 |
| Migration and refugee assistance (emergency) | 191,000 | 350,000 | +159,000 |
| Nonproliferation, anti-terrorism, demining and related programs (emergency) | --- | 4,500 | +4,500 |
| Total, Department of State | 416,000 | 553,500 | +137,500 |
| Total, Bilateral Economic Assistance | 2,253,700 | 2,247,300 | -6,400 |
| MILITARY ASSISTANCE | | | |
| Funds Appropriated to the President | | | |
| Foreign Military Financing Program (emergency) | 170,000 | 302,500 | +132,500 |
| Peacekeeping operations (emergency) | 60,000 | 95,000 | +35,000 |
| Total, Military Assistance | 230,000 | 397,500 | +167,500 |
| Total, Subchapter B | 3,604,950 | 3,679,500 | +74,550 |
| SUBCHAPTER C - GENERAL PROVISIONS | | | |
| Sec. 1410: | | | |
| (a)(1) World Food Program | --- | 20,000 | +20,000 |
| (a)(2) Andean Counterdrug Initiative (rescission) | --- | -20,000 | -20,000 |
| (b)(1) International narcotics control and law enforcement (Sudan) | --- | 10,000 | +10,000 |
| (b)(2) International narcotics control and law enforcement (prior-year rescission) | --- | -10,000 | -10,000 |
| (c)Iraq Relief and Reconstruction Fund (rescission of emergency appropriations) | --- | -50,000 | -50,000 |
| Sec. 1413: | | | |
| (a)(b) Jordan | --- | 58,000 | +58,000 |
| (c) Millennium Challenge Corporation (rescission) | --- | -58,000 | -58,000 |
| Total, Subchapter C | --- | -50,000 | -50,000 |
| Total, Chapter 4 | 8,678,558 | 8,843,608 | +165,050 |
| GENERAL PROVISIONS | | | |
| DEPARTMENT OF HOMELAND SECURITY | | | |
| Customs and Border Protection | | | |
| Salaries and expenses (rescission) | -50,000 | --- | +50,000 |
| Total, title I | 11,997,855 | 15,121,244 | +3,123,389 |

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642
(Amounts in thousands)

| | Request | Recommended | Recommended vs. Request |
|---|---|---|---|
| TITLE II | | | |
| DOMESTIC MATTERS | | | |
| CHAPTER 1 | | | |
| DEPARTMENT OF HEALTH AND HUMAN SERVICES | | | |
| Food and Drug Administration | | | |
| Salaries and expenses (emergency) | --- | 150,000 | +150,000 |
| CHAPTER 2 | | | |
| DEPARTMENT OF COMMERCE | | | |
| Bureau of the Census | | | |
| Periodic censuses and programs (emergency) | --- | 210,000 | +210,000 |
| DEPARTMENT OF JUSTICE | | | |
| Federal Prison System | | | |
| Salaries and expenses (emergency) | --- | 178,000 | +178,000 |
| OTHER AGENCIES | | | |
| National Aeronautics and Space Administration | | | |
| Science, aeronautics and exploration (emergency) | --- | 62,500 | +62,500 |
| National Science Foundation | | | |
| Research and related activities (emergency) | --- | 22,500 | +22,500 |
| Education and human resources (emergency) | --- | 40,000 | +40,000 |
| Total, National Science Foundation | --- | 62,500 | +62,500 |
| Total, Other Agencies | --- | 125,000 | +125,000 |
| Total, Chapter 2 | --- | 513,000 | +513,000 |
| CHAPTER 3 | | | |
| DEPARTMENT OF ENERGY | | | |
| Energy Programs | | | |
| Science (emergency) | --- | 62,500 | +62,500 |
| Environmental and Other Defense Activities | | | |
| Defense environmental cleanup (emergency) | --- | 62,500 | +62,500 |
| Total, Chapter 3 | --- | 125,000 | +125,000 |
| CHAPTER 4 | | | |
| DEPARTMENT OF LABOR | | | |
| Employment and Training Administration | | | |
| State unemployment insurance and employment service operations (emergency) | --- | 110,000 | +110,000 |

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642
(Amounts in thousands)

| | Request | Recommended | Recommended vs. Request |
|---|---|---|---|
| DEPARTMENT OF HEALTH AND HUMAN SERVICES | | | |
| National Institutes of Health | | | |
| Office of the Director (emergency) | --- | 150,000 | +150,000 |
| Total, Chapter 4 | --- | 260,000 | +260,000 |
| CHAPTER 5 | | | |
| HOUSE OF REPRESENTATIVES | | | |
| Payments to Widows and Heirs of Deceased Members of Congress | --- | 169 | +169 |
| Total, title II | --- | 1,048,169 | +1,048,169 |
| TITLE III | | | |
| NATURAL DISASTER RELIEF AND RECOVERY | | | |
| CHAPTER 1 | | | |
| DEPARTMENT OF AGRICULTURE | | | |
| Farm Service Agency | | | |
| Emergency Conservation Program (emergency) | --- | 89,413 | +89,413 |
| Natural Resources Conservation Service | | | |
| Emergency Watershed Protection Program | --- | 390,464 | +390,464 |
| Total, Chapter 1 | --- | 479,877 | +479,877 |
| CHAPTER 2 | | | |
| DEPARTMENT OF COMMERCE | | | |
| Economic Development Administration | | | |
| Economic development assistance programs (emergency) | --- | 100,000 | +100,000 |
| CHAPTER 3 | | | |
| DEPARTMENT OF THE ARMY | | | |
| Corps of Engineers - Civil | | | |
| Construction, general (emergency) | --- | 61,700 | +61,700 |
| Construction, FY 2009 (emergency) | 5,761,000 | 2,835,000 | -2,926,000 |
| Mississippi River and tributaries (emergency) | --- | 17,590 | +17,590 |
| Operation and maintenance (emergency) | --- | 298,344 | +298,344 |
| Flood control and coastal emergencies | --- | 226,855 | +226,855 |
| Flood control and coastal emergencies, FY 2009(emerg.) | --- | 2,926,000 | +2,926,000 |
| Expenses (emergency) | --- | 1,500 | +1,500 |
| Total, Chapter 3 | 5,761,000 | 6,366,989 | +605,989 |

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642
(Amounts in thousands)

| | Request | Recommended | Recommended vs. Request |
|---|---|---|---|
| CHAPTER 4 | | | |
| Small Business Administration | | | |
| Disaster Loans Program Account: | | | |
| Direct loans subsidy (emergency) | --- | 164,939 | +164,939 |
| Administrative expenses (emergency) | --- | 101,814 | +101,814 |
| Total, Chapter 4 | --- | 266,753 | +266,753 |
| CHAPTER 5 | | | |
| DEPARTMENT OF HOMELAND SECURITY | | | |
| Federal Emergency Management Agency | | | |
| Disaster Relief (emergency) | --- | 897,000 | +897,000 |
| CHAPTER 6 | | | |
| DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT | | | |
| Permanent supportive housing (emergency) | --- | 73,000 | +73,000 |
| Community Planning and Development | | | |
| Community Development Fund (emergency) | --- | 300,000 | +300,000 |
| Total, Chapter 6 | --- | 373,000 | +373,000 |
| Total, title III | 5,761,000 | 8,483,619 | +2,722,619 |
| TITLE IV | | | |
| EMERGENCY UNEMPLOYMENT COMPENSATION | | | |
| Federal-State agreements, FY 2008 (emergency) | --- | 4,790,000 | +4,790,000 |
| Federal-State agreements, FY 2009 (emergency) | --- | 7,765,000 | +7,765,000 |
| Total, title IV | --- | 12,555,000 | +12,555,000 |
| TITLE V | | | |
| VETERANS EDUCATIONAL ASSISTANCE | | | |
| Veterans educational assistance, FY 2008 (emergency) | --- | 50,000 | +50,000 |
| Veterans educational assistance, FY 2009 (emergency) | --- | 746,000 | +746,000 |
| Total, title V | --- | 796,000 | +796,000 |
| TITLE VII | | | |
| MEDICAID PROVISIONS | | | |
| Medicaid moratorium, FY 2008 (emergency) | --- | 305,000 | +305,000 |
| Medicaid moratorium, FY 2009 (emergency) | --- | 805,000 | +805,000 |
| Total, title VII | --- | 1,110,000 | +1,110,000 |

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642
(Amounts in thousands)

| | Request | Recommended | Recommended vs. Request |
|---|---|---|---|
| TITLE VIII | | | |
| GENERAL PROVISIONS | | | |
| Sec. 8003. General defense reduction (emergency)..... | --- | -3,577,845 | -3,577,845 |
| Grand total..... | 17,758,855 | 35,536,187 | +17,777,332 |
| Appropriations..... | --- | (88,169) | (+88,169) |
| Emergency appropriations..... | (17,808,855) | (35,586,018) | (+17,777,163) |
| Rescissions..... | (-50,000) | (-88,000) | (-38,000) |
| Rescissions of emergency funding..... | --- | (-50,000) | (-50,000) |

DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

Following is a list of congressionally directed spending items (as defined in rule XLIV of the Standing Rules of the Senate) included in the House amendment discussed in this explanatory statement, along with the name of the Senator who submitted a request to the Committee of jurisdiction for the items so identified. The items were contained in the Senate-passed amendment. Neither the amendment nor the explanatory statement contains any limited tax benefits or limited tariff benefits as defined in rule XLIV.

MILITARY CONSTRUCTION

[In thousands of dollars]

| Account | State | Location | Project Title | Amount | Requested By |
|---|---|---|---|---|---|
| Army | Alaska | Fort Wainwright | Child Development Center | 17,000 | The Administration [1] |
| Army | California | Fort Irwin | Child Development Center | 11,800 | The Administration [1] |
| Navy | California | Camp Pendleton | Armory—5th Marine Regiment | 10,890 | The President |
| Navy | California | Camp Pendleton | Bachelor Quarters & Armory | 34,970 | The President |
| Navy | California | Camp Pendleton | Bachelor Quarters & Dining Facility | 24,390 | The President |
| Navy | California | Camp Pendleton | Company Headquarters—Military Police | 8,240 | The President |
| Navy | California | Camp Pendleton | Explosive Ordinance Detachment—Ops | 13,090 | The President |
| Navy | California | Camp Pendleton | Intelligence Surveillance Reconnaissance | 1,114 | The President |
| Navy | California | Camp Pendleton | Armory—Regimental & Battalion HQ | 5,160 | The President |
| Navy | California | Camp Pendleton | Armory—Intelligence Battalion | 4,180 | The President |
| Navy | California | Camp Pendleton | JIEDDO Battle Courses | 9,270 | The Administration [1] |
| Navy | California | China Lake | JIEDDO Battle Courses | 7,210 | The Administration [1] |
| Navy | California | Point Mugu | JIEDDO Battle Courses | 7,250 | The Administration [1] |
| Navy | California | San Diego | Child Development Center | 17,930 | The Administration [1] |
| Navy | California | Twentynine Palms | Regimental Headquarters Addition | 4,440 | The President |
| Navy | California | Twentynine Palms | JIEDDO Battle Courses | 11,250 | The Administration [1] |
| Air Force | California | Beale AFB | Child Development Center | 17,600 | The Administration [1] |
| Army | Colorado | Fort Carson | Child Development Center | 8,400 | The Administration [1] |
| Army | Colorado | Fort Carson | Soldier Family Assistance Center | 8,100 | The President |
| Navy | Florida | Eglin AFB | JIEDDO Battle Course Additions | 780 | The Administration [1] |
| Air Force | Florida | Eglin AFB | Child Development Center | 11,000 | The Administration [1] |
| Army | Georgia | Fort Gordon | Child Development Center | 7,800 | The Administration [1] |
| Army | Georgia | Fort Stewart | Soldier Family Assistance Center | 6,000 | The President |
| Defense-Wide | Georgia | Fort Benning | Hospital Replacement | 350,000 | ([2]) |
| Army | Hawaii | Schofield Barracks | Child Development Center | 12,500 | The Administration [1] |
| Army | Kansas | Fort Riley | Transitioning Warrior Support Complex | 50,000 | The President |
| Defense-Wide | Kansas | Fort Riley | Hospital Replacement | 404,000 | ([2]) |
| Army | Kentucky | Fort Campbell | Child Development Center | 9,900 | The Administration [1] |
| Army | Kentucky | Fort Campbell | Soldier Family Assistance Center | 7,400 | The President |
| Army | Kentucky | Fort Knox | Child Development Center | 7,400 | The Administration [1] |
| Army | Louisiana | Fort Polk | Soldier Family Assistance Center | 4,900 | The President |
| Navy | Mississippi | Gulfport | JIEDDO Battle Courses | 6,570 | The Administration [1] |
| Army | Missouri | Fort Leonard Wood | Starbase Complex 6, Phase 1 | 50,000 | ([2]) |
| Air Force | New Jersey | McGuire AFB | JIEDDO Training Facility | 6,200 | The Administration [1] |
| Air Force | New Mexico | Cannon AFB | Child Development Center | 8,000 | The Administration [1] |
| Army | New York | Fort Drum | Warrior in Transition Facilities | 38,000 | The President |
| Army | North Carolina | Fort Bragg | Child Development Center | 8,500 | The Administration [1] |
| Navy | North Carolina | Camp Lejeune | Child Development Center | 16,000 | The Administration [1] |
| Navy | North Carolina | Camp Lejeune | JIEDDO Battle Courses | 11,980 | The Administration [1] |
| Navy | North Carolina | Camp Lejeune | Maintenance/Operations Complex | 43,340 | The President |
| Defense-Wide | North Carolina | Camp Lejeune | Hospital Addition/Alteration | 64,300 | ([2]) |
| Army | Oklahoma | Fort Sill | Child Development Center | 9,000 | The Administration [1] |
| Navy | South Carolina | Parris Island | Recruit Barracks | 25,360 | ([2]) |
| Army | Texas | Fort Bliss | Child Development Center | 5,700 | The Administration [1] |
| Army | Texas | Fort Bliss | Child Development Center | 5,900 | The Administration [1] |
| Army | Texas | Fort Bliss | Child Development Center | 5,700 | The Administration [1] |
| Army | Texas | Fort Hood | Child Development Center | 7,200 | The Administration [1] |
| Army | Texas | Fort Hood | Warrior in Transition Facilities | 9,100 | The President |
| Army | Texas | Fort Sam Houston | Child Development Center | 7,000 | The Administration [1] |
| Defense-Wide | Texas | Fort Sam Houston | Burn Rehab Unit | 21,000 | The President |
| Army | Virginia | Fort Lee | Child Development Center | 7,400 | The Administration [1] |
| Navy | Virginia | Yorktown | JIEDDO Battle Courses | 8,070 | The Administration [1] |
| Army | Afghanistan | Bagram | Administrative Building | 13,800 | The Administration [1] |
| Army | Afghanistan | Bagram | New Roads | 27,000 | The President |
| Army | Afghanistan | Bagram | Ammunition Supply Point | 62,000 | The President |
| Army | Afghanistan | Bagram | Power Plant | 41,000 | The President |
| Army | Afghanistan | Bagram | Bulk Fuel Storage & Supply, Phase 3 | 23,000 | The President |
| Army | Afghanistan | Bagram | Bulk Fuel Storage & Supply, Phase 4 | 21,000 | The President |
| Army | Afghanistan | Various Locations | CIED Road—Rte Alaska | 16,500 | The President |
| Army | Afghanistan | Bagram | Aircraft Maintenance Hangar | 5,100 | The President |
| Army | Afghanistan | Ghazni | Rotary Wing Parking | 5,000 | The President |
| Army | Afghanistan | Kabul | Consolidated Compound | 36,000 | The President |
| Army | Afghanistan | Various Locations | CIED Road—Rte Connecticut | 54,000 | The President |
| Air Force | Afghanistan | Bagram | Strategic Ramp | 43,000 | The President |
| Air Force | Afghanistan | Bagram | Parallel Taxiway, Phase 2 | 21,400 | The President |
| Air Force | Afghanistan | Bagram | East Side Helo Ramp | 44,400 | The President |
| Air Force | Afghanistan | Kandahar | ISR Ramp | 26,300 | The President |
| Navy | Djibouti | Camp Lemonier | Network Infrastructure Expansion | 6,270 | The President |
| Navy | Djibouti | Camp Lemonier | Dining Facility | 20,780 | The Administration [1] |
| Navy | Djibouti | Camp Lemonier | Water Production | 19,140 | The President |
| Navy | Djibouti | Camp Lemonier | Full Length Taxiway | 15,490 | The Administration [1] |
| Navy | Djibouti | Camp Lemonier | Fuel Farm | 4,000 | The Administration [1] |
| Navy | Djibouti | Camp Lemonier | Western Taxiway | 2,900 | The Administration [1] |
| Army | Iraq | Camp Adder | Petro Oil & Lubricant Storage | 10,000 | The President |
| Army | Iraq | Camp Adder | Waste Water Treatment & Collection | 9,800 | The President |
| Army | Iraq | Camp Adder | Convoy Support Center Relocation, Phase 2 | 39,000 | The President |
| Army | Iraq | Al Asad | Landfill Construction | 3,100 | The President |
| Army | Iraq | Al Asad | Hot Cargo Ramp | 18,500 | The President |
| Army | Iraq | Al Asad | South Airfield Apron (India Ramp) | 28,000 | The President |
| Army | Iraq | Camp Anaconda | Landfill Construction | 6,200 | The President |
| Army | Iraq | Camp Anaconda | Hazardous Waste Incinerator | 4,300 | The President |
| Army | Iraq | Camp Constitution | Juvenile TIFRIC | 11,700 | The President |
| Army | Iraq | Fallujah | Landfill Construction | 880 | The President |
| Army | Iraq | Camp Marez | Landfill Construction | 880 | The President |
| Army | Iraq | Q-West | North Entry Control Point | 11,400 | The President |
| Army | Iraq | Q-West | Perimeter Security Upgrade | 14,600 | The President |
| Army | Iraq | Camp Ramadi | Landfill Construction | 880 | The President |
| Army | Iraq | Scania | Entry Control Point | 5,000 | The President |
| Army | Iraq | Scania | Water Storage Tanks | 9,200 | The President |
| Army | Iraq | Camp Speicher | Military Control Point | 5,800 | The President |
| Army | Iraq | Camp Speicher | Landfill Construction | 5,900 | The President |
| Army | Iraq | Camp Speicher | Aviation Navigation Facilities | 13,400 | The President |
| Army | Iraq | Camp Taqqadum | Landfill Construction | 880 | The President |
| Army | Iraq | Camp Victory | Landfill Construction | 6,200 | The President |
| Army | Iraq | Camp Victory | Level 3 Hospital | 13,400 | The President |
| Army | Iraq | Camp Victory | Waste Water Treatment & Collection | 9,800 | The President |
| Army | Iraq | Camp Victory | Water Supply, Treatment & Storage, Phase 3 | 13,000 | The President |
| Army | Iraq | Camp Victory | Water Treatment & Storage, Phase 2 | 18,000 | The President |
| Army | Iraq | Camp Warrior | Landfill Construction | 880 | The President |
| Army | Iraq | Various Locations | Overhead Cover—eGlass | 30,000 | The President |
| Army | Iraq | Various Locations | Overhead Cover—eGlass, Phase 4 | 105,000 | The President |
| Air Force | Iraq | Balad AB | Helicopter Maintenance Facilities | 34,600 | The President |
| Air Force | Iraq | Balad AB | Foxtrot Taxiway | 12,700 | The President |

MILITARY CONSTRUCTION—Continued

[In thousands of dollars]

| Account | State | Location | Project Title | Amount | Requested By |
|---|---|---|---|---|---|
| Air Force | Iraq | Balad AB | Fighter Ramp | 11,000 | The President |
| Army | Kuwait | Camp Arifjan | Communications Center | 30,000 | The President |
| Air Force | Kyrgyzstan | Manas AB | Strategic Ramp | 30,300 | The President |
| Air Force | Oman | Masirah AB | Expeditionary Beddown Site | 6,300 | The Administration [1] |
| Air Force | Qatar | Al Udeid | Facilities Replacement | 30,000 | The Administration [1] |
| Air Force | Qatar | Al Udeid | Close Air Support Parking Apron | 60,400 | The Administration [1] |
| Defense-Wide | Qatar | Al Udeid | Special Operations Forces Warehouse | 6,600 | The President |

[1] These projects were requested by the Department of Defense subsequent to the submission of the President's budget request and were not included in the official budget request.
[2] These projects were added by the House Committee on Appropriations as a result of hearings, site visits, and departmental briefings on trainee and recruit facilities and medical treatment facilities.

CONGRESSIONALLY DIRECTED SPENDING ITEMS

| Account | Project | Funding | Member |
|---|---|---|---|
| **SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT** | | | |
| Corps of Engineers—Construction | In the aftermath of Hurricane Katrina, Lake Ponchartrain and Vicinity, LA | $1,077,000,000 | The President, Senators Landrieu, Vitter |
| Corps of Engineers—Construction | In the aftermath of Hurricane Katrina, West Bank and Vicinity, LA | 920,000,000 | The President, Senators Landrieu, Vitter |
| Corps of Engineers—Construction | In the aftermath of Hurricane Katrina, Southeast Louisiana, LA | 838,000,000 | The President, Senators Landrieu, Vitter |
| Corps of Engineers—Flood Control and Coastal Emergencies. | In the aftermath of Hurricane Katrina, 17th Street, Orleans, and London Avenue Canal pumps and closures, LA | 704,000,000 | The President, Senators Landrieu, Vitter |
| Corps of Engineers—Flood Control and Coastal Emergencies. | In the aftermath of Hurricane Katrina, Stormproofing interior pump stations, LA | 90,000,000 | The President, Senators Landrieu, Vitter |
| Corps of Engineers—Flood Control and Coastal Emergencies. | In the aftermath of Hurricane Katrina, Levee and critical element armoring, LA | 459,000,000 | The President, Senators Landrieu, Vitter |
| Corps of Engineers—Flood Control and Coastal Emergencies. | In the aftermath of Hurricane Katrina, Navigable closure at the Inner Harbor Navigation Canal, LA | 53,000,000 | The President, Senators Landrieu, Vitter |
| Corps of Engineers—Flood Control and Coastal Emergencies. | In the aftermath of Hurricane Katrina, Incorporation of Plaquemines Parish, Louisiana, Non-Federal levee | 456,000,000 | The President, Senators Landrieu, Vitter |
| Corps of Engineers—Flood Control and Coastal Emergencies. | In the aftermath of Hurricane Katrina, reinforcing or Replacing Floodwalls in the existing Lake Ponchartrain and Vicinity, and West Bank and Vicinity Projects in New Orleans, LA. | 412,000,000 | The President, Senators Landrieu, Vitter |
| Corps of Engineers—Flood Control and Coastal Emergencies. | In the aftermath of Hurricane Katrina, repair and restoration of authorized protections and floodwalls in New Orleans, LA. | 393,000,000 | The President, Senators Landrieu, Vitter |
| Corps of Engineers—Flood Control and Coastal Emergencies. | In the aftermath of Hurricane Katrina, complete authorized Lake Ponchartrain and Vicinity and West Bank and Vicinity projects in New Orleans, LA. | 359,000,000 | The President, Senators Landrieu, Vitter |
| **SUBCOMMITTEE ON TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES** | | | |
| Department of Housing and Urban Development: Permanent Supportive Housing. | Permanent Supportive Housing vouchers for the State of Louisiana for elderly, disabled and other at-risk homeless individuals directly impacted by Hurricane Katrina. | 73,000,000 | Senator Landrieu |

Mr. BYRD. Mr. President, today, the Senate Appropriations Committee reported the fiscal year 2009 Labor, Health and Human Services, Education, and Related Agencies Appropriations Act. In this bill, the Senate Committee has continued its aggressive efforts to improve the safety of miners in the coal fields.

After the deadly tragedy at the Sago Mine in 2006, the Congress passed the Mine Improvement and New Emergency Response, MINER, Act, which I was pleased to cosponsor. Among other things, that bill required the immediate installation of emergency breathing devices and also the installation of wireless communications and tracking equipment by June 2009. The MINER Act also required the Mine Safety and Health Administration, MSHA, to draft several new regulations, including rules on penalties, mine rescue teams, and the sealing of abandoned areas. It also required a report from the National Institute for Occupational Safety and Health, NIOSH, on refuge alternatives, as well as a report on belt-air ventilation and the fire-retardant properties of belt materials from a technical study panel. I would note that the Appropriations Committee included two amendments to the MINER Act in the fiscal year 2008 Omnibus appropriations bill directing MSHA to finalize regulations later this year that would implement the recommendations on refuge alternatives and belt safety provided by NIOSH and the Technical Study Panel. MSHA issued the proposed rules this month for comment.

In order to meet these new mandates and so that MSHA can fulfill its other important health and safety responsibilities, like completing 100 percent of statutory inspections, the Senate Appropriations Committee increased funding for coal enforcement from $117 million in fiscal year 2006, to $150 million in fiscal year 2008. In May 2006, the Senate Appropriations Committee also directed MSHA to hire 170 new coal inspectors and provided $25.6 million to accomplish that task. Since then, MSHA has hired 322 coal enforcement personnel—increasing the number of inspectors from 587 in June 2006, to 750 in May 2008.

I also proudly note that the committee has added funding for mine safety research at NIOSH, increasing to $50 million the budget for the development of health and safety technologies. The committee also provided $23 million in the fiscal years 2006 and 2007 Supplemental Appropriations Acts in order to expedite the deployment of safety technologies. With the funding the committee has provided since Sago, NIOSH has unveiled an improved self-contained, self-rescuer, SCSR, that allows miners to replace their oxygen supply without removing their SCSR. NIOSH has also announced progress on more durable and survivable communications systems, and completed critical studies of seals and refuge alternatives, which MSHA has used as the basis for its regulatory proposals.

Having increased funding in previous years, the Appropriations Committee focused this year on ensuring that the administration does not back away from its commitment to mine safety. In his fiscal year 2009 budget, President Bush proposed cutting coal enforcement by $10 million. The committee-reported fiscal year 2009 bill rejects this proposal, and increases the budget for coal enforcement to $155 million. This is $4.4 million above the fiscal year 2008 enacted level, and when you discount $6 million of one-time expenditures last fiscal year, the total increase is more than $10 million.

This funding would enable MSHA to continue to hire inspectors, specialists, and support staff, and to implement the MINER Act. It would also enable MSHA to achieve 100 percent compliance with its statutory mandates. In addition, the fiscal year 2009 committee-reported bill includes $2 million above the president's budget request for MSHA to minimize coal dust levels through increased spot inspections. This is a new funding priority for the committee, in light of NIOSH reports in 2007 about alarming clusters of rapidly progressing black lung around southern West Virginia. The bill also includes language requiring by March 31, 2009, a report from MSHA on the feasibility and efficacy of MSHA assuming responsibility for collecting dust samples and using single, full-shift measurements instead of averages to ensure compliance with the law.

Mr. President, I praise the work of the dedicated enforcement personnel laboring in the coal fields. With funding from the Appropriations Committee, they have been working overtime and putting in long and hard hours. After too many years of neglect in the President's budgets, I am proud to note that there are visibly and noticeably more inspectors in the coal fields today, and additional inspectors are on the way. That is real, tangible progress. We must continue it. The argument that MSHA can now afford to

cut back its budget for coal enforcement must not be allowed to take root. We must provide MSHA personnel with everything they need to do their job. As coal production increases across the Nation and MSHA struggles to implement the mandates of the MINER Act, the Congress must ensure sufficient funding to ensure that each and every mandate of the Coal Act is enforced.

Mr. COCHRAN. Mr. President, over the past few months I have spoken several times in this Chamber about the need to approve a supplemental request from the President for appropriations to fund activities and operations of the Department of Defense. Progress on this request has been terribly slow. It has now been more than 500 days since the President submitted his request.

In a hearing before the Defense Appropriations Subcommittee last month, Secretary of Defense Gates testified that the military personnel accounts that pay our soldiers, and the operations and maintenance accounts that fund readiness, training and salaries of civilian employees were running dry. Secretary Gates has been able to forestall this depletion of funds for a short period of time, but only by employing measures that are disruptive to the operations and management of the Department of Defense.

Secretary Gates has had to transfer funding from Air Force, Navy and Marine accounts to the Army to enable the Army to meet its military and civilian payroll, and to fund current operations. It is incredible to think that to be able to pay military personnel who are on the frontlines, engaged in combat, the Secretary of Defense has had to transfer funding between accounts because the Congress will not act on a supplemental request that has been pending for almost a year and a half.

The delay in providing supplemental funding has caused the Defense Department to divert thousands of man hours from focusing on how best to support our men and women in uniform to figuring out how to cash flow the Defense Department so our men and women in uniform will receive a paycheck. We will probably never know how many millions of dollars have been wasted during this shell game. And we will probably never know how many sailors, soldiers, airmen or marines have been put at greater risk because Defense Department leaders and managers have had to shift their attention from supporting the warfighter to figuring out how to make the payroll, or deciding what activities are ''exempt'' from cessation because the Department's funding has been depleted.

The delay in providing funding for our troops has disrupted operations in Afghanistan as well as Iraq. Admiral Mullen, the Chairman of the Joint Chiefs of Staff, testified at a Defense Appropriations Subcommittee hearing that during his visit to the front lines he learned that the soldiers were unable to allocate funds from the Commander's Emergency Response Program because all the money had essentially already been allocated. We are more than two-thirds of the way through the fiscal year, yet Congress has provided less than one-third of the funds requested for this emergency response. Admiral Mullen said, and I quote,

> I'm especially concerned about the availability of funds into the Commander's Emergency Response Program, authority for which expires next month. (The program) has proven in most cases more valuable and perhaps more rapid than bullets or bombs in the fight against extremism . . .

I worry that the Congress is becoming an impediment to the efficiency and the capability of our government, and to our Department of Defense particularly. I worry that we are not acting as expeditiously as we should to protect our troops in the field that are conducting dangerous missions. The delays we have experienced with this supplemental were as unnecessary as they are inexcusable.

I am also disappointed that the supplemental before the Senate means that the gulf coast's ongoing recovery from Hurricane Katrina will be slowed. Mississippi's gulf coast suffered tremendous devastation as Senators know as a result of Hurricane Katrina. There was significant loss of life as well as significant damage to property. In last year's supplemental spending bill, the Congress tasked the U.S. Army Corps of Engineers to recommend measures to protect the Mississippi gulf coast from future storms. The Corps of Engineers has drafted its recommendations, and the Senate responded by including funding for these important Corps-recommended projects in our version of the supplemental appropriations bill.

One of the projects included in the Senate-passed supplemental is the restoration of Mississippi's Barrier Islands. These islands, which are federally owned, suffered terrible damage after Hurricane Camille in 1969 and are now so vulnerable that even a relatively small hurricane may destroy them completely. These are my State's last line of defense before a major hurricane moves inland. Continued delay leaves my state more vulnerable.

The Corps of Engineers also concluded that homeowner relocation assistance would be the most effective alternative for reducing the risk from future hurricane surge events by relocating structures and population centers from the high risk zones. This voluntary program would assist those who are looking to locate outside the high-hazard area. It is vital not only to recovery but also for protection from a future disaster. We are now in the midst of another hurricane season, and every day this Congress does not act is 1 more day that Mississippians are at risk.

Unfortunately, all of these items were dropped from the bill by the other body, and because of the long delay in acting on the supplemental there is now no time or opportunity to consider the matter further. I share the President's concerns about excessive spending. But 16 months have passed since the President's supplemental request was submitted, and 6 months have passed since the 2008 bills were enacted. In that time natural disasters have occurred and additional disaster-related needs have become apparent.

In March of this year, three barracks at Camp Shelby in Mississippi suffered significant damage and destruction after violent weather. Fourteen soldiers were hospitalized; four of the soldiers sustained serious injuries. Many other structures were damaged. The Senate-passed spending bill contained funding to rebuild these barracks, but the continued delays in funding prevent this important work from being started. Floodwaters continue to inflict damages to farms, homes, and businesses along the Mississippi River. There is little question that additional resources will be required to respond to this continuing disaster.

I am speaking today in part to draw attention to what I feel has been a poor performance by Congress on this bill. But I also come to the floor because there is no other venue to express my views on the supplemental. There was no conference committee appointed to resolve differences between the House and Senate. There were no meetings of the chairmen and ranking members of the Appropriations Committees or of the subcommittees involved. And there has been virtually no opportunity for Members of this body to offer amendments to the bill. I regret that. It is not the way we should discharge our responsibilities. I think there is little question that had we followed regular order we could have enacted a supplemental a month ago, and spared our men and women in the field a great deal of uncertainty.

I support this supplemental and urge my colleagues to do the same, but hope that we can do better next time.

Mr. REID. Mr President, momentarily, the Senate will move to pass the domestic portion of the emergency supplemental appropriations bill.

After months of negotiation, I am confident that we will pass this legislation by an overwhelming bipartisan margin.

For our troops, for the unemployed, and for those who have suffered from natural disasters and economic hardship, this legislation is a long-overdue victory.

I am glad we have reached this point, but it has not come easily.

My colleagues will recall that when President Bush requested yet another supplemental war funding bill, he said to Congress—give me my war money and not a penny more.

He said that even after appropriating $660 billion for war, any effort by Congress to address our needs here at home would be met with a veto.

Some of our Republican colleagues said—why bother trying—why take the

time to legislate—when the President has made his veto plans clear?

Our answer then was it is our job to legislate.

The Constitution calls for three separate but equal branches of government.

A President's veto threat must not stop us from doing what we think is right.

So we did not blink or back down. We said that after $600 billion spent on Iraq, it is long past time to take care of some problems right here in America.

We did exactly what the Congress is meant to do: we legislated. We negotiated. We compromised.

And because we did, we now stand ready to deliver a major victory for the American people.

After months of inching ever closer—despite some Republicans who said it wasn't worth the cost—we are delivering a new GI bill to our courageous troops.

Some on the other side of the aisle started out opposing this effort. My Republican colleagues from Arizona, South Carolina, and North Carolina opposed it, apparently because they and others felt it was too generous to the troops who serve.

They pursued their own bill, which in my view was but a pale shadow of the GI bill we vote on tonight.

It would have fallen far short of providing our troops what they deserve. In the face of their opposition, we persisted.

President Franklin Delano Roosevelt signed the original GI bill into law 64 years ago.

He said at the time that the bill ''Gives emphatic notice to the men and women in our Armed Forces that the American people do not intend to let them down.''

Since President Roosevelt affixed his name to that historic legislation, nearly 8 million veterans have advanced their education, gotten better jobs, and blazed a path to a brighter future for themselves and their families.

Those 8 million men and women have gone on to become teachers, doctors, entrepreneurs and public servants.

Several of our colleagues are among them—DAN AKAKA, CHUCK HAGEL, DAN INOUYE, FRANK LAUTENBERG, TED STEVENS, JOHN WARNER and JIM WEBB.

I don't think it is presumptuous to say that each one of them would credit the GI bill as one reason for what they have achieved.

In his time, President Roosevelt promised to never let our troops down, and today we stand poised to renew and reinvigorate his pledge.

The new GI bill will increase educational benefits for all members of the military who have served on active duty since September 11, including reservists and National Guard.

The years since September 11 have seen our troops strained to a level not seen since Vietnam, so these benefits are hard-earned and well-deserved.

This new GI bill so covers college expenses to match the full cost of an in-state public school, plus books and a stipend for housing.

For those who have said it costs too much, I say our troops have more than earned it.

And every dollar we invest in educating our veterans today comes back to our economy seven times over.

But, new GI bill is not the only important investment this supplemental legislation makes.

It also extends unemployment insurance for all states by 13 weeks and an additional 13 weeks for States with the highest unemployment.

The Congressional Budget Office and many economists say that extending unemployment insurance is among the most effective steps we can take to stimulate the economy.

We have talked for months about the need to help struggling Americans keep their heads above water as our economy continues to flounder. We could have passed this extension months ago, but passing it today is an important step.

This supplemental appropriations bill also: Provides long overdue assistance to victims of Hurricane Katrina with matching funds for levee construction, law enforcement, hospitals, homelessness and reconstruction projects in Mississippi; comes to the aid of victims of other natural disasters like floods and droughts that have devastated certain crops; rolls back the Bush administration's attempts to regulate Medicaid into oblivion by blocking six of seven administration regulations aimed at depriving children, the elderly and people with disabilities of critical services; and, this legislation invests in a variety of other critical priorities, including infrastructure repair, food and drug safety, and firefighters' assistance.

It is no secret that many Democrats—myself included—wish that there was no such thing as an emergency supplemental appropriations bill.

We wish that the urgent domestic needs of the American people had been addressed by President Bush and funded in the ordinary budget process.

And we wish that the $660 billion we have already spent on the war in Iraq could have gone toward eliminating our record deficit, and investing in schools, hospitals, roads, job training and public safety.

But despite the crushing weight of a war that will cost us well more than $2 trillion when all is said and done—it is our responsibility to always put the needs of the American people first.

This supplemental appropriations bill fulfills that responsibly. I urge all of my colleagues to support it.

Mr. LEVIN. Mr. President, I strongly support the extension of unemployment insurance benefits. Extending unemployment insurance benefits would fairly and rightly extend much needed assistance to Americans who are struggling to find jobs. While I was disappointed that the provision in this bill does not include extra benefits for states with high unemployment rates, I believe this unemployment insurance extension, or benefits of an additional 13 weeks for all States, is an important step forward. If the trend of rising unemployment rates continues, it is my hope that Congress will consider another emergency unemployment insurance package that will do more to help states struggling with the highest rates of unemployment.

The Nation's unemployment rate jumped to 5.5 percent in May from 5 percent in April—the biggest jump in 1 month in 22 years. Since the beginning of the Bush administration, Michigan has suffered significant jobs losses and the State's unemployment rate has increased from 4.5 percent in January 2001 to 8.5 percent in May of this year, the highest unemployment rate in the Nation. Michigan has not seen an unemployment rate this high since October of 1992. For too long, the administration has stood idle as 3.3 million manufacturing jobs have been lost, and as working families have felt the squeeze of the rising costs of energy, health care and food. An estimated 428,000 Michigan residents were unemployed in May. Between May 2007 and May of this year, over 170,000 residents exhausted their unemployment benefits and could not find jobs. This year, on average each month about 15,000 more Michigan residents face this same predicament.

President Bush's opposition to an extension of unemployment benefits is apparently based on his belief that, somehow, the availability of unemployment benefits would discourage people from looking for a job. I am disappointed that President Bush would repeat this tired and inaccurate excuse for failing to provide Americans the help they need in these tough times. The devastating reality is that about 7.6 million Americans are unemployed and cannot find jobs, not because they are refusing to look, but because the labor market simply does not have the jobs. Millions of workers have been searching for a job for over 6 months, to no avail. The number of long-term unemployed workers is now higher than when it was when we provided an unemployment insurance extension in 2002. The high rate of unemployment has disproportionately affected veterans, minorities, and young people. While Americans continue to search high and low for a job, their unemployment benefits are running out.

Our people face tremendous economic pressures, from a rate of home foreclosures that is up 130 percent from 2006, soaring costs of health care, to skyrocketing prices for food and gas. Unfortunately, this situation is unlikely to improve soon. Since President Bush took office, the price of health insurance is up 44 percent, the price of college tuition is up 47 percent, the price of gas is up 95 percent, the Federal debt has almost doubled and the dollar has lost a third of its value.

Meanwhile, American families are facing a cost crunch. According to a study by a prominent Harvard Law School professor, the median household income fell by $1,175, in 2007 dollars, between 2000 and 2006. During that same period, consumer expenditures for basic family needs such as mortgage payments, gas, food, phone bills, household appliances, and health insurance increased by $3,552, also in 2007 dollars. Available data in 2008 suggest that the cost of basic needs has continued to increase since 2006, and, between a lower real income and higher basic costs, families are facing as much as a $5,700 shortfall, as compared with 2000 figures.

Extending unemployment insurance during times of recession is nothing new. In the past 30 years, Congress has acted three times to establish temporary extended unemployment benefits, each time during a recession. On average, the length of time that Americans have struggled to get by without a job is longer than it has been in the 30 years since Congress first extended unemployment insurance benefits.

Extending unemployment insurance during tough times is one of the most effective ways to stimulate the economy, dollar for dollar, and this money can be distributed within weeks. Extending unemployment insurance is essential to provide much-needed support to those who have lost their jobs and are struggling to reenter the job market. Workers who receive these unemployment benefits are likely to spend them quickly, making this one of the fastest ways to infuse money into our economy in the short term.

I supported an economic stimulus package considered in the Senate, which included important provisions including an unemployment insurance extension. Unfortunately, this legislation was blocked due to a filibuster by Senate Republicans. It was deeply disappointing that the Senate was forced to pass a short-term stimulus package that did not include an unemployment insurance extension. On May 22, 2008, the Senate overwhelmingly supported an amendment to the Emergency Supplemental bill that included a 13-week extension for unemployment benefits, with an additional 13 weeks for states like Michigan with high levels of unemployment. While the latter important provision is not included in the bill before us, I believe Congress must act with urgency to provide an emergency unemployment extension and therefore I support this legislation.

Mr. FEINGOLD. Mr. President, I support the amendment to the emergency supplemental funding bill that provides needed assistance for Wisconsin and other flood-stricken Midwestern States, unemployed workers, and veterans.

As a result of the horrifying floods that have ravaged the Midwest over the last 3 weeks, a number of people have lost their lives, including two residents of Wisconsin, and many more have lost homes or suffered other harm.

I joined a number of my colleagues from affected States in asking that flood relief money be included in the supplemental, and I am very pleased to support the $2.65 billion in disaster relief in the amendment for States suffering from record flooding. I cannot emphasize enough how crucial this disaster relief is to the people of Wisconsin. Beginning on June 5, Wisconsin was struck by 7 to 9 inches of rain that fell over a 24-hour period, followed by destructive winds and tornadoes. So far, 28 counties in Wisconsin have been declared disaster areas and we expect that at least 2 more will be declared disasters shortly. This water is draining into the Mississippi as we speak and has inundated communities throughout Iowa, Indiana, Illinois, Missouri and surrounding States.

With damage assessments underway, over $400 million of damage has been identified in the State of Wisconsin alone. Over 15,000 residents have registered for individual assistance in the 22 declared Wisconsin counties. An estimated 4,000 wells have been contaminated. The damage to crops will be considerable. We have not seen devastation like this in my State since 1993.

The assistance provided in this amendment will go a long way to help families and businesses get back on their feet, but additional funds may be needed down the road. I will continue to work with my colleagues in the Senate to ensure that the Federal Government's response is prompt and complete.

I am also pleased that this amendment provides thirteen weeks of extended unemployment insurance benefits to workers who have exhausted their regular unemployment insurance benefits. At this critical time in our Nation's economy, it is important that Congress do what it can for workers and families who are struggling. Earlier this month, the Department of Labor released its unemployment figures for the month of May showing a 1-month increase of half a percentage point in the unemployment rate to 5.5 percent, which was one of the biggest 1-month increases in over two decades. I joined a number of my Senate colleagues in requesting an extension of unemployment benefits as part of the stimulus package Congress passed earlier this year due to the fact that increasing unemployment benefits has a high stimulative effect on the economy. It is clear that an extension of unemployment benefits is needed in our States and local communities now.

I strongly support the provisions of this amendment that update the GI bill to provide comprehensive educational benefits for this generation of veterans. This legislation will help thousands of servicemembers transition back to civilian life as they return from demanding tours in Iraq and Afghanistan. It will also benefit the entire Nation as veterans' contributions to the workforce are enhanced through higher education. While these provisions should have been paid for, passing them is the least we can do for a brave generation of Americans who have served their country honorably.

There are other provisions in the amendment that I support, including a moratorium on six rules proposed by the administration that would undermine the Medicaid Program. I am disappointed, however, that the bill no longer includes vital funding for Byrne grants, LIHEAP and other domestic priorities. And I continue to be extremely disappointed at the willingness of too many of my colleagues to provide the President with funds to continue the misguided war in Iraq. While that funding is not included in the amendment we will vote on today, I will continue to oppose efforts to fund a war that is damaging our national security.

Mr. CARDIN. Mr. President, the spending bill we consider today contains many provisions that address urgent needs facing our Nation's economy, our Nation's families, and our Nation's troops.

Among the most important, this legislation extends unemployment insurance benefits at a time where too many Americans are struggling to find jobs, it postpones six Medicaid regulations that would have impeded access to health care for those who need it most, and it provides veterans returning from Iraq and Afghanistan with a new level of educational benefits that will cover the full costs of an education at a State institution.

We have an obligation to respond to the growing economic crisis and the needs it has created for American families. People are losing their homes and their jobs, and along with those jobs, their health care. Since March 2007, the number of unemployed has increased by 1.1 million workers. We learned a few weeks ago that the unemployment rate in our country shot up by a half a point, from approximately 5 to 5.5 percent. The Baltimore Sun reported last week that the Goodwill Industries of the Chesapeake's Baltimore center has seen an estimated 50 percent increase in clients seeking job placement assistance.

This bill includes provisions that respond to these growing needs. It extends unemployment benefits by 13 weeks for all the Nation's workers. Extending unemployment insurance this way helps families. That is critically important. But it will also help our economy. Economists estimate that every dollar spent on benefits leads to $1.64 in economic growth. With this extension, we will provide critical stimulus to our slowing economy.

The bill also extends a freeze on six Medicaid rules issued by the administration that would have put a tremendous burden on State and local budgets already under pressure and affected access to services for many Marylanders and Americans all around the country.

I want to talk about the impact of just two of those rules: one that would eliminate Medicaid coverage of transportation services required by students with special needs and the second that would change benefits for case management services that help some of our most vulnerable individuals access needed medical, social, and educational services. In addition to impeding access to care, these two rules alone would have cost Maryland $67 million in their first year. I was a proud cosponsor of S. 2819 that would have prohibited the Secretary of Health and Human Services from implementing these rules and am glad to see that a moratorium on these rules will become law.

I am especially pleased to support provisions that provide veterans returning from Iraq and Afghanistan with a new level of educational benefits that will cover the full costs of an education at a State institution. Some of my colleagues have argued that the benefit is too generous. But this country provided our troops a similar opportunity after World War II. That investment created a generation of great leaders and an economic boom that transformed our country.

A new GI bill allows a new generation of brave men and women to fulfill their dreams and adjust to civilian life. Just today a young man came into my office, a Maryland National Guardsman, who had served two tours of duty in Iraq. While overseas on his second tour, he missed the birth of his first child. Now that he is home, he wants to pursue an education. Although interested in a program at my State's flagship institution, the University of Maryland at College Park, the tuition was beyond his means and he enrolled in a community college instead where he will shortly complete his associate's degree program. He came into my office to explain his situation and ask whether there was any way we could help him continue his education at a 4-year institution.

That is an opportunity we owe the service men and women, including activated reservists and National Guard, who this administration has asked to serve extended and repeated combat tours. I am so proud that we will live up to that obligation today. But a new GI bill is also a wise investment; it allows our economy to fully benefit from these veterans' talent, leadership, and experience.

There are other critical provisions in this bill. It provides funding to address the devastating Midwest flooding and other natural disasters. It addresses critical quality of life and medical care issues for our troops including funding to improve barracks, build VA hospitals and polytrauma centers, and create new military child care centers. It provides the funding we need to implement the 2005 BRAC recommendations.

The bill makes critical investments to improve our competitiveness by funding research and other programs at the National Institutes of Health, the National Science Foundation, the National Aeronautics and Space Administration, and the Department of Energy. At a time we are all avoiding tomatoes, this bill makes a major investment in food safety by providing additional resources to the Food and Drug Administration.

I want to commend my colleagues who refused to give up on these priorities even in the face of initial opposition and a veto threat from our President. I am encouraged that we may have a chance in the near future to act on other domestic priorities including increased energy assistance to low-income Americans facing skyrocketing fuel prices and commercial fishery disaster assistance that could help Maryland's watermen.

Former President John F. Kennedy said, ''To govern is to choose.'' In this bill, this Congress is choosing to prioritize those issues that affect Americans' lives every day, our access to jobs, to health care, to education, to safe food. I am proud to offer this bill my support.

NATIONAL SYNCHROTRON LIGHT SOURCE II

Mr. SCHUMER. Mr. President, I rise today to ask my colleague, the chairman of the Energy and Water Appropriations Subcommittee, about a matter that may become an issue if we do not pass the fiscal year 2009 appropriations bills in a timely manner. As you know, there are several critically important projects in the Department of Energy's Office of Science budget in various stages of development. One of the projects is the National Synchrotron Light Source II at Brookhaven National Laboratory. This project is in the design phase and is expected to begin construction in the early part of 2009.

The fiscal year 2008 Omnibus appropriations bill provided approximately $20 million less than the budget request, and the fiscal year 2009 budget request has a substantial increase, which is consistent with the funding profile. I am concerned about the impact a continuing resolution for several months may have on the schedule and overall cost for the National Synchrotron Light Source II project. One issue is that under a continuing resolution less money would be available than if the budget request were enacted. A more pressing issue is that under some previous continuing resolution rules construction would not be allowed to begin as that would be a new activity.

Could my colleague please comment on these matters?

Mr. DORGAN. I thank the gentleman from New York for the question. There are several projects in the Office of Science and in the Department of Energy that are in various stages of planning, design, and construction. Like the National Synchrotron Light Source II project, these other projects may also be impacted if a long-term continuing resolution is enacted.

I very much appreciate my colleague's concern about the project at Brookhaven National Laboratory and will work with him to attempt to address these issues if a long-term continuing resolution becomes a reality.

Mr. ENZI. Mr. President, I rise today to discuss the emergency supplemental bill that we are considering in the Senate.

This new version of the emergency supplemental bill represents a change from the previous version. It is less expensive—$3 billion less in domestic, nonmilitary spending that didn't belong in this bill in the first place.

The bill is also better for overall defense than the last version. I am speaking of the GI bill provisions in this legislation. Changes have been made to try and address the transferability of benefits. These changes also attempt to deal with the concern the Department of Defense raised about the retention of our servicemembers by requiring extended service for extended transferable benefits. It does not fully address the concerns, but it is a step forward.

Congressional leaders have sat down with the administration and developed a bill that President Bush can sign.

I recently had the opportunity to address Wyoming's American Legion convention in Riverton, WY. They support improvements in the GI bill but never want to see any veterans, from World War II to our current operation, be used for gotcha politics. I think they will be pleased that changes and improvements were made.

This isn't a perfect bill. There is still some overspending on non-military matters. The bill was force fed through the process. Amendments that could improve the bill further were shunned by the majority leadership.

The fact remains, however, that we need to fund our troops. We need to provide our men and women in uniform with the best possible equipment and the funding they need to do their job fighting the wars in Iraq and Afghanistan. We have a responsibility to make this happen in an expeditious manner. Sending this legislation to President Bush is the only way that will happen and so I will support the supplemental bill.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to concur.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays on the motion to concur.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily. absent: the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 92, nays 6, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—92

| | | |
|---|---|---|
| Akaka | Dorgan | Mikulski |
| Alexander | Durbin | Murkowski |
| Barrasso | Ensign | Murray |
| Baucus | Enzi | Nelson (FL) |
| Bayh | Feingold | Nelson (NE) |
| Bennett | Feinstein | Obama |
| Biden | Graham | Pryor |
| Bingaman | Grassley | Reed |
| Bond | Gregg | Reid |
| Boxer | Hagel | Roberts |
| Brown | Harkin | Rockefeller |
| Brownback | Hatch | Salazar |
| Bunning | Hutchison | Sanders |
| Burr | Inhofe | Schumer |
| Byrd | Inouye | Sessions |
| Cantwell | Isakson | Shelby |
| Cardin | Johnson | Smith |
| Carper | Kerry | Snowe |
| Casey | Klobuchar | Specter |
| Chambliss | Kohl | Stabenow |
| Clinton | Landrieu | Stevens |
| Cochran | Lautenberg | Sununu |
| Coleman | Leahy | Tester |
| Collins | Levin | Thune |
| Conrad | Lieberman | Vitter |
| Corker | Lincoln | Warner |
| Cornyn | Lugar | Webb |
| Crapo | Martinez | Whitehouse |
| Dodd | McCaskill | Wicker |
| Dole | McConnell | Wyden |
| Domenici | Menendez | |

NAYS—6

| | | |
|---|---|---|
| Allard | Craig | Kyl |
| Coburn | DeMint | Voinovich |

NOT VOTING—2

| | |
|---|---|
| Kennedy | McCain |

The motion was agreed to.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is made and laid upon the table.

The Senator from Florida is recognized.

## UNANIMOUS CONSENT REQUEST—S. 2766

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 832, S. 2766, the Clean Boating Act, the bill be read a third time and passed, and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Ms. MURKOWSKI. Mr. President, reserving the right to object, I ask that the unanimous consent request be modified, that my amendment which is at the desk be agreed to, and that the bill be read a third time and passed.

Mrs. BOXER. Mr. President, reserving the right to object, I think the Senator from Alaska knows full well the amendment she is seeking to attach to our bill, or the substitute she is putting forward, never was approved in the committee of jurisdiction, the EPW Committee.

The committee worked long and hard at getting a compromise. Because of Senator NELSON and Senator MARTINEZ and others, we have a bill at the desk that Senator NELSON tried to get done now that passed our committee by an overwhelming vote.

As a matter of fact, 13 million boaters, 13 million boaters are going to wake up very unhappy in the morning if Senator MURKOWSKI objects to this bill. Her substitute was never voted on by the committee.

As a matter of fact, the individual she asked to offer an amendment never offered it. There was a reason; this was a delicate compromise.

I object to Senator MURKOWSKI's amendment to the request. I support strongly Senator NELSON's request to move this Clean Boating Act. It means that 13 million recreational boaters will not have to get a permit to discharge their water pollution, and 13 million recreational boaters are counting on us.

I hope Senator NELSON's unanimous consent will be granted.

The PRESIDING OFFICER. Is there objection to the original unanimous consent from the senior Senator from Florida?

Ms. MURKOWSKI. Mr. President, I do object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, the evening is getting late, and we have taken some significant action tonight. But I wish to speak for a moment and ask unanimous consent to speak up to 10 minutes on the supplemental bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUPPLEMENTAL APPROPRIATIONS

Ms. LANDRIEU. Mr. President, we passed, by an overwhelming margin, a supplemental emergency spending bill that will fund our ongoing operations in Iraq and in other parts of the world and will send some money stateside.

In the view of this Senator, we have shortchanged, even with our good effort that was just made, shortchanged some real ongoing serious emergencies here at home.

As far as the gulf coast is concerned, I voted for the bill because I have always believed that half a loaf is better than none.

In the bill, in large measure because of the work of Members on both sides of the aisle, we have a significant amount of money toward the construction of levees that failed and put a great city and region and regions throughout the gulf coast at risk, particularly the New Orleans metropolitan area. I know people get tired of reviewing the details, but less than 3 years ago, several significant levees along the great port system in the city of New Orleans, levees that should have held collapsed, and 80 percent of the city went under water. The water is long gone, but the pain is still there. The rebuilding is still going on. The anxiety of homeowners, renters, small business owners and large business owners, and industrial investors is still there, questioning whether the Federal Government's commitment to not only fix the levees, restore the levees and bring them up to the standards that were promised decades ago, if that promise is going to be kept.

This bill gets us part of the way there, but we still have an awfully long way to go. In the underlying bill we passed, in large measure crafted by House leadership—and I am disappointed in this view of the House leadership—they put in only a portion of the very critical levee funding that is needed for us to go forward, to restore these levees to 100-year flood protection. I don't know how to explain this, but 100-year flood protection is the bare minimum for the United States. There are a few areas that are enjoying 200- and 300-year flood protection in this country, but very few. Most do not have, as you can tell by the flooding going on now in States such as Missouri and Iowa and parts of Illinois, most places don't have the 100-year protection.

For a reference point, I wish to impress upon my colleagues that this is a minimum standard. The country of the Netherlands, which is so small it could fit inside of Louisiana, a powerful economy but a small nation, has flood protection for its people against storms that happen once every 10,000 years. We, the United States of America, cannot claim that we have flood protection for 99 percent of our people against floods once every 100 years. I am going to say again, as I have said 100 times on this floor, incremental funding, nickles and dimes, a few hundred million here or there, is not going to get the job done. In the long run, it is going to cost the American taxpayer billions and billions of dollars more.

So here we go again, after the flood, after the storm, after the promises, after the speeches, after the lights, after the photographs, the bill is passed, but we do not have the whole amount of money necessary to reconstruct the levees as promised by the President and as spoken to on numerous occasions by many Members of the House and Senate. We do have $5.8 billion in this bill, $1.16 billion for the Lake Pontchartrain vicinity which is a long, ongoing project, I think started back in the 1960s. We do have $920 million in for west bank levee which was started back in the 1960s. We have $967 million in the southeast Louisiana flood control project that was started in the 1990s. We have $2.9 billion of flood control and emergency projects, modifying drainage canals, installing pumps, armoring levees, improving protection at the inner harbor canal, federalizing certain non-Federal levees in Plaquemine Parish, the long parish that sits at the toe of the boot in Louisiana, reinforces and replaces floodwalls, repairs and restores floodwalls. The problem is the match that is required because of the House action. The Senate reduced the match required by the State of Louisiana and extended our payment terms. Instead of requiring the State of Louisiana to pay a higher level of 35 percent, the

Senate had suggested, I think wisely, that we revert back to the historic share, which is 25 percent. No one in Louisiana thinks we have to get these projects for free. Everyone in Louisiana understands we have to step up and pay our share. No one is objecting. What we simply asked for was a reasonable share, a historic share, not 35 percent but something like 20 or 25 percent. And most importantly, we had asked that we be allowed to pay it over 30 years.

But, no, under the House version that was very ill-conceived and very poorly thought out, the terms are tougher than historical standards and will require the State to come up with a greater match, 35 percent, and require us to pay it over 3 years.

I submit for the RECORD a letter from the president of Jefferson Parish, Aaron Broussard, a parish now of a half million people, as well as a letter from Bobby Jindal, the Governor of Louisiana. I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JEFFERSON PARISH, LOUISIANA,
*Jefferson, LA, June 23, 2008.*

Hon. MARY LANDRIEU,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR LANDRIEU: We are concerned that language contained in the Emergency Supplemental Appropriations Bill, as passed by the House of Representatives last week, creates an unfair and unacceptable new cost share on the citizens of Jefferson Parish and Orleans Parish and creates a new financial burden that will unduly delay the SELA project and impose significant new risks to Southeast Louisiana.

As you know, the Southeast Louisiana Urban Flood Control Project, SELA, was authorized by WRDA of 1996 to provide for urban flood control in Southeast Louisiana on an expedited basis. The SELA Project has been a true partnership between local governments and the Army Corps of Engineers for over a decade. A major and very important feature of SELA has been a cost share of 75/25. The non-Federal sponsors of SELA have sought and received the approval of the electorate for the revenues needed to meet this 75/25 cost sharing requirement.

Now, without the benefit of legislative hearing or committee oversight, the House of Representatives has unilaterally changed the traditional cost share for the project. This fundamental change in the SELA project will create unprecedented delay in the delivery of the benefits of SELA Project. Specifically:

The change in the cost sharing for SELA from the presently authorized 75/25 to 65/35 equates to an additional $121M in payments for the SELA sponsors.

This increase will have an impact on the economic recovery of Jefferson Parish as $50M in new revenue sources must be approved and/or revenues now slated for other recovery work will have to be diverted to SELA.

The impact on Orleans Parish will be even greater as their share of the SELA work will increase by approximately $70M.

All of these increases are on top of the $331M that Jefferson Parish has agreed to pay under the presently authorized 75/25 cost sharing.

It will be very difficult, if not impossible, to maintain our construction schedule as the Administration will undoubtedly request that a new Project Cost Agreement be executed to reflect the higher cost sharing formula. This will in turn, require that Jefferson Parish submit a new financing plan showing adequate capability to meet these increased obligations. We may be forced to seek revenue bonding or seek new revenue sources, such as additional taxes from our citizens. This could further delay the completion of the SELA Project and the delivery of its benefits.

Senator Landrieu, I believe you will agree that the House of Representatives should not be allowed to unilaterally change the cost sharing authorized by WRDA '96 in an Emergency Supplemental Bill without the benefit of hearing, senate committee oversight or conference committee negotiations. In fact, as you know, the Senate Bill had language that maintained the historic cost sharing and directed the Secretary of the Army to use a 30 year pay out so that we could maintain the rapid pace of our recovery from Katrina. Now in light of the House actions, long term financing of the new cost share is the least that will be needed to address this unprecedented new cost share obligation.

I implore the Senate leadership and the Energy and Water Appropriations Sub-committee to retain its language on the Emergency Appropriations Bill and send the amended bill back to the House of Representatives for final passage.

Sincerely,

AARON BROUSSARD,
*Parish President.*

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STATE OF LOUISIANA,
OFFICE OF THE GOVERNOR,
*Baton Rouge, LA, June 25, 2008.*

Hon. HARRY REID,
*Senate Majority Leader, The Capitol, Washington, DC.*

Hon. ROBERT BYRD,
*Chairman, Committee on Appropriations, The Capitol, Washington, DC.*

Hon. MITCH MCCONNELL,
*Senate Republican Leader, The Capitol, Washington, DC.*

Hon. THAD COCHRAN,
*Ranking Member, Committee on Appropriations, The Capitol, Washington, DC.*

DEAR LEADER REID, LEADER MCCONNELL, CHAIRMAN BYRD AND RANKING MEMBER COCHRAN: Our state appreciates the strong support that you have demonstrated for the Gulf Coast victims of Hurricanes Katrina and Rita. The emergency supplemental appropriations bill soon to be considered by the U.S. Senate attempts to fulfill an important commitment to Louisiana—the restoration of the 100-year level of hurricane protection by 2011. I support the inclusion of these funds in the final bill; however. I remain concerned that the goal of the funding is jeopardized by the unprecedented cost share required under the legislation.

As proposed in the House bill, the State of Louisiana would be faced with a $1.8 billion cost share over the next three years for hurricane protection. This would result in a 4000 percent increase over the state's pre-Katrina contribution toward hurricane protection efforts. As we understand, Louisiana could be faced with paying up to $1.1 billion in 2010 alone. This is nearly one-third of the state's discretionary budget. Burdening Louisiana with an unprecedented cost share in this compressed time frame will cause irreparable harm to our ongoing recovery efforts and stall our coastal restoration efforts.

The emergency supplemental bill also proposes to increase the overall percentage of funds provided by the state. Under the House proposal, Louisiana's cost share responsibilities would actually increase by over $200 million above the cost share required under current law. Considering the extraordinary impact the 2005 hurricanes and the various aspects of recovery ongoing, it is alarming that Congress would choose to require a higher cost share at this time.

As you know, the Senate version of the emergency supplemental allowed Louisiana the opportunity to pay its share of these important hurricane protection efforts over a longer period of time as allowed under current law. The Senate bill also used the traditional cost share requirements that reflect current law.

The Senate is right. Placing this extraordinary burden upon the backs of Louisiana citizens would set back our recovery for years. The large cuts to budgets, services and programs required to make $1.8 billion available for levees would have a profound impact on Louisiana families across our state.

To be clear, Louisiana is willing to partner with the federal government on these important protection efforts. We are not asking for a waiver. The Senate bill requires our state to pay its share for hurricane protection under reasonable terms and in compliance with current law. I strongly urge you to support our Congressional delegation's efforts to retain the Senate provisions related to hurricane protection. If not possible to include this language in the supplemental, I encourage you to adopt this legislation on its own or through another legislative instrument.

Sincerely,

BOBBY JINDAL,
*Governor.*

Ms. LANDRIEU. I wish to read part of the Governor's letter:

As proposed in the House bill, the State of Louisiana would be faced with a $1.8 billion cost share over the next three years for hurricane protection. This would result in a 4000 percent increase [not 4, not 40, not 400] over the state's pre-Katrina contribution toward hurricane protection efforts.

I know it is not the intention of the chairman of the House Appropriations Committee or the Speaker of the House or the majority and minority leaders in the House to make Louisiana pay 4,000 percent more than we were paying before the storm, when we are in an economic situation that is far more challenging than we were before the city and many of our parishes went under water and 1 million people were displaced in the southern part of our State, but that is exactly what they did.

I am going to leave here, along with my colleagues, but I am going to come back and find a way, with the goodwill on the floor of this Senate, working with Republicans and Democrats, to come to some reasonable terms for the people of Louisiana so we can pay a reasonable share and have a longer period to pay it back.

I know we are one Nation and we all have to support each other's projects, but to put this in perspective, many of us here have funded over the last maybe 15 years a project that is rather famous and well known called the big dig in Boston. That project is an eight-lane highway under the city of Boston that extends for 3.5 miles. We all spent money to do it. It cost $14.8 billion for the big dig. I asked in this supplemental for $8 billion to help build 200 miles of levee to protect up to 2 million, roughly, people from losing everything they have worked for and their

parents and their grandparents have worked for, because when those levees break, nothing is saved, and insurance does not even begin to cover the cost of what people have lost. We had to be told in this supplemental discussion that we weren't a priority or we needed to wait. It couldn't fit in this bill. Sorry, we couldn't do it. Sorry, we couldn't find the appropriate cost share.

I am happy for projects like the big dig and other projects around the country. I know some people think I am wearing out my welcome, but it is my job to represent the people of my State. I intend to do it as fairly as I can. I have to say, the President was the one who came to Jackson Square. I didn't go to Jackson Square and turn the lights on and make a promise to the American people that these levees would be rebuilt. He did. Then many Members of Congress came down, Republicans and Democrats, and took shots with a lot of people and said they would rebuild these levees. We want to rebuild our levees. We are willing to put up our share. But the people of Louisiana, under no circumstance, can pay a 4,000-percent increase. Under no circumstance can our State come up with $1.8 billion every year for the next 3 years out of our general fund.

I want to make one more point about the levees. The people on the other side of the levee are not in high-rise condominiums. They are not lying on the beach sunbathing, and they are not frolicking in 2 feet of water for recreational purposes. The people on the other side of these levees are running the greatest port system in North America. They are engaged in fisheries and transportation and oil and gas. They are the men and women who unload the ships that come from all over the world to support the economy of this Nation.

We have work to do when we get back here. I am going to go home for a week. Then I am going to come back, and we are going to work on finding a better way for us to reduce the cost share and extend the time for us to repay our portion so we can get these levees built and give comfort and keep our promise to the people before we have to mark the third anniversary of Katrina, which will be August 29.

We have time, but we don't have a lot of it. It is almost July. The third anniversary will be August 29. I want to put the Senate on notice that I am going to do everything in my power not to allow us to go home for August until some provisions have been made. There are two options. The President can, by executive order, do this. I am asking him to. I am sending him a letter tomorrow asking him to do it. If he doesn't, then every bill that comes to this floor will be subject to an objection by me until this situation is corrected. It is as if you did not give us any levee money, because without us being able to put up a match, the project can't go forward. Some provision will have to be made. I wanted to go on the record tonight saying I am willing to work toward any compromise that will be reasonable and look forward to doing that when we return.

In addition, there were provisions that the Senate graciously, under Senator BYRD's leadership, had put in this bill to continue to help us with other elements of our recovery. The criminal justice provision was stripped out by the House. The health care provision was stripped out by the House. These amounted to literally a few hundred million dollars in the scheme of things.

It is not a great deal of money, as these bills go, that are hundreds of billions of dollars. But it was important money to the city of New Orleans and the region and to hospitals that have never closed from the time that hurricane swept through and destroyed so much in its path. Oschner Hospital stayed open. West Jeff and East Jeff opened very soon, as soon as they could, and have continued to provide indigent care, losing millions and millions and millions of dollars, and yet cannot get the proper reimbursement necessary because of what they did.

FEMA only provides help to public entities. Oschner is technically not a public entity, but it was the only hospital that stayed open, and the doctors and the nurses did the right thing. All they have been—since doing the right thing—is punished because their board has lost money, money, money, month after month after month. I have pleaded their case on any number of occasions. Senator LEAHY, Senator HARKIN, and others have been very gracious to try to include help. But it seems as though at certain points it always gets stripped out.

So we are going to come back, and I am going to ask again for some health care funding and some criminal justice funding and work with Senator GRASSLEY, Senator HARKIN, Senator MCCASKILL, and others to fashion better remedies for the thousands of homeowners in other parts of this country who have also been disappointed by levee systems that should have held and failed, by Federal bureaucracies that promised help and did not show up.

I know only too well the pain that is going on right now in other parts of the country. I have lived this nightmare for 3 years in south Louisiana and in Mississippi, Alabama, and Texas. So we do have some work to do when we get back, and I look forward to working with you and others to accomplish that.

Mr. President, I ask unanimous consent for 2 minutes to extend my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Thank you, Mr. President.

## TRIBUTE TO JUSTICE REVIUS ORTIQUE

Ms. LANDRIEU. Mr. President, I have come to the floor of the Senate tonight to pay tribute to a man who had a significant impact on the civil rights movement in my State and our Nation. Justice Revius O. Ortique, a native New Orleanian, passed away on Sunday, June 22, 2008.

At the height of his long and distinguished career in 1992, he was the first African American elected to the Louisiana Supreme Court. But the road was not easy nor was the path to success clear.

Justice Ortique served his country for 4 years as an Army officer in the Pacific theater during World War II. He returned home as part of a great generation his longtime friend Sybil Morial notes for its ''desire to bring about change.'' He attended college at Dillard University, earned a master's degree in criminology from Indiana University, and then earned a law degree from Southern University.

It was a challenging time, to say the least, to be a young, African-American attorney in our South, but Revius Ortique rose to the challenge with determination to change the landscape for African Americans in our city—helping to desegregate lunch counters and neighborhoods, city halls and corporate boardrooms, throughout Louisiana and the South. He served his community as the president of the Urban League of Greater New Orleans for five terms and was also president of the Community Relations Council, a group of local leaders focused on bridging the racial divide and making our city stronger.

Justice Ortique's efforts to heal the divisions of our community soon garnered rightful national attention. He became president of the National Bar Association in 1959. From that post, he had President Johnson's ear—a direct voice to power, speaking for millions of African-Americans. Moved in some measure by Ortique's urging, President Johnson appointed Thurgood Marshall to be the first African-American U.S. Supreme Court Justice and appointed eight other distinguished African Americans to Federal judgeships.

The first African American to be appointed to the Civil District Court bench in New Orleans, in 1978, Justice Ortique continued to be reelected and later served as chief judge. His friends and colleagues remember him as holding himself and his courtroom to the pinnacle of decorum. He was also an inspiring mentor to many young lawyers and judges. ''He really taught you how to be a good lawyer,'' said Judge Michael G. Bagneris, who serves on the Civil District Court in New Orleans. ''He always instilled in young lawyers that they had to show respect for the court.'' It is a respect Justice Ortique earned through his demonstrated wisdom on the bench and the gentlemanly standards he held.

Justice Ortique was elected to the Louisiana Supreme Court in 1992 but

could only serve 2 years due to a State age restriction. He was not ready to retire. He remained as hungry to serve as that young man who went off to defend our country a half century earlier. Mayor Marc Morial appointed him to the New Orleans Aviation Board where he quickly became its chairman, serving for 8 years.

Over the course of his career, five U.S. Presidents learned of his stellar reputation as a jurist and as a leader, appointing him to various Commissions, including the investigation into the killings at Kent State University.

At the end of his life, Justice Ortique and his loving wife of 60 years, Miriam, were living in Baton Rouge. Their New Orleans house had been destroyed by Hurricane Katrina, and like so many Louisianians, they were working to soon return home. He is also survived by his daughter, Rhesa Marie McDonald, and three grandchildren. From the struggles of the civil rights era, to the successes that come with hard work and resolve, Justice Ortique's American story is one of great promise and determination. His legacy will live on through the generations he has inspired to bring about change of their own.

Mr. President, I thank the Presiding Officer and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WEBB). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## HOUSING CRISIS

Mr. DODD. Mr. President, I wish to review very briefly before we close out this evening and head back to our respective States for the Independence Day recess sort of where we are on the housing issue which has dominated a good part of the debate over the last week or so in the Senate.

I wish to begin by thanking the majority leader and the minority leader for the ability to raise a number of issues which have been debated and discussed over the last week or so regarding the effort to get this housing crisis back on track. I have said this so often, for those who have had to listen to it, it would be redundant, but for those who are hearing it the first time: The heart of the economic crisis is the housing crisis, and for anyone who doubts it, the heart of the housing crisis is the foreclosure crisis. We now have roughly 8,500 foreclosures a day occurring in the United States.

This is no longer a question that has merely affected the subprime lending market. It has now spread to the prime market area as well. It is affecting student loans, municipal finance, commercial financing. It has had a tremendous impact on global markets as well. As we all today recognize, we live in a world where major economic conditions affect not only those of us who live here but elsewhere as well.

So when we return a week or so from tonight, we will be back on this housing bill along with other measures but certainly the housing bill. It is with a deep sense of regret that I speak this evening about the disappointment I feel over the inability to conclude this matter. It would not have taken this Chamber much more than 2 or 3 hours to consider all of the amendments that were being offered by Democrats and Republicans to this housing measure. But for the actions of one or two Members who refused to allow us to go to the debate—not even considering amendments we would have disagreed with, it is very disappointing to me when you consider that we are now leaving for another 8 or 10 days.

I will remind my colleagues and those who may be interested in this that every day we are not in session, and every day we fail to act on this measure, somewhere between 8,000 and 9,000 homes, not to mention the individuals affected by it, will be filing for foreclosure. So as we leave tomorrow and head back to our respective States across the country, some 8,000 to 9,000 people will be put at great jeopardy for their long-term economic security and potentially losing their homes.

As we go off and spend our time next week, whether we are spending our time with our families or engaging in activities with our constituents, on every day we are not here, another 8,000 to 9,000 people will find their long-term financial security at further risk because we could not convince a couple of Members to allow us to debate the issues of housing and what we might do. Let me also point out that it is only a handful of people.

Two days ago when we considered the motion to proceed to this matter, the vote was 83 to 9. For every vote we have had on this housing measure over the last week, the lowest number of votes we have had in favor of our proposals was 77. So it is disappointing with that kind of a majority, which rarely occurs on any issue let alone one as potentially controversial as the housing issue, because we have had overwhelming support to move forward. Yet I find myself this evening as we conclude our debates on all of these matters unable to conclude this issue because of one or two Members who refuse to allow us to even get to this issue at all.

Let me read, if I can, a headline from the business section of the Washington Post this morning: ''Delinquencies Rise at Fannie Mae and Freddie Mac.'' Now let me read the headline from Monday's section of USA Today: ''New Faces Join Ranks of Nation's Homeless: Renters, Middle Class Hit Hard by Rising Foreclosures.''

The Housing and Economic Recovery Act of 2008 would address both of these very serious concerns, and more. Our bill establishes a strong, new, world class regulator to make sure the housing GSEs are well regulated and financially sound. Our legislation provides for a voluntary new program that could help anywhere from 400,000 to 500,000 distressed homeowners avoid foreclosure. The legislation has proven time and time again to enjoy strong, bipartisan support, and we have made enormous progress over the last number of months. We have worked very hard, Senator SHELBY and I, my Republican colleague from Alabama, the ranking Republican on the committee, and 19 of the 21 members of that committee—only 2 dissenters out of the 21 members—to put together this package. We worked through a number of amendments, accepting some, defeating others. In fact, last night the bill passed on the overall Dodd-Shelby proposal 79 to 16. Yet because of a technicality involving procedural hurdles that will not let us get to final passage, this measure is now being held up by one or two Senators because they want yet another vote on a completely unrelated matter.

Let me review very briefly, if I can, for my colleagues before we go into recess exactly what it is we are working so hard to achieve. It has a number of key elements, all of which have been supported by strong bipartisan votes in either the Banking Committee or the full Senate.

First, the HOPE for Homeowners Act. I have said over and over again, this bill, HOPE for Homeowners, is not guaranteed to produce the results we want, but what it does do is make it possible for both lenders and borrowers to reach an agreement whereby borrowers can stay in their homes with mortgages they can afford. The lenders are going to reduce their earnings—there is no question about that—but it is not going to be zero. So there is an advantage for the lender to be involved in this voluntary program. Speculators are not allowed to participate. It is only owner occupied residences. It is a temporary program. It is a purely voluntary one, but it is one that has been tried.

It was actually tried many years ago, back in the 1920s and the 1930s when we had the Great Depression in this country, and the Federal Government actually purchased distressed mortgages. We are not doing anything like that. We are actually insuring these mortgages, allowing these people who are running the risk of losing their homes to stay in those homes, and thus bring us to a floor, if you will—a bottom—of this housing market, this mortgage market that would allow capital to begin to flow again. It is a very important proposal.

I must tell my colleagues that we have listened to countless witnesses in over 50 hearings over the last year and a half of the Banking Committee. Witnesses have come from the entire breadth of the political spectrum and all of them have concluded that this idea is worthy of a try.

So while I cannot stand here this evening and promise miraculous results, it is our best judgment—this is our best effort—of what we can do in this body to offer some relief at this moment.

The second proposal that is part of this bill is the GSE reform, Fannie Mae and Freddie Mac. These are important sources of liquidity in the residential mortgage market. They have provided a great source of relief during this time. Our bill reforms these institutions in such a way that we have a strong regulator requiring certain capital requirements and the like. It has been tried for the last 6 years to achieve what we have in this bill. It has failed in every other attempt. This final proposal, which we crafted over the last number of weeks, enjoys broad-based bipartisan support.

The third feature of this bill, which has received less attention than the two points I have made, may be the provision which has more lasting implications than anything else we have done.

The homeowners bill is a temporary one. It dies in 2 or 3 years; it will go out of existence. But the affordable housing provisions of the bill are permanent. We will generate revenues that will make it possible for people to have rental housing in the future that they could not even begin to imagine under present circumstances. That is a very important part of the bill as well.

We include, as a result of the work of the Finance Committee, under the leadership of Senators MAX BAUCUS and CHUCK GRASSLEY, of Iowa, mortgage revenue bonds, relief for first-time home buyers, tax credits that would allow them to purchase foreclosed properties or others.

We have provisions dealing with counseling services, which are very important as people try to work out arrangements with lenders to stay in their homes. It has been called the most broad-sweeping housing legislation in more than a generation. All because of one or two Senators, I was unable to complete that bill this evening. As a result of the leadership of HARRY REID, our majority leader, we will be back on this bill when we return Monday, July 7. We will have a cloture vote that day and then move, 48 hours later or so, to a second cloture motion, which should allow us to come to a final conclusion on the bill.

I am deeply saddened that, as we go into this Independence Day recess, we were not able to complete action on this proposal. I say to the American people, as we leave for 10 days, we have done something that will offer you some hope, some sense of optimism, some sense of confidence that your Senate, your Congress was not unmindful of your concerns and worries. Nothing provides greater stability to a family, to a neighborhood, to a community than home ownership. It is one of the great dreams of most American families to be able to have their own home, to watch equity increase in those homes, to be able to provide a stable environment for your family and children. Yet we see with the ever-increasing foreclosure crisis in the country, as I mentioned, some 8,400 foreclosures every day in the country—that dream, that hope is evaporating for too many American families. So this bill would have provided real relief. Unfortunately, we could not get to it.

I would be remiss if I didn't mention at the same time, of course, we are simultaneously or are about to provide economic relief to 17 telecom companies who were engaged in activities that were highly questionable in the vacuuming up of private information of millions of Americans and their families, private telephone conversations, e-mails, faxes, and the like. That is part of the so-called Foreign Intelligence Surveillance Act. While I have deep concern about those who would do us great harm, I am deeply disturbed that that issue seems to be taking greater priority than this home ownership issue, Medicare relief, and the families across the country.

I wish to conclude my remarks this evening, as we prepare to leave this city and return to our respective States, by saying that at a time when we could have done something meaningful for an awful lot of people, to offer them some hope, some renewed sense of confidence and optimism, we missed that opportunity. I didn't want the evening to end without expressing my disappointment.

Simultaneously, I offer a note of optimism. When we come back 10 days from now, this will be a priority item. The majority leader, to his credit, talked about this eloquently and often over the last several days. He is committed that this issue will be a priority item when we return. As such, we will eventually conclude passage of this bill, and we will work with the House of Representatives to adopt a compromise measure and be able to offer some hope that people can remain in their homes—at least many will—with the hope that they can stay there, raise their families, and that we can once again see capital begin to flow in critical areas of investment in this country.

I am grateful to the Presiding Officer and to others who are here to hear these concluding remarks. Again, I felt it was important to identify exactly what the situation was as we concluded our business this evening.

With that, I yield the floor.

## CAPITOL GUIDE SERVICE RETIREMENTS

Mr. REID. Mr. President, I call to your attention today the contributions of three outstanding individuals who will be retiring from the U.S. Capitol Guide Service at the end of the week. Tom Stevens, Sharon Nevitt, and Jeannie Divine have served the Congress—House and Senate alike—with a dedication to duty that allowed the guide service to fulfill the mission of providing our constituents with an educational and enjoyable experience while visiting our Nation's Capitol.

Tom Stevens first came to the guide service in March of 1985. Tom's contributions toward managing the expanded role of the guide service following the events of September 11, 2001, were instrumental in his selection as Director of the Capitol Guide Service in 2003. Tom's commitment to the employees of the Capitol Guide Service and the Congressional Special Services Office is well known. Under his leadership, this team has skillfully provided assistance to hundreds of thousands of visitors who come to the Capitol each year. Tom has been a mainstay in the effort to prepare for the operations of the Capitol Visitor Center. We recognize and appreciate his extraordinary contributions to the Capitol Visitor Center and indeed the entire Congress.

Sharon Nevitt, the Assistant Director of the Capitol Guide Service, came to the Service in 1977, working her way up through a number of management and supervisory roles. Her efficiency, quiet competence, and fierce loyalty to the employees of the guide service have been invaluable to the day to day operations of the Capitol Guide Service. Sharon has also contributed a wealth of time and effort to various working groups aimed at establishing operational procedures for the new Capitol Visitor Center. Sharon's efforts and her many contributions are recognized and appreciated.

Jeannie Divine has been a fixture here in the Congress since 1975. I would venture to say that each and every one of our offices has been assisted by Jeannie at one time or the other over her career. Jeannie is the one who takes all our calls and works with our staffs to accommodate the growing number of tour requests from our constituents who visit our Capitol each year. She handles each request with efficiency and courtesy. Her kindness and lighthearted nature have allowed her to form lasting friendships with people from both sides of the aisle and both sides of the Hill. Her efforts to help all of us are recognized and appreciated.

We owe an enormous debt of gratitude to this dedicated team whose combined tenure equals 87 years of exemplary service to the Congress of the United States. Please join me in wishing Tom, Sharon, and Jeannie never-ending success in their future endeavors.

## HONORING NEA PRESIDENT REG WEAVER

Mr. DURBIN. Mr. President, I wish to honor a man who has spent the greater part of his life as an advocate for quality public education.

Reg Weaver has said, ''There is no feeling like seeing children's eyes brighten up as they discover the world of opportunity.''

He should know. For more than 30 years, as a teacher and a national education leader, Reg Weaver has helped countless children discover the world of opportunity. He has enriched children's lives and helped to improve America's public schools. And in doing so, he has helped to make America better and stronger.

This week, after two terms, Reg Weaver is retiring as president of the 3.2 million-member National Education Association, America's largest teachers union. I know that many of my colleagues join me in thanking Mr. Weaver for his dedicated service. We wish him well as he begins his next chapter in life. I won't say ''retirement'' because, if you know Reg Weaver, you know he is going to continue to champion children and teachers—it is who he is.

Reg Weaver grew up in the central Illinois town of Danville, about 120 miles south of Chicago. When he started grade school, the U.S. Supreme Court had not yet passed its landmark Brown v. Board of Education ruling. Reg attended a predominately White public school through the third grade. Then his family moved across town, and Reg found himself in a mostly Black public school. The differences between the two schools were stark.

Two years later, his mother reenrolled Reg in the mostly White school, telling school officials the family lived with Reg's grandmother.

That first-person experience with ''separate but equal'' public schools in his hometown made a deep impression on Reg Weaver. He has spent his life working to guarantee all children the opportunity to attend a good public school, no matter where they live.

The idea of dedicating his life to that goal evolved gradually.

In high school, Reg Weaver shied away from science, despite the urgings of his homeroom teacher, Mr. Sanders, to take a chemistry class. He says he feared the class would be too difficult and other students might ridicule him. Instead, he concentrated on Spanish and wrestling, both of which he excelled in. He thought of becoming an interpreter or maybe even a physical therapist.

His wrestling won him a scholarship to Illinois State University. Only after accepting the scholarship did Reg Weaver realize he was attending a teachers college. He couldn't major in Spanish or physical therapy at Illinois State so he majored in special education for students with disabilities.

Some might say that Reg Weaver fell into teaching by accident. I think it was fate. He discovered quickly that he loved teaching and went on to earn a master's degree from Roosevelt University in Chicago.

In another twist of fate, Reg Weaver found his niche teaching science—the very subject he had once avoided—to middle school students in suburban Chicago. It was there that he first got involved in the Illinois Education Association, the State chapter of the National Education Association.

In 1981, Reg Weaver became the first African American ever elected president of the Illinois Education Association. During his 6 years as IEA president, the organization increased its membership by 50 percent. IEA was also the driving force behind passage in 1983 of a comprehensive collective bargaining law for Illinois teachers and other school personnel. To this day, Reg Weaver keeps a photo of the bill signing in his office.

In 1996, Mr. Weaver was elected vice president of the National Education Association. He was elected president of the national organization in 2002. As we all well remember, that was a time of major change for public education in America. Less than a year before, President Bush had signed the No Child Left Behind Act, the most comprehensive overhaul of Federal education law in 40 years.

As NEA President, Reg Weaver has not only worked to highlight flaws in the new law, he has tried to suggest ways the law can be strengthened.

Reg Weaver fought to improve the achievement for all students and close the achievement gaps that leave too many low-income and minority students behind. He has worked to increase teacher pay so schools can attract and retain qualified staff. He has worked to encourage parents' involvement in their children's education, always mindful of the difference his own mother's involvement in his education made in his life.

From his days as a middle school science teacher in suburban Chicago to his tenure as president of the Nation's largest professional employee association, Reg Weaver has been a tremendous asset to Illinois and to our Nation.

Over the years, he has received many accolades and awards. Ebony magazine named him one of the 100 most influential Black Americans. He is also the recipient of People for the American Way's 2005 Spirit of Liberty Award and the U.S. Hispanic Leadership Institute's 2006 George Meany Latino Leadership Award.

One award that has special meaning for him is his inclusion in the Danville, IL, High School Wall of Fame. In the same high school where he once feared to take a science class, Reg Weaver now serves as an inspiration for students to study hard and go as far in life as their talents and passions will take them.

In closing, I want to thank Reg Weaver's family—especially his wife Betty—for sharing so much of Reg with America for so long. Above all, I want to thank Reg Weaver for his passionate advocacy on behalf of America's students, teachers and public schools.

## GLOBAL AIDS BILL

Mr. DURBIN. Mr. President, many of us on the Democratic side have disagreed with the President's policies—on the war in Iraq, on the economy, on education, and health care.

But an overwhelming majority of us, on both sides of the aisle, find common ground in our support for the President's Emergency Plan for AIDS Relief, or PEPFAR.

The President believes this program is one of the hallmarks of his administration. I agree. I think it is his most positive achievement as President of the United States.

In fact, I believe it is an important illustration of American smart power, a resource we have both squandered and underutilized in recent years.

Smart power is the idea that America's strength resonates not only from its military power but from the power of its ideas, the power of its values, its generosity and diplomacy.

I worry that a measure of this leadership has been lost recently. We are in a struggle of ideas across the world. Many of our harshest critics paint a picture of the United States that is not even close to reality.

When you consider the purpose of this bill—to prevent 12 million new infections; support treatment for at least 3 million people; and provide care for another 12 million, including 5 million vulnerable children—it is easy to see it as an expression of American values—of generosity and caring for those in need.

The success of the PEPFAR program has brought us a long way since 2003, when only 50,000 people in sub-Saharan Africa were receiving treatment. Today, PEPFAR and the Global Fund jointly support nearly 2 million people on treatment, primarily in Africa.

That is remarkable progress in just 5 years. The situation on the ground has been literally transformed through the support and generosity of the American people.

We should be proud of this achievement. But, as U.S. Global AIDS coordinator Dr. Mark Dybul has reminded us many times, ''We cannot treat our way out of this epidemic.'' To build on this progress, we are going to have to integrate our treatment efforts with other prevention activities.

Epidemics do not occur in isolation. If a person goes hungry or doesn't have safe water to drink, her antiretroviral drugs will not be effective. If there are not enough doctors or nurses in her village, she will not receive the care she needs to overcome this terrible disease.

It is essential to integrate treatment with prevention, health workforce capacity development, and other important public health efforts on the ground. We need to move away from an emergency posture to one that encourages sustainability for the long term.

This bill—the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008—helps us do that.

The President has urged Congress to send him this important bill before the end of the year.

In March, the Senate Foreign Relations Committee approved the bill on an overwhelming bipartisan vote of 18 to 3. Our colleagues in the House passed a similar measure with a resounding vote—308 to 116—a few weeks later.

Some of the most vulnerable parts of the world have been ravaged by AIDS, TB and malaria. Through this bill, we have an opportunity to turn the tide on these terrible diseases.

Around the world, all eyes are on the U.S. Senate.

Although it has been a long 2½ months of negotiation with those who placed holds on the bill—and I applaud Senator BIDEN and Senator LUGAR on their tenacity and leadership in reaching an agreement last night to finally advance this bill.

I urge my colleagues to do the right thing and to support this vital, lifesaving legislation.

## CRISIS IN ZIMBABWE

Mr. DURBIN. Mr. President, I have repeatedly come to the floor to talk about the genocide in Darfur, a tragedy that is now entering its sixth year, with little end in sight. Senator SNOWE and 27 other Senators joined me last month in writing to the President saying that his legacy would be largely affected by whether definitive action is taken to halt this humanitarian crisis on his watch.

Unfortunately, I fear President Bush will leave office and hand the crisis in Darfur to the next President.

Sadly, there is another African crisis that also demands the world's attention—this one in Zimbabwe.

On March 29, the country held a presidential election in which opposition leader Morgan Tsvangirai won over incumbent Robert Mugabe by nearly 5 percent. Official results were withheld by the government for more than a month, raising concerns of official manipulation. Opposition leaders and supporters, election observers, and reporters were harassed and in some cases detained. Some were tortured, others killed.

Under those results, in which neither candidate received more than 50 percent, a runoff was scheduled for June 27.

The period leading up to this runoff has been a tragedy for the people of Zimbabwe, for democracy, for the rule of law, and for the entire southern African region.

President Mugabe, once a hero of Zimbabwe's independence, has used violence to destroy his country's democratic process.

Opposition supporters are harassed, attacked, and threatened if they do not vote for Mugabe. Tsvangirai has been detained repeatedly and has survived three assassination attempts. His party's secretary general, Tendai Biti, was arrested earlier this month and charged with treason.

And then this week, government thugs raided opposition party headquarters, rounding up supporters, including women and children.

Mugabe even said in regards to the next round of voting, ''We are not going to give up our country because of a mere X. How can a ballpoint pen fight with a gun?''

Mugabe has driven Zimbabwe's economy into the ground, starved his own people, and brought sweeping international condemnation upon his government. He has further added to his people's suffering by manipulating the distribution of international food aid.

The process has been so undermined by President Mugabe that on Monday, Morgan Tsvangirai withdrew from the race and sought refuge in the Dutch embassy.

The man who won the most votes in the first round of Zimbabwe's election now has to seek the protection of a foreign embassy out of fear the government will take his life.

This is outrageous.

The situation in Zimbabwe is a tragedy that the international community must address. The world cannot stand idly by anymore while petty dictators destroy the lives and ignore the democratic will of their own populations.

What message are we sending when murderous governments such as those in Burma, Sudan, and Zimbabwe are allowed to thumb their noses at basic human rights and the international community?

The UN Security Council said this week that it would be ''impossible for a free and fair election to take place.'' UN Secretary General Ban Ki-moon also strongly condemned the situation in Zimbabwe, saying that an election under current conditions ''would lack all legitimacy.''

And recently 14 former African presidents, two former UN Secretaries-General and 24 other prominent African leaders signed a joint letter to Mugabe, calling for an end to the pre-election violence and for a free and fair election.

But where pressure has not been strong enough is from the democracies neighboring Zimbabwe. Recently Senators FEINGOLD, KERRY, and WHITEHOUSE joined me to meet with the ambassadors from the southern African nations of Botswana, Zambia, and South Africa to discuss the need for greater attention to the crisis in Zimbabwe.

While I am pleased that Botswanan and Zambian leaders have spoken more forcefully on Zimbabwe in recent days, these nations must do much more to help the people of Zimbabwe. Many African leaders have argued over the years that they must take greater responsibility for political and human rights reform on their own continent. I suggest Zimbabwe is an urgent opportunity for just such action.

South Africa in particular, a nation that the world stood behind to end the tragic injustice of apartheid, has been noticeably quiet in its responsibility to halt Mugabe's rein of destruction. President Mbeki has tried quiet diplomacy, but it is clear that Mugabe does not respect these efforts.

The South African ruling party said this week that ''any attempts by outside players to impose regime change will merely deepen the crisis.'' That argument misses the point.

It is the people of Zimbabwe that are demanding change.

The right to associate freely, to vote without intimidation or violence, to peacefully choose one's leader—these are all basic democratic values shared around the world. They are the values that brought a peaceful end to apartheid.

In fact, election protocols agreed to by the members of the Southern African Development Community demand certain benchmarks for elections to be considered legitimate—benchmarks which are certainly not being met in Zimbabwe.

South Africa, more than any other nation in Africa, has the ability and the moral responsibility to rein in Mugabe. The rest of the global community stands ready to help South Africa with this urgent need.

The world must step up against the injustices in Zimbabwe. The Mugabe regime must not conduct a runoff election until conditions allow for a free and fair process, including an end to political violence and intimidation, the release of political detainees, free access of election observers, the freedom to associate and hold political rallies, and a transparent and honest vote counting process.

Without such minimal steps, the world must not recognize the results of a rigged process in which Mugabe will simply proclaim himself president for another term.

## HONORING OUR ARMED FORCES

### LANCE CORPORAL ANDREW FRANCIS WHITACRE

Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of the brave lance corporal from Bryant, Indiana. Andrew Whitacre, 21 years old, died on June 19, 2008, in Farah Province, Afghanistan, from injuries sustained while his unit was conducting combat operations. He was a member of the U.S. Marine Corps, G Company, 2nd Battalion, 7th Marines, 1st Marine Division from Twentynine Palms, CA.

Andrew graduated from Jay County High School in 2005. Andrew loved sports and was an avid snowboarder. Those who knew him best recall a brave young man with an extraordinary sense of generosity. He enlisted in the Marines at the age of 17, telling his family that if he served, another would be spared that decision. Anderw left for boot camp in July of 2005, shortly after graduating from high school. Proud of his service and patriotic in spirit, Andrew never wavered in his decision to enlist. His family said it was the surest decision he ever made.

In March of this year, Andrew proposed to his fiancée, Casey McGuire of

Parker, AZ. He was due to return in November. Casey described Andrew as her ''hero,'' and said that he asked her to encourage everyone to send letters to American servicemembers abroad, thanking them for their service and showing their support. Andrew truly had the needs of others always at heart.

Today, I join Andrew's family and friends in mourning his death. Andrew will forever be remembered as a son, brother and friend to many. He is survived by his his father and stepmother, Ernie and Norma Whitacre; his mother and her fiancée, Susan Nunly and Michael Perry; his fiancée, Casey McGuire; his brothers, Ryan Murphy and Justin Miller; his sister, Ashley Williams; and his grandmothers, Mildred Whitacre, Caroline Huffman, Beulah Murphy, and Mary Scott.

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 Andrew. Today and always, Andrew 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 Andrew'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 Andrew's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Andrew Francis Whitacre in the RECORD of the U.S. 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 Layton'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 Andrew.

## SAVING THE AMERICAN DREAM

Ms. STABENOW. Mr. President, the effects of the housing crisis have rippled through our economy, affecting every state in the country. There are currently 1 million homes in foreclosure and in the next 2 to 3 years it is estimated that 2 million Americans may lose their homes to foreclosure. Few States have felt these effects more than in my State of Michigan. Michigan has one of the highest foreclosure rates in the country at 3.6 percent with 1 in every 353 households receiving a foreclosure filing during the month of May. The high levels of foreclosures, coupled with growing inventories of houses, significant declines in house prices, and a decline in building activity have made efforts for recovery even more difficult. Americans are being squeezed from the grocery store to the gas pump and they desperately need relief. That is why I am pleased to support this bipartisan housing legislation. This bill is a significant step to provide relief to struggling homeowners throughout the country and to stabilize our economy.

It would strengthen the regulatory oversight of government sponsored enterprises, GSEs, and provide FHA modernization reforms to help stabilize the housing finance system and begin to restore confidence to the market. The bill also contains the HOPE for Homeowners FHA refinancing program for at-risk homeowners. The Congressional Budget Office estimates that the program is expected to help 400,000 homeowners at risk of losing their homes to foreclosure. The bill also seeks to keep people in their home by providing $150 million in additional funding for housing counseling. These funds will help as many as 250,000 additional families connect with their mortgage lender to explore options that will keep them in their homes.

Foreclosures not only affect individual homeowners, but have community-wide ramifications. These properties attract crime and vandalism, which drag down local property values and create losses in wealth built up through home equity. Estimates show that more than 40 million households will see their property values decline as a result of a foreclosed home in their neighborhood. To help communities mitigate these impacts, this bill would provide almost $4 billion for State and local governments to purchase and rehabilitate foreclosed properties. In Michigan, this would provide $345 million in additional economic activity and 3,220 new jobs. It would help restore 5,695 properties and raise $11 million in taxes for the state.

The bill also includes important tax benefits targeted to help the recovery of the housing market. It includes a simplification and temporary increase of the low-income housing tax credit to promote the construction of affordable rental housing. To reduce the growing inventory of unoccupied housing, the bill includes a one-time homebuyer tax credit of $8,000 to stimulate buyer demand. I am also pleased that the package includes my provision to allow struggling American businesses to invest in the economy and create jobs here at home. It would allow those companies hurting the most to utilize already accumulated tax credits to make critical investments in their businesses and create jobs.

As the housing market continues to deteriorate, I applaud the work of our leadership in crafting this much-needed housing package. I would especially like to thank Chairman DODD and Ranking Member SHELBY for their leadership and work on this important issue. However, I am concerned with two provisions of the legislation that, if enacted, could have far reaching implications for our Nation's housing policy.

The bill as currently drafted provides for an effective date upon enactment, immediately granting the new GSE regulator power over three very diverse and complex entities. The new oversight system must allow for a transition to ensure there are no lapses in regulatory authority or unnecessary market disruptions. The House-passed version of the bill establishes an effective date of 6 months after enactment, which allows all stakeholders in the housing finance system adequate time to adjust to the new system.

I am also concerned with the language that would restrict the use of the GSEs mortgage portfolios as a source of liquidity for the housing market. The current language includes a bias in favor of the GSEs securitizing loans, which predisposes the regulator from being open to all available options. The portfolios are a critical tool to help struggling borrowers refinance risky mortgages and meet the needs of underserved communities. It is imperative that GSEs have flexibility over their portfolio authority. Without this flexibility, subprime, multi-family and other affordable lending could be hindered during a time when GSE investment is needed most for families and our economy. I look forward to a timely and appropriate resolution to both of these concerns.

This housing package is an important first step to address the crisis facing our Nation and it cannot wait another day. In Michigan, we have been in a recession for too long. Our American dream is turning into an American nightmare for too many families. Working together today, we must save the American dream for the future.

## HONORING THE FOURTH OF JULY

Mr. AKAKA. Mr. President, next week Friday will be Fourth of July, 2008.

In 1776, our forefathers forged our country's independence, marking the Fourth of July as our Nation's birthday. Today, 232 years later, we commemorate the democratic freedoms set forth by the signing of the Declaration of Independence. Historically, many before me have taken this moment to reflect upon and celebrate the accomplishments of years passed and the promise of years to come. And while there is much to reflect upon and celebrate, I would like to take this moment to recognize all Americans who, in their own way, work to preserve our liberties and promote democracy.

Today, while we remember the day that 56 individuals gathered in Pennsylvania at Independence Hall—we are

reminded of a critical moment in time when our forefathers shaped a new union, one that broke from the traditional. Our Nation was built on the fundamental principle: ''That all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.'' As our forefathers endured a life of struggle, but envisioned a life of freedom, we as a Nation must keep in mind the sacrifices that they and others made and the hardships that preserve them.

As we honor individuals who contribute to upholding our civil liberties, we must also take this opportunity to appreciate them for the courage they have displayed to preserve our independence and our freedom. From our armed servicemembers who stand ready to defend our Nation, to 18-year-olds perpetuating our democracy by registering to vote, and to people of all backgrounds around the Nation reaffirming the principle of our union on a daily basis—to all, I pay tribute. Their individual contribution allows us to celebrate our independence every day.

## 20TH ANNIVERSARY OF BELIN-BLANK CENTER

Mr. GRASSLEY. Mr. President, 20 years ago this summer, the Connie Belin & Jacqueline N. Blank International Center for Gifted Education and Talent Development was established at the University of Iowa. Originally created by the Iowa Board of Regents as the Belin National Center for Gifted Education, the center was made possible by a million-dollar endowment that established the Myron and Jacqueline Blank Chair in Gifted Education, which is held to this day by Professor Nicholas Colangelo. In 1995, the center was renamed the Connie Belin & Jacqueline N. Blank International Center for Gifted Education and Talent Development, honoring a longtime leader in gifted education and a Des Moines philanthropist. In 2008, the Belin-Blank Center celebrates two decades of service to the international gifted education community.

The Belin-Blank Center has earned a strong national and international reputation for its work on behalf of gifted and talented children, which my colleagues know is a subject of great interest to me. Since its inception, the center has pioneered unique and innovative opportunities for students, including academic talent searches designed to discover gifted students; weekend and summer programs on everything from algebra, art, and 3D design to chemistry, creative writing and LEGO robotics; and the National Academy of Arts, Sciences, and Engineering, which provides early admission to the university.

Professional development for educators has been the foundation upon which the work of the center has been built. Examples of the center's work in this area include producing internationally acclaimed research symposia and developing specially designed coursework for Iowa's teachers to earn a State of Iowa endorsement in gifted education. As a result of the Belin-Blank Center's efforts, more educators today understand that supporting high-achieving students is an important aspect of successful teaching.

The Belin-Blank Center has successfully competed for private, Federal, and State grants. I am proud to say that this includes two Federal Jacob K. Javits Gifted and Talented Education Grants. This program, which I have championed, is designed to improve our ability to meet the unique learning needs of gifted students nationwide. The limited funding is quite competitive and it is a testament to the quality of the Belin-Blank Center's work that it has secured two such grants. The first grant, for the years 2003 to 2006, focused on the discovery and development of giftedness in students who attend alternative high schools and the second, for the years 2005 to 2008, focused on twice-exceptional students, which are students who are gifted and also have a disability. These projects have contributed substantially to our ability to serve these populations of students, who are often overlooked for gifted education programming.

In 2004, the director and associate director of the Belin-Blank Center, Nicholas Colangelo and Susan Assouline, along with Miraca U.M. Gross, a colleague from Australia, published ''A Nation Deceived: How Schools Hold Back America's Brightest Students.'' The landmark report helped move the subject of gifted education and accelerated programs for high-achieving students into the educational mainstream, drawing notice from Time, the New York Times, the Washington Post, and hundreds of other media venues.

An important milestone for the center also occurred in 2004 when the Belin-Blank Center and the University of Iowa's Honors Program moved into a new building, the Myron and Jacqueline N. Blank Honors Center, which is located in the heart of the University of Iowa campus. In bringing the two programs together, the University of Iowa became one of the Nation's first schools to offer kindergarten-through-college support for gifted students under one roof.

As an Iowan and an advocate for gifted and talented education, I am very proud to have such a highly esteemed center in Iowa. For its tremendous contribution to the field of gifted education internationally and for its positive impact on the lives of countless gifted and talented students, the Belin-Blank Center is truly deserving of recognition on the occasion of its 20th anniversary.

## TRIBUTE TO GENERAL T. MICHAEL MOSELEY

Mr. CORNYN. Mr. President, I rise today to recognize an outstanding military leader and fellow Texan, GEN T. Michael Moseley. For nearly 3 years, General Moseley has served as the Chief of Staff of the United States Air Force, functioning as the senior uniformed Air Force officer responsible for the organization, training, and equipage of more than 710,000 Air Force personnel—active duty, Guard, and Reserve airmen, and civilians both in the United States and overseas. His service to our Air Force and to the American people has been both distinguished and admirable; he is, by all accounts, an exceptional American, a dedicated public servant, and an outstanding defender of the principles of democracy and liberty for which this Nation stands.

General Moseley was born in Dallas, TX, and grew up just south of there, in the city of Grand Prairie. His family has a long history of serving the people of Texas, and the United States as a whole. General Moseley's father, as a mason, helped build several well-known and prominent buildings in Dallas. His grandfather served the Texas law enforcement community as a member of the Texas Rangers, that legendary organization established in 1835 to range and guard the Texas Frontier. General Moseley hails from a long line of proud and noble Texans, and has greatly added to that legacy with his own distinguished service in the Air Force.

His impressive military career began in the Corps of Cadets at Texas A&M University, where he earned both a bachelor's and master's degree in political science. On his way to becoming Air Force Chief of Staff, he held key staff positions running the gamut from operational to joint to personnel assignments. He served as commander of numerous units and organizations, including the F–15 Division of the Air Force Fighter Weapons School at Nellis AFB, the 33rd Operations Group at Eglin AFB, and the 57th Wing—the Air Force's largest, most diverse flying wing—also at Nellis AFB. He is a member of the prestigious Council on Foreign Relations, and he was even knighted in 2006 at the suggestion of Queen Elizabeth II, in recognition of his outstanding contributions to U.S.-United Kingdom relations while in command of air operations over Afghanistan and Iraq in the early days of the global war on terrorism. His list of medals, other awards, and accomplishments is so long as to preclude mentioning them all here.

Without a doubt, General Moseley's selfless service to the United States, especially in this arduous and vital fight against global terrorism, has been instrumental in securing the safety and liberty of all Americans. And while he will be leaving behind his noble and exemplary career with the Air Force, his contributions and the impact of his leadership will be felt for years to

come, both throughout the halls of the Pentagon, and by each and every person that had the honor of serving next to him.

It is my privilege to commend the honorable and faithful service of GEN T. Michael Moseley, and to thank him for his commitment to our country and the principles upon which it is founded.

I wish General Moseley and his wife Jennie all the best as they prepare for the future, and I thank them both for the sacrifices they have willingly made in the defense of freedom and our great Nation.

## IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, earlier this week, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HELLO SENATOR CRAPO: The impact of the high gas and energy prices is affecting my wife and I quite a bit. My wife is disabled with severe arthritis, Crohn's Disease, and vision problems from glaucoma, and I am the only income provider for our household. I earn just enough to cancel out my wife's SSI, so we have to cover all her medical expenses that the insurance I receive from work does not cover; that is $250.00 to $300.00 plus. I am an employee of Kootenai County, so due to budget restraints and laws, I do not see much in the line of raises to offset cost of living expenses. My job requires that I have transportation available, and that cuts carpooling and riding a bus.

I drive 30 miles round trip for work, with a 1988 Mazda pickup that has 190,000 miles on it. If there is a good tail wind, I may get 18 mpg. Due to medical expenses and price increases for food, heating, etc., I cannot afford to purchase a newer vehicle that gets better gas mileage. With costs for gas, energy and products affected by the increases, it takes away from an already tight budget, and we have no choice but to cut back where we can. Some people say get another job, but a lot of my off time is used to assist my wife around the house, and take her for errands and medical appointments. At this point, I am concerned about what I will do when the pickup gets to the point of needing high-dollar repair work. We also live in a mobile home that uses electric heat. Sometimes my wife gets depressed that she cannot contribute financially to our household, which does not help her condition.

The two things that would help our situation would be that my income does not count against my wife's SSI, which would be a tremendous help to the budget for medical bills and possibly a better vehicle, and, of course, the lower prices for fuel and energy.

Thanks for your assistance; it is greatly appreciated.

BOB, *Post Falls*.

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Due to increased gas prices (and some unexpected medical bills), we are now a one car family. I primarily bike to work (it is only two miles away) and I have taught my son to ride the bus. He attends TVMSC at Riverglen, and we live on the East side of town (one-half hour away), so that has helped as well. My husband works out in Meridian, and he occasionally uses public transportation, but has found that the inter-county routes are underfunded and unreliable. Twice the bus has not shown up at all (due to repairs), and it can only handle two bikes, so if the bus bike rack is full, you are out of luck. I believe reducing our reliance on foreign oil is important; it will require advancement in green energy as well as personal changes. However, before the public will use alternative transportation, it has to be reliable and that requires money. Boise does a great job maintaining the green belt and I have noticed on the BSU campus, the bike racks are always full. This was not the case a year ago. This is a positive change. Now if we could work on public transportation and advancing technology to create more fuel efficient cars that are affordable. I also believe tax credits (many of which already exist) to encourage people to weatherproof (insulate/buy better windows) their homes or that encourage them to purchase energy efficient appliances would help.

Overall, I hope we reduce the amount of oil we use, not just increase oil production. I think this will help in the long run.

Thank you,

TIFFANY, *Boise*.

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Thank you for trying to stop the insanity. The high gas prices have made it difficult for me to take the 20 some mile drive to Parma from Caldwell to visit my 95-year-old grandmother. Normally I go once a week. I've had to miss a week now and then because I didn't have enough money for gas. I've cut corners elsewhere to do my best to get those visits in since I know we are living on borrowed time. She's had several strokes lately, and we do not know how long she'll be with us.

It cost $97.00 to fill my vehicle a few days ago. With my 6-year-old in baseball and my teenager in baseball, that takes a lot of gas to travel to games. I missed my teenager's games at tournament because I could not afford to drive to North Idaho and stay in a hotel. His first tournament ever—that was really hard.

I am convinced that the gas prices are affecting our grocery prices, too. My husband works in construction. The economy has slowed so much that his company is having a hard time finding work. This is a very established, well-known company. Because our income has gone down and gas and food have gone up, I'm trying to feed a family of 5 on less than $100.00 a month. The only way I've managed to do this is because we are all hunters and have lots of meat and fish in the freezer from last year.

I'm tired of hearing how much the oil companies make!!! It is wrong to make such a huge profit off of something we really have to have in order to work and function!! If you live in a city, you can get by using the bus system or subway. I live 5 miles from the grocery store, and there is no bus system to ride. I cannot walk or ride my bike to get groceries. My husband works 100 miles from home. He comes home on weekends. The type of work he does wouldn't benefit from public transportation either. Something has to be done about these prices.

Sincerely,

KRISTI.

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DEAR SENATOR CRAPO: Thank you for giving me an opportunity to share my story of how this price of gas is touching my life. First, I want to share my story as a consumer and also as a health care administrator. I run a good-sized nursing home in a small rural Idaho community. I was recruited to run this facility from a good distance away. I travel 130 miles a day round trip on my daily commute. I love my job and the employees I manage love me but as you can imagine 130 miles a day is a lot of gas even with a very fuel efficient vehicle, which I have. Between my wife (who is a stay-at-home mother of five children) and I, we are now spending close to $500.00 a month on gas alone. I have a good salary but even with that, we are looking at ways to save on all we spend money on. The problem is the higher gas prices make everything else increase in price. There is no way around this as it is causing us to change our life style. It feels unfair that I worked so hard to be able to have my wife stay home, but now if the price does not go down soon, she may be forced to work just so we can survive. People would consider me well in the middle class, but we are not living that life style today. Everything is going up in price, but my salary is not and I am a lucky one. I am grateful for what I have, and I am a proud American and Idahoan. I am not complaining, but I really believe more can be done because many more than me are suffering much worse.

As an Administrator of a Healthcare Facility in a small town, the energy crisis is huge. Our costs are have doubled in many cases, but our reimbursement has not. All of my employees need a raise to combat the increase in cost of living, but this is just not feasible. Many of the employees are very low income, and I really do not see how they make it. I have many who have told me they have just stopped driving because they just cannot afford it. My heart goes out to them, and I do whatever I can to help but the neat thing is they do not blame me. They know I care, and I pay them the best I can. These are great people who care for people who cannot care for themselves. They have one of the most thankless jobs in the world, but they are true heroes in my eyes. These are the people I want you to fight for and beat this crisis. They are a true example of why this country is great. Thank you for fighting for Idaho and all America.

Sincerely,

GERALD, *Weiser*.

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I am an employee of Idaho State University and I live in Blackfoot, 20 miles north of Pocatello. I am averaging $400.00 a month in just gasoline expenses and I do not drive on the weekends unless absolutely necessary. I started this position as a 1 year temporary to hold the job open for an employee who had been offered a 1 year contract as an instructor. I was allowed to work 10 hour days and have a 3 day weekend to help with gasoline consumption but within 2 months of being awarded the position full time I was told I had to work 5 days a week at the office even though the Health Occupations chair offered me an opportunity to fill some Fridays at the Outreach in Blackfoot proctoring tests for students in my programs. To add insult to injury our political representatives that decide pay raises for state employees gave us a 1% raise which for most classified employees amounts to between ten and fifteen cents an hour and my medical benefits, which only cover my husband and myself, went up around 34.35%. Because of this I am forced to

seek employment closer to home at a significantly lower wage just to continue to go into debt. Being unable to keep up with the higher energy costs not associated with travel such as for cooking, heating and cooling a house as well as the maintenance for the residence. I know I am speaking for many low to middle income families when I implore the political representatives of the citizens of this state to help find a solution. This is such a rural state that public transportation is not justifiable and impractical. Please help.

MYRNA.

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SENATOR CRAPO: While I can fully appreciate your efforts in trying to keep energy prices down, it is a bit late as the damage has already been done. I have run a small business in Idaho for 25 years. Currently I have 8 employees and I live in constant fear that I will be put out of business. Why? Because EVERY YEAR, we have yet another out-of-control economic crisis in this country.

Now we have 4+ dollar per gallon gasoline. As you know, Idaho has one of the lowest per capita incomes in the U.S. (ranked 41st), yet the cost of living has skyrocketed in the metropolitan areas over the last 10 years. Because of this, and also from increased pressure from the Internet and chain stores, I have had to downsize my operation from a high of 35 employees to what I have now. With the additional increased pressures now in place due to gasoline prices, I expect our sales to decline even further. To be perfectly honest, I cannot survive yet another business downturn and will simply have to go under, putting myself and 7 other people out on the streets. I talk to many other small business owners who are feeling the pinch as well.

If you examine what has happened in this country, we keep talking about 3 major issues but no significant proactive steps have been taken:

First, reducing our dependence on foreign oil by increasing domestic production. This has been debated for 30 years but essentially nothing has been done about it. It would have been a relatively simple matter to open up domestic exploration but Congress will have nothing of it because of lobbyists and environmentalists.

Second, alternative energy. Again this has been talked about for 3 decades but relatively little has been done. The U.S., which should be at the forefront in this area, has lagged far behind much smaller countries such as Spain, France, and the Netherlands.

Third, more fuel efficient transportation. The technology exists TODAY to almost DOUBLE gas mileage in vehicles, but our government can't even get the car manufacturers to comply with federal fuel consumption guidelines which are a pittance. There has not been a significant breakthrough in vehicle gas mileage from the major U.S. carmakers for over 10 years. This is not only inexcusable, it is a major factor in the reason that GM and Ford have fallen on hard times the last several years.

In addition to all of this, we have been embroiled in overseas conflicts in both Iraq and Kuwait, two of the most oil-rich countries on earth, but we have not held them accountable in any way for our help. The costs of our aiding just those two countries, by the time we eventually get out of Iraq, will easily exceed one trillion U.S. taxpayer dollars, not to mention ongoing costs associated with taking care of returning veterans. For this obscene amount of money we will receive nothing in return because we have failed to negotiate oil treaties at the outset. We could have better spent this money on energy research and production here at home.

There is a time for talking and a time for action. We need action NOW to help solve these issues.

Regards,

BOB, *Boise*.

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I am a single mother of three children. Two are disabled. I live in Wilder Idaho and commute to Nampa. The round trip is about 50 miles. I also have to take my children, especially the two disabled ones, to doctor's appointments quite often.

We are now nearly destitute due in part to the cost of commuting. I have been living on credit cards part of the time. I do not know what I'll do about the cost of gas except look into a hydrogen unit for my vehicle. That seems to be the only solution on the horizon as I cannot afford to get another vehicle. Any other ideas?

UNSIGNED.

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MIKE: As American citizens we are sick and tired of Congress doing nothing to remove our dependency on foreign oil. We are no longer able to travel, except in emergencies to visit family. Almost everything we consume has gone up in price, from shipping goods and services to products made from oil. We either need to get current members of Congress out of office or demand you hold a special session to do the following:

1. Remove legislation that limits drilling offshore and in Alaska to help increase supply (Drill Now, Drill Everywhere, Save America).
2. Remove all the red tape with opening and producing more nuclear energy power plants.
3. Continue research on alternative fuels that do not deplete our food supply.
4. Take advantage of wind, solar, and hydro power and provide reasonable tax incentives for use of these energy sources.

Please pass this on to all our elected representatives and continue to push Congress to do what we elected them for, putting in place sound legislation that will move this country forward, not backward. We have waited too long, now we must react rather than act. I am counting on you Mike to make this happen, leave a legacy Idaho can be proud of.

M., *Rexburg*.

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DEAR SENATOR CRAPO: This is not what you asked for, but I felt obliged to note that the energy price problem will solve itself through economics. As oil gets more expensive, alternative energies become relatively cheap. Thus, economics will drive up the development of those energies. Unfortunately, one of those alternate energies is food. What this means is that as oil gets more expensive, food will get more expensive, because more food will go toward powering cars (e.g. ethanol). To prevent this from happening, I believe that the federal government must assist in the development of nuclear power.

There is only one source of energy in the universe, and that is nuclear power. All other forms of energy derive from nuclear power. Wind, solar, biomass, oil all of these previously came or are now coming from a very large nuclear power plant in the sky called the sun. Fortunately, most of the detrimental radiation we receive from that nuclear power plant can be safely avoided with sunscreen. Jokes aside, this is an important fact to publicly recognize. Nuclear power is, in fact, our only source of power. We can either try to capture the nuclear power coming from the sun, or we can make it ourselves here on earth. While both are viable avenues, the former will lead to higher food prices because fields of wheat and corn are essentially huge solar power panels that can be used to propel rich people's jets instead of feeding poor people, and economics will make that happen. I've been told that it takes enough corn to feed a person for a year to fill an SUV gas tank once. Think carefully about what that means. To be feasible and safe, nuclear power will require federal government intervention, but it can be done and will result in a cheap, very long term source of power for the United States.

Nuclear power is the cleanest, cheapest long term solution answer to America's power problems.

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MIKE: As financially devastating as gas prices have been to our family budget over the past several years, I can not understand how anyone can determine it is a problem that stands by itself. There are several devastating intimately related issues that if our elected officials insist on continuing their tunnel vision over them, we will never have a meaningful solution. When will it be recognized that burning fossil fuels no matter what their source is or how much it costs to get them to the pump, the Earth is also degrading from their use every day with every gallon we consume. So the real question is, why are we still subsidizing oil production when we need to be gearing up our industrial infrastructure and workers to expand our fuel resources to solar, wind, industrial hemp oil and all the related necessities which would be so constructive, effective and economically advantageous, not to mention how remedial to our environment these most rational efforts would be.

What the hell are you waiting for? Why are you so focused on what gas costs? Do you have any idea what it is going to cost to live anything like a human being after all the oil in the word is burned and we need to live in biospheres in order to breathe—and if we go at this your way, we will still need to develop alternative resources when all the oil is gone—if we can still live on the Earth. Wake up! These problems are not just your problem to solve; this problem belongs to us all and would not be too big for all of us to solve collectively—stop trying to commandeer the solutions—start helping us to solve them meaningfully, constructively and effectively. All you have to do is facilitate the people getting together to organize their solutions into rational plans. Selling your power to solve these problems to the highest bidding lobbyist is NOT the right thing for you to do. There is help available when you come around to doing the right thing. I will be able to help a lot.

Sincerely,

DM.

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Thanks for a chance to respond. We do not go to the gym every day because it is across town. Our air conditioner is set at 78 degrees, and even though we're hot and uncomfortable, we do not want the bill that turning it down will bring. We have doubled up our reunion with vacation, so we only have to ''head out'' as a family once this summer.

F.

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DEAR SENATOR CRAPO: I am a retired USDA Forest Service employee, my career covered 40 years with assignments in Idaho, Oregon, Wyoming, California, New Mexico, and Nevada. I read your newsletter and request for comments regarding the serious effects of run-away energy prices. I do not want to focus on the effects, but would rather emphasize my support for using energy supplies and other natural resources within our own national borders to help reduce the cost and our dependency on Arab oil and other foreign natural resources.

My career with the Forest Service included the Arab Embargo on petroleum products in

the late seventies. At the time I was working in Wyoming, on the Bridger-Teton National Forest. This Forest includes part of a geologic formation called an ''over-thrust belt''. These are areas where layers of sedimentary deposits that include organic matter have been covered over by other geologic layers, often as the result of shifting of the earth's surface. In this process, organic matter gets trapped underneath the layering. Eventually, it gets changed into hydrocarbons—oil and gas.

During the Reagan era the Bridger-Teton National Forest, and other Forests that included over-thrust geology issued hundreds of leases to industry to explore for oil and gas. Many exploratory wells were drilled on the Bridger-Teton Forest, some in very sensitive habitat (one within the view-shed of Jackson, Wyoming). At the time, no fields were developed for commercial use on the Bridger-Teton Forest, but I am aware some deposits were found. With today's prices, it is highly likely some of it would be economic to develop. But, given the current environmental concerns no politician is willing to risk their careers to even suggest environmental constraints be lifted to further explore the potential there or anywhere else within our borders, e.g., ANWR or off shore.

A key point I want to make regarding my experience is industry did a very good job of being sensitive to the environment in the exploration I was involved with. In fact, many of the old exploratory well sites are included in areas environmentalists are currently proposing for Wilderness designation by Congress. Of course, they wish to close off any options to further explore and perhaps develop our own resources for their own ideological reasons. But, because of my experience I know it can be done without destroying any significant sensitive ecosystem values, especially with the new technology available with is much better than we had available in the seventies.

I appeal to you to approach Senator MCCAIN and encourage him to truly be a ''change'' candidate for President by making a part of his platform energy independence for our nation. And, have part of that program opening up and use of the energy and other natural resources our own nation has to help accomplish that goal and less overall dependency on foreign imports. DRILL HERE, DRILL NOW, PAY LESS!!

Sincerely,

CARL, *Nampa*.

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Baloney!! You are an oil company sellout like the rest the GOP. American needs to diversify its energy sources, not drill for more petroleum. Even the best estimates of U.S. reserves do not come close to meeting U.S. energy demands. This issue is central to our economy, national security, and the environment and it is the reason why I have abandoned the Republican Party . . . or rather why you have abandoned me. Change, or America and the rest of the world will leave you behind!!

KIRK.

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I do not think our story is unique, but we are both in our 70's and on Social Security. However my husband, who will soon be 73, still must work to get us through every month. We no longer travel any where. Our children and grandchildren are all out of state, and they also find it hard to make ends meet, so they do not travel either. We no longer have the chance to enjoy the much sought after ''retirement'' that we have all come to expect. Some still can, but very many can just keep their head above water. We have cut back on thinking about the usual plans for enjoyment we were looking forward to and are gratefull that we can at least, at the moment, afford our food, utility's, a few bills, and still squeeze out enough gas money for my husband to go 60 or so miles roundtrip to work each day. We know it will get worse, and we're not alone.

PATTY.

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DEAR SENATOR CRAPO: I can't imagine anyone, anywhere in the USA who is not *mightily upset* over the exorbitant increase in fuel prices. I know my wife and I, our family of 4 couples and their children totaling 15, have already started making plans to reduce our vacation travel this summer to within a 100-mile radius of our homes in Twin Falls. We will take day trips to the South Hills and take a 4–5 day Labor Day trip. As a family, we have been planning a trip to Disneyland in the fall so that our older grandchildren could enjoy a few days in the park. We were planning on using our refund money, coming from Washington DC, to fund the trip which would have included fuel for the trip, lodging, meals and entrance into the park. I speak for my wife, our adult children and myself when I say that the current energy situation is inexcusable.

Being a good Reagan Republican, I wholeheartedly endorse the drilling for more oil in Alaska, allowing additional drilling for oil off both coasts and exploring for additional shale oil in Wyoming, North Dakota, South Dakota, Colorado. I know that many existing oil pumps have been capped; they need to be uncapped. This will upset the environmentalist crowd tremendously, but I feel it is about time that they are put in their place. The Sierra Club and others like them are prime examples.

Thank You for all you're doing to assist us here in Idaho.

Regards,

GRANT, *Twin Falls*.

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DEAR SENATOR: Thanks for your common sense approach to energy issues now facing our country, and Idaho in particular. It completely escapes me as to why Congress continues to bow to the shouts of a few (environmentalists) while ignoring the overwhelming desires of the majority. Latest polls indicate over 60% of Americans want us to use our natural resources to help solve our short term energy requirements.

We have a small company with a fleet of 4 service vehicles. The vehicles are all small, compact hatchback type autos that are quite fuel efficient. We average about 2000 miles per week for all 4 vehicles. When gas was $2.00 per gallon, we could expect to spend about 650.00 per month on fuel. Now we are approaching $1500.00 per month for the same mileage with no end in sight. Like most companies our size, we choose to absorb some of those costs for the sort term, but as it becomes clear that the prices we see today are the prices we will see in the foreseeable future, we will have to pass on the additional (and unexpected) costs to our clients. Our clients are made up mostly of small retail and service businesses who will, in turn, pass on their increased expenses to their customers and clients, the everyday citizen and the base of your constituency.

Our story is a small one but one I believe is representative of the vast collection of small businesses across the country. This energy issue will cut deep into everyone's pocket, and not just at the pump!

It is time to pass legislation that will encourage responsible use of our natural resources in our own country. It is absurd that the Red Chinese can legally exploit natural resources within 50 miles of our shores when U.S. companies are prohibited by federal law to do the same thing. What happened to practicality and commonsense in our U.S. Congress and Senate? Can we actually sacrifice what amounts to a breach in our national security over environmental issues that may have been valid in the 1960s but are absolutely outdated (by superior technology) today.

I believe (as do the majority of Americans) that we can use the natural resources God has provided our great nation in a responsible and conscientious way that will leave a clean environment and a strong economy.

Sincerely,

TOM, *Boise*.

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## DRUG ENFORCEMENT ADMINISTRATION CELEBRATES 35TH ANNIVERSARY

Mrs. MCCASKILL. Mr. President, I offer these remarks in recognition of 35 years of excellence by the Drug Enforcement Administration, DEA, in combating organizations responsible for the flow of illicit narcotics into the United States. The DEA was created by Executive order on July 1, 1973, in order to establish a single unified command to conduct ''an all-out global war on the drug menace.'' DEA is presently mounting this global attack in 21 divisions throughout the United States and in 87 offices in 63 countries—the largest international presence of any Federal law enforcement agency.

The mission and purpose of the DEA remain as vital today as they were in 1973. After months of hearings and testimony in the U.S. Senate and the House of Representatives, the Senate Committee on Government Operations issued a report in October 1973 noting among other benefits that the creation of DEA as a superagency would provide the momentum needed to coordinate all Federal efforts related to drug enforcement outside the Justice Department, especially the gathering of intelligence on international narcotics smuggling. The DEA has steadfastly served this Nation to that end, mounting an intelligence-driven attack against the most notorious and ruthless international drug cartels and kingpins. DEA's global reach also has been a key component of combating terrorism, as these ideologically-motivated groups have been shown by DEA to fund some of their activities and weapons purchases through drug trafficking proceeds. The agency's re-entry into the intelligence community in 2006 is tacit acknowledgement of the value of DEA to the Nation's security.

For the past 35 years, DEA has identified, targeted, and methodically disrupted and dismantled the operations of those responsible for the illicit drug traffic. Whether it is crack and powder cocaine, methamphetamine, opiates, marijuana, or prescription drugs, DEA agents have courageously infiltrated drug trafficking organizations and brought to justice the most significant and despicable criminals this Nation has faced. The cost of this fight has been tremendous in terms of treasure, but no cost has been greater or more pointed than the price of life and suffering paid by the men and women of

DEA and their families. Since establishment, a combination of 57 special agents, task force officers, and support staff have valiantly given their lives for the Nation in support of DEA's noble mission.

On behalf of the citizens of Missouri, I want to remind the DEA that the agency is not alone in this fight. Missourians and their communities have stood strong against the scourge of drug trafficking and abuse, and our law enforcement agencies have stood shoulder to shoulder with the DEA. Our commitment to protecting young people from the inherent danger of addiction and keeping the ideal of hope strong is unwavering.

I am proud to offer my congratulations to the DEA not only for its marked achievements, but also for its commitment to excellence. The agency has served as a model for interagency collaboration and information sharing across the Federal law enforcement community. Its workforce is both talented and diverse, with the most recent Administrator and Administrator-nominee being women. Additionally, the agency was ranked in the Top 20 best places to work in the Federal Government, placing 18 out of 222 agencies in the Partnership for Public Service's 2007 rankings of ''The Best Places to Work in the Federal Government.''

## ADDITIONAL STATEMENTS

### CONGRATULATING MS. BAILEE CARROLL MAYFIELD

• Mr. BUNNING. Mr. President, today I congratulate Ms. Bailee Carroll Mayfield on receiving the American Veterans, AMVETS, scholarship award. The AMVETS National Scholarship Committee has awarded Ms. Mayfield a $4,000 scholarship after competing successfully against nearly 200 applicants. AMVETS has recognized Ms. Mayfield as an outstanding high school senior exhibiting academic excellence, promise and merit.

The AMVETS organization awards only six scholarships per year. Each scholarship is awarded to a high school senior who is the child or grandchild of a United States veteran, and is seeking a postsecondary education. Ms. Mayfield plans to utilize her scholarship at Eastern Kentucky University to pursue a career in psychology.

Ms. Mayfield has proven herself to be an exemplary student, rightfully receiving the AMVETS Scholarship Award. She is an inspiration to the citizens of Kentucky and to students everywhere. I look forward to seeing all that she will accomplish in the future.•

### SALUTE OF TERRY DEVINE

• Mr. CONRAD. Mr. President, to those who live in Fargo, ND, Terry DeVine has been a prominent and steady voice for decades. DeVine was hired by my State's biggest newspaper, the Fargo Forum, in 1981. DeVine was known as a consummate newsman. It has been said that, if a big story was brewing, DeVine wanted it. His readers know that he got it more often than not.

Throughout his 27 years as managing editor, and later as a columnist, he maintained an integrity and dedication to journalism that was self-evident, spread every morning across the pages of the Forum for all to see.

As a marine during Vietnam, he escorted wounded journalists off the battlefield. He began work with the Sioux Falls Argus Leader newspaper after the war, followed by a time with the Associated Press in Sioux Falls, before finally landing at the Forum, where his presence has been unmistakable.

DeVine's recent retirement saddened many. Justly, the conclusion of his tenure has been seen in Fargo as the end of an era.

In North Dakota, community matters. People share a connection and a concern that is not to be found in all places. But community cannot flourish in a vacuum. It requires a dialogue. It takes a willingness to be truthful and involved. It calls for an understanding of events that is untarnished and open. Perhaps Terry DeVine's greatest contribution has been to consistently furnish these qualities, and through this, to support the community he lives and works in.•

### IN HONOR OF MICHAEL WYNNE

• Mr. NELSON of Nebraska. Mr. President, as cochair of the Senate Air Force Caucus, I wish to speak about former Air Force Secretary, Michael Wynne.

The Air Force has three core values: integrity first, service before self, and excellence in all we do. I believe Secretary Wynne has striven to live up to these values throughout his illustrious career. Upon graduating from the U.S. Military Academy in 1966, Wynne served in the Air Force for 7 years, concluding his uniformed career as a captain and assistant professor of astronautics at the U.S. Air Force Academy. He then joined the ranks of General Dynamics, working on revolutionary programs such as the F–16 and M1A2 Main Battle Tank. After 23 years of service with General Dynamics, rising to the rank of senior vice president, Wynne joined the U.S. Department of Defense and served as the Principal Deputy Under Secretary, then Under Secretary of Defense for Acquisition, Technology and Logistics. In 2005, he was confirmed as the 21st Secretary of the Air Force—assuming responsibility for organizing, training, equipping, and providing for the welfare of its nearly 370,000 men and women on active duty; 180,000 members of the Air National Guard and the Air Force Reserve; 160,000 civilians; and their families.

On his first day in office, Secretary Wynne issued a new mission statement for the Air Force, declaring that the ''mission of the United States Air Force is to deliver sovereign options for the defense of the United States of America and its global interests—to fly and fight in Air, Space and Cyberspace.'' He then declared three priorities for the Air Force: winning today's fight; taking care of the Air Force family; and preparing for tomorrow's challenges. In terms of today's fight, Wynne oversaw the deployment of more than 25,000 airmen to the Middle East. He worked to ensure that over 3,000 Rover kits were deployed to the theater so that ground forces could receive full motion video directly from unmanned aerial systems flying orbits around the clock. He also realized the critical importance of intelligence, surveillance, and reconnaissance. Wynne doubled the number of Predator orbits in Iraq and Afghanistan in less than a year, while simultaneously exceeding the Department of Defense requirements for Predator orbits, by 2 years and four orbits.

Secretary Wynne can also take great pride in the support he provided for those who sacrifice so much on the front lines. He was instrumental in facilitating the aero-medical evacuation program, which led to a vastly improved survival rate for wounded troops who were able to reach aid stations over previous wars. Additionally, Wynne also supported an initiative to create a seamless transfer of medical records from theater to stateside and then to the Veterans Administration. Lastly, he understood the need to look after the entire Air Force family—active duty, Guard, Reserve, and civilian—through instilling a culture of empowerment, accountability, and continuous improvement.

In terms of America's future, Secretary Wynne worked hard to fulfill his tremendous responsibility to ensure that the U.S. Air Force would be well postured to address future potential threats. I would like to thank Secretary Michael Wynne for his service to our country and wish him the best in all his future endeavors.•

### IN HONOR OF GENERAL T. MICHAEL MOSELEY

• Mr. NELSON of Nebraska. Mr. President, as cochair of the Senate Air Force Caucus, I have been afforded a unique opportunity to get to know GEN T. Michael Moseley, former Air Force Chief of Staff. I believe he is best defined by three distinct traits: a commitment to excellence, compassion for those with whom he serves, and a deep appreciation for history.

Whether reviewing his time in the cockpit, eventually commanding the prestigious F–15 division of the Air Force's Fighter Weapons School; his service as a professor at the illustrious National War College; his command of distinguished units, such as the 33rd Operations Group and 57th Wing; his pivotal role in executing the air wars over Afghanistan and Iraq as head of

the 9th Air Force; or his service as Air Force Chief of Staff, it is obvious that General Moseley has applied himself with incredible dedication and commitment. He truly understands the capabilities afforded through air, space, and cyberspace and has worked tirelessly to ensure that the Air Force excels in these critical domains.

In addition, General Moseley is deeply aware that it takes a team to launch a jet in the air and that every pilot needs a wingman; and he has, therefore, consistently sought to support the Air Force family. Most recently, these efforts have manifested themselves through ensuring predictable deployment schedules for Air Force personnel and their families, strengthening family wellness programs, upgrading family housing, increasing educational opportunities, and reaching out directly to Airmen through a variety of mediums to help promote an exchange of ideas.

It is also important to recognize that throughout his nearly four decades of service, General Moseley has displayed a deep appreciation for history and lessons learned from past events. This historical insight and perspective is critical as the U.S. Air Force looks to succeed in today's missions while simultaneously cultivating a force which will excel in the future. General Moseley worked to ensure that this informed approach will continue to flourish in the Service through the creation of the Analysis, Assessment, and Lessons-Learned Directorate on the Air Staff.

These achievements represent just a fraction of General Moseley's accomplishments; but one thing is clear—he has shown a tremendous commitment to his country. I would like to thank GEN T. Michael ''Buzz'' Moseley for his dedication to duty over these past 36 years, and I wish him all the best in his future endeavors.●

## TRIBUTE TO DR. THAYNE DUTSON

● Mr. SMITH. Mr. President, today I wish to highlight the importance of acknowledging and celebrating extraordinary efforts by ordinary Americans who have led the way in protecting and preserving America's natural resources. I am honored to commend a natural resource hero in my home State of Oregon, Dr. Thayne Dutson. After a lifetime of service to farmers and ranchers in this country, Dr. Dutson is hanging up his hat and I honor his service.

Dr. Dutson has been dean of the College of Agricultural Sciences at Oregon State University since 1993 and has acted as director of the Oregon Agricultural Experiment Station since 1987. As head of Oregon's College of Agriculture Sciences, Dr. Dutson has dedicated the past two decades of his life to Oregon's farmers and ranchers.

Along with being Oregon Agriculture's resource for cutting-edge research, knowledge about food systems, environmental quality, natural resources and rural communities, Dr. Dutson has also led a team of public servants to administer the extension service throughout the State. Dr. Dutson and his team led Oregon State University's outreach mission by engaging with Oregon's people and communities and focusing his efforts on community livability, strengthening the economic vitality of rural communities and maintaining Oregon's natural resource base. Based on these positive impacts and the leadership of Dean Dutson, the OSU Extension Service is recognized as one of America's top-5 land-grant university extension systems in the country. Dr. Dutson was also instrumental in Oregon State University's selection as one of five regional centers for the U.S. Department of Agriculture's Sun grant initiative, which is working to advance the development of new biobased fuels and products.

I have had the pleasure of working with Dr. Dutson on many projects over the years. Dean Dutson has worked tirelessly on behalf of Oregon's farmers and ranchers. Under Dr. Dutson's watch, Oregon State University has secured critical Federal research funding for grass seed, potatoes, livestock grazing, small fruits, barley genome mapping, soil and air quality, organic Agriculture, nursery crops and biofuels. It is because of his leadership that Oregon agriculture and Oregon State University continue to lead the nation as innovators in all agricultural sciences.

As a young Boy Scout, I was taught that one's duty was to respect and protect the world around you. I believe that we have a responsibility to encourage efforts in conserving our natural resources by responsibly using them, not abusing them. Dr. Thayne Dutson has made major contributions to a proud Oregon pioneering spirit of innovation and responsible management of our natural resources. What Dean Dutson has given back to the Oregon agriculture community is invaluable, for he has taught us that everyone doing their small part can achieve huge successes. I wish Thayne, his wife, Missy, and their family all the best as they pursue future endeavors. Oregon's farmers and ranchers owe him a debt of gratitude.●

## TRIBUTE TO DR. CHARLES CONSTANTINE MOSKOS

● Mr. WARNER. Mr. President, on May 31, 2008, the Nation lost a great patriot, an avid student and supporter of the military, and a true friend of the enlisted soldier—Northwestern University professor emeritus of sociology, Charles Constantine Moskos.

But he wasn't ''professor'' or ''doctor'' Moskos. He was always known as ''Charlie.'' He was ''Charlie'' to admirals and generals; he was ''Charlie'' to his students; and he was ''Charlie'' to the enlisted soldiers, airmen, sailors, and marines he loved so much. He was ''Charlie'' to many Members of Congress who worked with and admired him.

After graduating with honors from Princeton University in 1956, Charlie was drafted into the Army. He quickly became enamored with the amazing cross-section of Americans who served in the Armed Forces and decided the military institution would be his lifelong, academic focus. After he received his doctorate from UCLA in 1963, Charlie taught for 2 years at the University of Michigan before moving on to Northwestern University. At Northwestern, Charlie began a storied 40-year career as a professor of sociology and traveled to war zones, military bases across the globe, the Pentagon, and the Congress. Over those four decades he became known as one of the world's foremost military sociologists and a key adviser to policymakers.

Charlie's field was political sociology, and he studied the Caribbean and the Greek-American community, but his biggest contribution was in addressing the civil-military bond, the integration of the military and our society. He wrote extensively about the culture in the military, the success story of racial integration in the services, particularly the Army. He also focused his writings on the changing nature of the military as we moved from Vietnam to the end of the Cold War and into today's conflicts against terrorists around the globe. As one of the preeminent military sociologists of his time, he was a founding member of the prestigious Inter-University Seminar on Armed Forces and Society, an international association of academics and military scholars.

Charlie's research took him to combat units in Vietnam, Kuwait, Somalia, Kosovo, and Iraq. For over three decades, he also served as an independent adviser to the Joint Chiefs of Staff. Always concerned that the All-Volunteer Force could separate the military from its larger society as it draws from more narrow segments of the population, Charlie is also credited with inspiring President Clinton to create the AmeriCorps Program.

Among other awards, Charlie received the Distinguished Service Medal, the highest honor the Army awards to civilians. He is survived by his beloved wife of 41 years, Ilca Hoan Moskos, of Santa Monica, CA; two sons, Andrew Moskos of Amsterdam, the Netherlands, and Peter Moskos of Astoria, NY; and two grandchildren.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations

which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## REPORT ON THE ISSUANCE OF AN EXECUTIVE ORDER CONTINUING CERTAIN RESTRICTIONS ON NORTH KOREA AND NORTH KOREAN NATIONALS IMPOSED UNDER THE TRADING WITH THE ENEMY ACT—PM 55

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:*

Pursuant to the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 *et seq.*) (IEEPA), I hereby report that I have issued an Executive Order continuing certain restrictions on North Korea and North Korean nationals imposed pursuant to the exercise of authorities under the Trading With the Enemy Act (50 U.S.C. App. 1 *et seq.*) (TWEA). In the order, I declared a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the current existence and risk of the proliferation of weapons-usable fissile material on the Korean Peninsula. I ordered the continuation of certain restrictions on North Korea and North Korean nationals as we deal with that threat through multilateral diplomacy.

These restrictions were first imposed pursuant to authorities found in section 5(b) of TWEA, following the declaration of a national emergency in 1950 in Proclamation 2914 (15 *FR* 9029), and continued annually, after the enactment of IEEPA in 1977, in accordance with section 101(b) of Public Law 95–223 (91 Stat. 1625; 50 U.S.C. App. 5(b) note). The most recent continuation of such TWEA authorities is found in Presidential Determination 2007–32 of September 13, 2007. In a proclamation, which I signed the same day as the order, I terminated, effective the following day, the exercise of TWEA authorities with respect to North Korea.

The order I have issued continues the blocking of certain property and interests in property of North Korea or a North Korean national that were blocked as of June 16, 2000, and that remained blocked immediately prior to the date of my order. Absent this order, my proclamation terminating the exercise of TWEA authorities with respect to North Korea would have resulted in the unblocking of that property.

The order also continues restrictions relating to North Korea-flagged vessels that would otherwise have been terminated by my proclamation. These restrictions prohibit United States persons from owning, leasing, operating, or insuring any vessel flagged by North Korea and from registering vessels in North Korea or otherwise obtaining authorization for a vessel to fly the North Korean flag. For the reasons set forth above, I found that it was necessary to continue these restrictions.

I delegated to the Secretary of the Treasury, after consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of my order.

I am enclosing a copy of the Executive Order and proclamation I have issued.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 26, 2008*.

## MESSAGES FROM THE HOUSE

At 12:22 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3195. An act to restore the intent and protections of the Americans with Disabilities Act of 1990.

H.R. 3546. An act to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

H.R. 6275. An act to amend the Internal Revenue Code of 1986 to provide individuals temporary relief from the alternative minimum tax, and for other purposes.

H.R. 6358. An act to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes.

## ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 3180. An act to temporarily extend the programs under the Higher Education Act of 1965.

H.R. 430. An act to designate the United States bankruptcy courthouse located at 271 Cadman Plaza East in Brooklyn, New York, as the ''Conrad B. Duberstein United States Bankruptcy Courthouse''.

H.R. 781. An act to redesignate Lock and Dam No. 5 of the McClellan-Kerr Arkansas River Navigation System near Redfield, Arkansas, authorized by the Rivers and Harbors Act approved July 24, 1946, as the ''Colonel Charles D. Maynard Lock and Dam''.

H.R. 1019. An act to designate the United States customhouse building located at 31 Gonzalez Clemente Avenue in Mayaguez, Puerto Rico, as the ''Rafael Martinez Nadal United States Customhouse Building''.

H.R. 2728. An act to designate the station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the ''Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station''.

H.R. 3712. An act to designate the United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the ''James M. Ashley and Thomas W. L. Ashley United States Courthouse''.

H.R. 4140. An act to designate the Port Angeles Federal Building in Port Angeles, Washington, as the ''Richard B. Anderson Federal Building''.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 12:49 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 377. Concurrent resolution authorizing the use of the rotunda of the Capitol for a ceremony commemorating the 60th Anniversary of the beginning of the integration of the United States Armed Forces.

## ENROLLED BILLS SIGNED

At 1:09 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 6040. An act to amend the Water Resources Development Act of 2007 to clarify the authority of the Secretary of the Army to provide reimbursement for travel expenses incurred by members of the Committee on Levee Safety.

H.R. 6327. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 8:19 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6377. An act to direct the Commodity Futures Trading Commission to utilize all its authority, including its emergency powers, to curb immediately the role of excessive speculation in any contract market within the jurisdiction and control of the Commodity Futures Trading Commission, on or through which energy futures or swaps are traded, and to eliminate excessive speculation, price distortion, sudden or unreasonable fluctuations or unwarranted changes in prices, or other unlawful activity that is causing major market disturbances that prevent the market from accurately reflecting the forces of supply and demand for energy commodities.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 6275. An act to amend the Internal Revenue Code of 1986 to provide individuals temporary relief from the alternative minimum tax, and for other purposes; to the Committee on Finance.

H.R. 6358. An act to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3546. An act to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

## MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 3195. An act to restore the intent and protections of the Americans with Disabilities Act of 1990.

S. 3202. A bill to address record high gas prices at the pump, and for other purposes.

S. 3213. A bill to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 26, 2008, she had presented to the President of the United States the following enrolled bill:

S. 3180. An act to temporarily extend the programs under the Higher Education Act of 1965.

## 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–6746. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, an annual report relative to the conduct of the Defense Acquisition Challenge Program for fiscal year 2007; to the Committee on Armed Services.

EC–6747. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of action on a nomination for the position of Secretary, received on June 25, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6748. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (73 FR 33321) received on June 25, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6749. A communication from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of San Francisco, transmitting, pursuant to law, the Bank's 2007 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–6750. A communication from the Deputy Assistant Administrator for Regulatory Programs, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Species: Designation of Critical Habitat for Southern Resident Killer Whale'' (RIN0648–AU38) received on June 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6751. A communication from the Acting Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants: Threatened Status for Southern Distinct Population Segment of North American Green Sturgeon'' (RIN0648–AT02) received on June 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6752. A communication from the Deputy Assistant Administrator for Operations, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Species: Final Protective Regulations for Threatened Upper Columbia River Steelhead'' (RIN0648–AU18) received on June 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6753. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Species: Revision of Critical Habitat for the Northern Right Whale in the Pacific Ocean'' (RIN0648–AT84) received on June 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6754. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Species: Final Listing Determinations for 10 Distinct Population Segments of West Coast Steelhead'' (RIN0648–AR93) received on June 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6755. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Planning and Management Program; Integrated Resource Planning Rules'' (RIN1901–AB24) received on June 24, 2008; to the Committee on Energy and Natural Resources.

EC–6756. 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 ''Reporting of ESOP Dividends and Section 404(k)'' (Announcement 2008–56) received on June 25, 2008; to the Committee on Finance.

EC–6757. 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 ''Auction Rate Preferred Stock—Effect of Liquidity Facilities on Equity Character'' (Notice 2008–55) received on June 25, 2008; to the Committee on Finance.

EC–6758. 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 ''China Earthquake Designated as Qualified Disaster Under Section 139 of the Internal Revenue Code'' (Notice 2008–57) received on June 24, 2008; to the Committee on Finance.

EC–6759. 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 Under Section 956 for Determining Basis or Property Acquired in Certain Nonrecognitions Transactions'' ((RIN1545–BH58)(TD 9402)) received on June 24, 2008; to the Committee on Finance.

EC–6760. 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 ''Appeals Settlement Guidelines: Methane Gas Project, Credit for Fuel From a Nonconventional Source'' (UIL: 0029.06–00) received on June 24, 2008; to the Committee on Finance.

EC–6761. 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 ''Claims for Recovery of Overpayments of Arbitrage Rebate and Similar Payments on Tax-Exempt Bonds'' (Rev. Proc. 2008–37) received on June 25, 2008; to the Committee on Finance.

EC–6762. 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 Under Section 664 Regarding the Effect of UBTI on Charitable Remainder Trusts'' (TD 9403) received on June 24, 2008; to the Committee on Finance.

EC–6763. 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—July 2008'' (Rev. Rul. 2008–33) received on June 24, 2008; to the Committee on Finance.

EC–6764. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of an application for a license for the manufacture of the AH–64 LONGBOW Fire Control Radar Accelerometers for the Apache Attack Helicopter Program; to the Committee on Foreign Relations.

EC–6765. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of defense articles to Mexico for the production of electronic assemblies for automated equipment for the United States; to the Committee on Foreign Relations.

EC–6766. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a nomination and action on a nomination for the position of Under Secretary of State for Public Diplomacy, received on June 24, 2008; to the Committee on Foreign Relations.

EC–6767. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of technical data to Turkey for the manufacture and repair of the upgradeable AN/APX–117 Transponder; to the Committee on Foreign Relations.

EC–6768. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Performance Report relative to the Animal Drug User Fee Act for fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–6769. 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 ''Medical Devices; Medical Device Reporting; Baseline Reports'' (Docket No. FDA–2008–N–0310) received on June 25, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–6770. A communication from the Chief, Division of Coverage, Reporting and Disclosure, Department of Labor, transmitting, pursuant to law, a report relative to the redesignation of a previously submitted rule, which has been assigned Regulation Identification Number 1210–AB10, as a ''non-major

rule''; to the Committee on Health, Education, Labor, and Pensions.

EC–6771. A communication from the Acting Chief Acquisition Officer and Senior Procurement Executive, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation'' (FAC 2005–26) received on June 24, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6772. A communication from the Acting Assistant Legal Adviser, Office of Treaty Affairs, Department of State, transmitting the text of the 2008 Prohibited List of Substances which is to replace the 2007 Prohibited List of Substances that was originally transmitted to the Senate as a part of Annex I of the International Convention Against Doping in Sport (TD 110–14, 110th Congress, 2nd Session); to the Committee on Foreign Relations.

## PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–409. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to allow immediate family to visit military personnel on extended deployment overseas who are in a rest and relaxation period; to the Committee on Armed Services.

SENATE CONCURRENT RESOLUTION NO. 101

Whereas, on April 12, 2007, when Defense Secretary Robert M. Gates announced that all active-duty soldiers currently deployed would see their one-year tour extended to a fifteen months tour, the war-weary Army faced its longest combat tours since World War; and

Whereas, although Defense Secretary Gates termed this a ''difficult but necessary'' order, many referred to it as the decision that would break the Army because of the chilling effect it would have on the recruiting, retention, and readiness of troops; and

Whereas, the reunion plans of troops and their families were suddenly placed on hold because of the deployment extension orders; and

Whereas, such orders unleashed a flood of emotions including feelings of sadness, disappointment, worry, anxiety, anger, stress, and a sense of betrayal or of promises being broken for service men, women, and their families; and

Whereas, mental health experts agree that deployment extensions are extremely difficult on service members and their families; and

Whereas, extended deployment submerges our service men, women, and their families under tremendous economic, employment, and emotional sacrifices; and

Whereas, service men and women do receive a period of rest and relaxation (R&R); and

Whereas, the continued development of strong family relationships for our service men and women who have repeatly placed themselves in harm's way in the name of freedom, duty, and honor for us and our country should be supported. Therefore, be it

*Resolved*, That the Legislature of Louisiana memorializes the Congress of the United States to make provisions to allow immediate family to visit military personnel on extended deployment overseas when they are in a period of rest and relaxation (R&R). Be it further

*Resolved*, That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

H.R. 5690. To remove the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 594. A resolution designating September 2008 as ''Tay-Sachs Awareness Month''.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 2979. A bill to exempt the African National Congress from treatment as a terrorist organization, and for other purposes.

## EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. BIDEN, from the Committee on Foreign Relations:

[Treaty Doc. 110–9; Protocol of Amendments to Convention on International Hydrographic Organization (Ex. Rept. 110–10)]

The text of the committee-recommended resolution of advice and consent to ratification is as follows:

*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advises and consents to the ratification of the Protocol of Amendments to the Convention on the International Hydrographic Organization done at Monaco on April 14, 2005 (Treaty Doc. 110–9).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Army nomination of Gen. David H. Petraeus, to be General.

*Army nomination of Lt. Gen. Raymond T. Odierno, to be General.

Air Force nominations beginning with Colonel William J. Bender and ending with Colonel Timothy M. Zadalis, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.

Air Force nomination of Maj. Gen. Paul J. Selva, to be Lieutenant General.

Army nomination of Col. Kenny C. Montoya, to be Brigadier General.

Army nomination of Brig. Gen. Errol R. Schwartz, to be Major General.

Army nomination of Maj. Gen. Ricky Lynch, to be Lieutenant General.

Army nomination of Col. Patricia D. Horoho, to be Major General.

Army nominations beginning with Brigadier General Timothy E. Albertson and ending with Colonel Larry W. Triphahn, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2008.

Marine Corps nomination of Maj. Gen. John R. Allen, to be Lieutenant General.

Navy nomination of Rear Adm. (lh) Moira N. Flanders, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Karen A. Flaherty, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Raymond P. English, to be Rear Admiral.

Navy nomination of Capt. Scott A. Weikert, to be Rear Admiral (lower half).

Navy nomination of Capt. Bruce A. Doll, to be Rear Admiral (lower half).

Navy nomination of Capt. Steven M. Talson, to be Rear Admiral (lower half).

Navy nominations beginning with Capt. Mark J. Belton and ending with Capt. Nicholas T. Kalathas, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Navy nomination of Rear Adm. Dirk J. Debbink, to be Vice Admiral.

*Nelson M. Ford, of Virginia, to be Under Secretary of the Army.

*Joseph A. Benkert, of Virginia, to be an Assistant Secretary of Defense.

*Sean Joseph Stackley, of Virginia, to be an Assistant Secretary of the Navy.

*Frederick S. Celec, of Virginia, to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS 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.

Air Force nomination of Andrew P. Armacost, to be Colonel.

Air Force nomination of Hans C. Bruntmyer, to be Lieutenant Colonel.

Air Force nominations beginning with Dwight Peake and ending with Trevor S. Petrou, which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2008.

Air Force nominations beginning with Christine Cornish and ending with David G. Watson, which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2008.

Air Force nomination of John L. Baeke, to be Major.

Air Force nominations beginning with Joseph C. Lee and ending with Brad A. Nieset, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Air Force nominations beginning with Robert B. Kohl and ending with Alvin W. Rowell, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Air Force nominations beginning with James D. Barber, Jr. and ending with Mark John Zechman, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2008.

Army nominations beginning with Marvin P. Anderson and ending with Mark V. Vail, which nominations were received by the Senate and appeared in the Congressional Record on February 5, 2008.

Army nominations beginning with John P. Albano and ending with D060387, which nominations were received by the Senate and appeared in the Congressional Record on February 5, 2008.

Army nomination of John Kissler, to be Major.

Army nominations beginning with Mark A. Arturi and ending with Dana F. Campbell,

which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Army nominations beginning with Kathleen Agoglia and ending with James R. Taylor, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Army nominations beginning with Robert J. Egidio and ending with Alan Z. Siedlecki, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Army nomination of Daisie D. Boettner, to be Colonel.

Army nomination of Thomas C. Powell, to be Colonel.

Army nomination of John M. Anderson, to be Colonel.

Army nomination of Rowell A. Stanley, Jr., to be Colonel.

Army nominations beginning with Michael E. Dunn and ending with Kevin J. Murphy, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2008.

Army nominations beginning with Todd D. Kostelecky and ending with Leesa J. Papier, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2008.

Army nomination of Christopher C. Everitt, to be Major.

Army nomination of Dennis P. Collins, to be Major.

Army nominations beginning with Christopher W. Baker and ending with Christina M. Long, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2008.

Army nominations beginning with Eric J. Albertson and ending with D060628, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2008.

Marine Corps nominations beginning with John E. Bilas and ending with Alan R. Singleton II, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2008.

Marine Corps nominations beginning with Joseph R. Cornell and ending with John J. Swincinski, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2008.

Navy nomination of Adam J. Coghan, to be Captain.

Navy nomination of John E. Pasch III, to be Captain.

Navy nominations beginning with Richard C. Boehm and ending with Michael D. Conger, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nominations beginning with James R. Dunworth and ending with Michael A. Sano, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nominations beginning with William K. Davis and ending with Kathleen R. Wright, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nominations beginning with Kathleen Gromilovitz and ending with James M. Mancher, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nominations beginning with Thomas E. Follo and ending with Sarah M. Standard, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nominations beginning with David J. Harach and ending with Patrick R. Mulcahy, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nominations beginning with Donald R. Burns and ending with William D. Michael, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nominations beginning with Robert J. Barton II and ending with Christopher M. Waaler, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nominations beginning with Drew G. Flavell and ending with Paul F. Weckman, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nominations beginning with Teri J. Barber and ending with Lori A. Yost, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nominations beginning with Eric B. Anderson and ending with George N. Whitbred IV, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nominations beginning with Clayton R. Allen and ending with Eric F. Zanin, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nominations beginning with Tammy M. Baker and ending with Leonard A. Zimmermann I, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nominations beginning with Charles E. A. Baker and ending with Richard N. Soucie, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2008.

Navy nominations beginning with Raymond E. Chartier, Jr. and ending with Robin D. Tyner, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2008.

Navy nominations beginning with Robert C. Buzzell and ending with Eduardo E. Wheeler, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2008.

Navy nominations beginning with Kevin G. Aandahl and ending with David E. Werner, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2008.

Navy nominations beginning with David A. Bondura and ending with Wilburn T. J. Strickland, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2008.

Navy nominations beginning with Jon D. Albright and ending with Michael W. Zarkowski, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2008.

Navy nominations beginning with James E. Aull and ending with Edward B. Warford, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2008.

Navy nominations beginning with Christian D. Becker and ending with Donald L. Zwick, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2008.

Navy nominations beginning with William J. Brougham and ending with Jerome Zinni, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2008.

Navy nominations beginning with Voresa E. Booker and ending with Pat L. Williams, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2008.

Navy nominations beginning with Danelle M. Barrett and ending with Boyd T. Zbinden, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2008.

Navy nominations beginning with Christopher P. Anklam and ending with Steven J. Yoder, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2008.

Navy nominations beginning with John L. Franklin and ending with Norman C. Petty, which nominations were received by the Senate and appeared in the Congressional Record on May 20, 2008.

Navy nomination of Michael J. McCormack, to be Captain.

Navy nominations beginning with Gregg P. Lombardo and ending with Charles J. Newbury, which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2008.

Navy nominations beginning with Daniel L. Gard and ending with William A. Wildhack III, which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2008.

Navy nominations beginning with Mark S. Bellis and ending with Steven R. Wolfe, which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2008.

Navy nominations beginning with Frederick H. Boyles and ending with Allison M. Weldon, which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2008.

Navy nominations beginning with Esther E. Burlingame and ending with Kimberly K. Pellack, which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2008.

Navy nominations beginning with Kenneth D. Lapolla and ending with Joseph R. Willie II, which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2008.

Navy nominations beginning with Bruce Bennett and ending with Scott K. Rineer, which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2008.

Navy nominations beginning with Daniel K. Bean and ending with Ted Y. Yamada, which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2008.

Navy nominations beginning with Gloria M. Baisey and ending with Patricia L. West, which nominations were received by the Senate and appeared in the Congressional Record on June 3, 2008.

Navy nomination of Michael J. Maselly, to be Captain.

Navy nominations beginning with Hillary King, Jr. and ending with James E. Watts, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Roosevelt H. Brown and ending with Dale C. White, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with David R. Bustamante and ending with Rodney O. Worden, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Vida M. Antolinjenkins and ending with Jonathan S. Thow, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Angelica L. C. Almonte and ending with Nancy J. Walker, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Smith C. E. Barone and ending with Curtis M.

Werking, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Roland E. Arellano and ending with Marva L. Wheeler, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Christopher Bower and ending with Andrew F. Wickard, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Debra A. Arsenault and ending with Clifton Woodford, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Michael L. Baker and ending with Chad G. Wahlin, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Brent T. Channell and ending with Michael J. Supko, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Allen C. Blaxton and ending with Joel R. Tessier, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Marc E. Boyd and ending with Elissa J. Smith, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Todd E. Barnhill and ending with Dominick A. Vincent, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Edward F. Bosque and ending with Kim C. Williams, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with John D. Bandy and ending with Jeffrey L. Williams, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Claude W. Arnold, Jr. and ending with Michelle G. Young, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Timothy A. Barney and ending with Vincent C. Watson, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Albert Angel and ending with Thomas P. Wypyski, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Jonathan Q. Adams and ending with Mark T. Zwolski, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2008.

Navy nominations beginning with Michael A. Bemis and ending with Michael J. Uyboco, which nominations were received by the Senate and appeared in the Congressional Record on June 5, 2008.

Navy nomination of Paul E. Levy, to be Lieutenant Commander.

Navy nomination of Robert N. Ladd, to be Lieutenant Commander.

Navy nominations beginning with Ramon J. Berrocal and ending with Brian A. Merritt, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2008.

By Mr. LEAHY for the Committee on the Judiciary.

Kelly Harrison Rankin, of Wyoming, to be United States Attorney for the District of Wyoming for the term of four years.

Clyde R. Cook, Jr., of North Carolina, to be United States Marshal for the Eastern District of North Carolina for the term of four years.

*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. KERRY (for himself, Mr. SPECTER, Mr. COLEMAN, and Mr. AKAKA):

S. 3200. A bill to develop capacity and infrastructure for mentoring programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GREGG (for himself, Ms. LANDRIEU, Mr. SUNUNU, and Mr. VITTER):

S. 3201. A bill to reauthorize the Mosquito Abatement for Safety and Health Act for mosquito-borne disease prevention and control; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCONNELL (for himself, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BENNETT, Mr. BOND, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mrs. DOLE, Mr. DOMENICI, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. KYL, Mr. LUGAR, Mr. MARTINEZ, Ms. MURKOWSKI, Mr. ROBERTS, Mr. SESSIONS, Mr. SHELBY, Mr. SPECTER, Mr. STEVENS, Mr. SUNUNU, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WICKER):

S. 3202. A bill to address record high gas prices at the pump, and for other purposes; read the first time.

By Mr. ROBERTS (for himself and Mr. BROWNBACK):

S. 3203. A bill to prohibit the use of funds by the Department of Defense on the KC-X tanker contract, and for other purposes related to that contract; to the Committee on Armed Services.

By Mr. KERRY (for himself and Mr. CARPER):

S. 3204. A bill to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. CANTWELL:

S. 3205. A bill to direct the Commodity Futures Trading Commission to utilize all its authority, including its emergency powers, to curb immediately the role of excessive speculation in any contract market within the jurisdiction and control of the Commodity Futures Trading Commission, on or through which energy futures or swaps are traded, and to eliminate excessive speculation, price distortion, sudden or unreasonable fluctuations or unwarranted changes in prices, or other unlawful activity that is causing major market disturbances that prevent the market from accurately reflecting the forces of supply and demand for energy commodities; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself, Mr. LAUTENBERG, and Mr. KENNEDY):

S. 3206. A bill to amend titles V, XVIII, and XIX of the Social Security Act to promote cessation of tobacco use under the Medicare program, the Medicaid program, and the maternal and child health services block grant program; to the Committee on Finance.

By Mr. VITTER (for himself, Mr. BURR, Mr. DEMINT, Mr. STEVENS, and Mr. ENSIGN):

S. 3207. A bill to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State; to the Committee on the Judiciary.

By Mr. CONRAD (for himself and Mr. HATCH):

S. 3208. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for clean coal technology, and for other purposes; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mr. ENZI, Mr. STEVENS, Mr. VOINOVICH, Ms. MURKOWSKI, Mrs. DOLE, and Mr. CORNYN):

S. 3209. A bill to amend title VII of the Civil Rights Act of 1964 to clarify the filing period applicable to charges of discrimination, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY:

S. 3210. A bill to establish the Centennial Historic District in the Commonwealth of Pennsylvania; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself, Mr. JOHNSON, Mr. TESTER, and Mr. THUNE):

S. 3211. A bill to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, to clarify eligibility for livestock indemnity payments; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN (for herself and Mr. BENNETT):

S. 3212. A bill to amend the Help America Vote Act of 2002 to provide for auditable, independent verification of ballots, to ensure the security of voting systems, and for other purposes; to the Committee on Rules and Administration.

By Mr. BINGAMAN:

S. 3213. A bill to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; read the first time.

By Mr. BARRASSO:

S. 3214. A bill to provide for a program for circulating quarter dollar coins that are emblematic of a national park or other national site in each State, the District of Columbia, and each territory of the United States, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOMENICI (for himself, Mr. SESSIONS, Ms. LANDRIEU, and Ms. MURKOWSKI):

S. 3215. A bill to require the Secretary of Energy to enter into cooperative agreements with private entities to share the cost of obtaining construction and operating licenses for certain types of recycling facilities, and

for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCONNELL:

S. 3216. A bill to provide for the introduction of pay-for-performance compensation mechanisms into contracts of the Department of Veterans Affairs with community-based outpatient clinics for the provision of health care services, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SPECTER (for himself, Mr. BIDEN, Mr. GRAHAM, Mr. KERRY, Mr. CORNYN, Mr. PRYOR, Mrs. DOLE, Ms. LANDRIEU, Mr. COCHRAN, Mr. CARPER, Mrs. MCCASKILL, and Mrs. FEINSTEIN):

S. 3217. A bill to provide appropriate protection to attorney-client privileged communications and attorney work product; to the Committee on the Judiciary.

By Mr. BIDEN (for himself and Mr. HATCH):

S. 3218. A bill to extend the pilot program for volunteer groups to obtain criminal history background checks; considered and passed.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON of Florida (for himself, Mr. SMITH, Mr. CARDIN, Mr. COLEMAN, and Mr. MENENDEZ):

S. Res. 603. A resolution expressing the sense of the Senate on the restitution of or compensation for property seized during the Nazi and communist eras; to the Committee on Foreign Relations.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. Res. 604. A resolution congratulating the California State University, Fresno Bulldogs baseball team for winning the 2008 National Collegiate Athletics Association Division I College World Series; considered and agreed to.

By Mr. DEMINT (for himself and Mr. BAYH):

S. Res. 605. A resolution commemorating the 60th anniversary of the Berlin Airlift and honoring the veterans of Operation Vittles; considered and agreed to.

By Mr. JOHNSON (for himself and Mr. THUNE):

S. Con. Res. 92. A concurrent resolution recognizing the importance of homeownership for Americans; to the Committee on Banking, Housing, and Urban Affairs.

## ADDITIONAL COSPONSORS

S. 334

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 334, a bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away.

S. 612

At the request of Ms. SNOWE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 612, a bill to improve the health of women through the establishment of Offices of Women's Health within the Department of Health and Human Services.

S. 937

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 1212

At the request of Ms. MIKULSKI, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1212, a bill to amend title XVIII of the Social Security Act to permit direct payment under the Medicare program for clinical social worker services provided to residents of skilled nursing facilities.

S. 1492

At the request of Mr. INOUYE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1492, a bill to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation.

S. 1748

At the request of Mr. COLEMAN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1748, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

S. 1842

At the request of Mr. KERRY, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1842, a bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the Medicare Program.

S. 1996

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 1996, a bill to reauthorize the Enhancing Education Through Technology Act of 2001, and for other purposes.

S. 2067

At the request of Mr. MARTINEZ, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 2067, a bill to amend the Federal Water Pollution Control Act relating to recreational vessels.

S. 2238

At the request of Mr. AKAKA, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2238, a bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams.

S. 2504

At the request of Mr. NELSON of Florida, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2504, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 2510

At the request of Ms. LANDRIEU, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2608

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2608, a bill to make improvements to the Small Business Act.

S. 2645

At the request of Mr. SMITH, his name was added as a cosponsor of S. 2645, a bill to require the Commandant of the Coast Guard, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere, to conduct an evaluation and review of certain vessel discharges.

S. 2668

At the request of Mr. KERRY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2731

At the request of Mr. BIDEN, the name of the Senator from Michigan (Mr. LEVIN) 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. 2760

At the request of Mr. BOND, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2760, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 2773

At the request of Mr. BROWN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2773, a bill to amend title IV of the Public Health Service Act to provide for the establishment of pediatric research consortia.

S. 2920

At the request of Mr. KERRY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2920, a bill to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

S. 3007

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3007, 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.

S. 3073

At the request of Mr. CORNYN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 3073, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of absentee ballots of absent overseas uniformed services voters, and for other purposes.

S. 3080

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3080, a bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol.

S. 3143

At the request of Mr. DURBIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3143, a bill to assist law enforcement agencies in locating, arresting, and prosecuting fugitives from justice.

S. 3150

At the request of Mr. SCHUMER, the names of the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 3150, a bill to prohibit the Secretary of Transportation or the Administrator of the Federal Aviation Administration from conducting auctions, implementing congestion pricing, limiting airport operations, or charging certain use fees at airports.

S. 3167

At the request of Mr. BURR, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 3167, a bill to amend title 38, United States Code, to clarify the conditions under which veterans, their surviving spouses, and their children may be treated as adjudicated mentally incompetent for certain purposes.

S. 3185

At the request of Ms. CANTWELL, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 3185, a bill to provide for regulation of certain transactions involving energy commodities, to strengthen the enforcement authorities of the Federal Energy Regulatory Commission under the Natural Gas Act and the Federal Power Act, and for other purposes.

S. 3186

At the request of Mr. SANDERS, the names of the Senator from Maine (Ms. SNOWE), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Minnesota (Mr. COLEMAN), the Senator from Massachusetts (Mr. KERRY), the Senator from Maine (Ms. COLLINS), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 3186, a bill to provide funding for the Low-Income Home Energy Assistance Program.

S.J. RES. 43

At the request of Mr. WICKER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S.J. Res. 43, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S. CON. RES. 75

At the request of Mr. COLEMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Con. Res. 75, a concurrent resolution expressing the sense of Congress that the Secretary of Defense should take immediate steps to appoint doctors of chiropractic as commissioned officers in the Armed Forces.

S. RES. 580

At the request of Mr. BAYH, the names of the Senator from Florida (Mr. NELSON) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

At the request of Mr. DORGAN, his name was added as a cosponsor of S. Res. 580, supra.

AMENDMENT NO. 4979

At the request of Mr. NELSON of Florida, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. BOXER), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of amendment No. 4979 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5040

At the request of Ms. LANDRIEU, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Louisiana (Mr. VITTER), the Senator from Illinois (Mr. OBAMA), the Senator from Nebraska (Mr. NELSON) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of amendment No. 5040 intended to be proposed to H.R. 3221, a bill to provide needed housing reform and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCONNELL (for himself, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BENNETT, Mr. BOND, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mrs. DOLE, Mr. DOMENICI, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. KYL, Mr. LUGAR, Mr. MARTINEZ, Ms. MURKOWSKI, Mr. ROBERTS, Mr. SESSIONS, Mr. SHELBY, Mr. SPECTER, Mr. STEVENS, Mr. SUNUNU, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WICKER):

S. 3202. A bill to address record high gas prices at the pump, and for other purposes; read the first time.

Mr. MCCONNELL. 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 placed in the RECORD, as follows:

S. 3202

*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 ''Gas Price Reduction Act of 2008''.

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

Sec. 1. Short title; table of contents.

TITLE I—DEEP SEA EXPLORATION

Sec. 101. Publication of projected State lines on outer Continental Shelf.
Sec. 102. Production of oil and natural gas in new producing areas.
Sec. 103. Conforming amendments.

TITLE II—WESTERN STATE OIL SHALE EXPLORATION

Sec. 201. Removal of prohibition on final regulations for commercial leasing program for oil shale resources on public land.

TITLE III—PLUG-IN ELECTRIC CARS AND TRUCKS

Sec. 301. Advanced batteries for electric drive vehicles.

TITLE IV—ENERGY COMMODITY MARKETS

Sec. 401. Study of international regulation of energy commodity markets.
Sec. 402. Foreign boards of trade.
Sec. 403. Index traders and swap dealers; disaggregation of index funds.
Sec. 404. Improved oversight and enforcement.

**TITLE I—DEEP SEA EXPLORATION**

**SEC. 101. PUBLICATION OF PROJECTED STATE LINES ON OUTER CONTINENTAL SHELF.**

Section 4(a)(2)(A) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(2)(A)) is amended—

(1) by designating the first, second, and third sentences as clause (i), (iii), and (iv), respectively;

(2) in clause (i) (as so designated), by inserting before the period at the end the following: ''not later than 90 days after the date of enactment of the Gas Price Reduction Act of 2008''; and

(3) by inserting after clause (i) (as so designated) the following:

''(ii)(I) The projected lines shall also be used for the purpose of preleasing and leasing activities conducted in new producing areas under section 32.

''(II) This clause shall not affect any property right or title to Federal submerged land on the outer Continental Shelf.

''(III) In carrying out this clause, the President shall consider the offshore administrative boundaries beyond State submerged lands for planning, coordination, and administrative purposes of the Department of the Interior, but may establish different boundaries.''.

**SEC. 102. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.**

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

**''SEC. 32. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.**

''(a) DEFINITIONS.—In this section:

''(1) COASTAL POLITICAL SUBDIVISION.—The term 'coastal political subdivision' means a political subdivision of a new producing State any part of which political subdivision is—

''(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the new producing State as of the date of enactment of this section; and

''(B) not more than 200 nautical miles from the geographic center of any leased tract.

''(2) MORATORIUM AREA.—

''(A) IN GENERAL.—The term 'moratorium area' means an area covered by sections 104 through 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118) (as in effect on the day before the date of enactment of this section).

''(B) EXCLUSION.—The term 'moratorium area' does not include an area located in the Gulf of Mexico.

''(3) NEW PRODUCING AREA.—The term 'new producing area' means any moratorium area within the offshore administrative boundaries beyond the submerged land of a State that is located greater than 50 miles from the coastline of the State.

''(4) NEW PRODUCING STATE.—The term 'new producing State' means a State that has, within the offshore administrative boundaries beyond the submerged land of the State, a new producing area available for oil and gas leasing under subsection (b).

''(5) OFFSHORE ADMINISTRATIVE BOUNDARIES.—The term 'offshore administrative boundaries' means the administrative boundaries established by the Secretary beyond State submerged land for planning, coordination, and administrative purposes of the Department of the Interior and published in the Federal Register on January 3, 2006 (71 Fed. Reg. 127).

''(6) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

''(A) IN GENERAL.—The term 'qualified outer Continental Shelf revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this section for new producing areas.

''(B) EXCLUSIONS.—The term 'qualified outer Continental Shelf revenues' does not include—

''(i) revenues from a bond or other surety forfeited for obligations other than the collection of royalties;

''(ii) revenues from civil penalties;

''(iii) royalties taken by the Secretary in-kind and not sold;

''(iv) revenues generated from leases subject to section 8(g); or

''(v) any revenues considered qualified outer Continental Shelf revenues under section 102 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432).

''(b) PETITION FOR LEASING NEW PRODUCING AREAS.—

''(1) IN GENERAL.—Beginning on the date on which the President delineates projected State lines under section 4(a)(2)(A)(ii), the Governor of a State, with the concurrence of the legislature of the State, with a new producing area within the offshore administrative boundaries beyond the submerged land of the State may submit to the Secretary a petition requesting that the Secretary make the new producing area available for oil and gas leasing.

''(2) ACTION BY SECRETARY.—Notwithstanding section 18, as soon as practicable after receipt of a petition under paragraph (1), the Secretary shall approve the petition if the Secretary determines that leasing the new producing area would not create an unreasonable risk of harm to the marine, human, or coastal environment.

''(c) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM NEW PRODUCING AREAS.—

''(1) IN GENERAL.—Notwithstanding section 9 and subject to the other provisions of this subsection, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

''(A) 50 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury; and

''(B) 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse—

''(i) 75 percent to new producing States in accordance with paragraph (2); and

''(ii) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l* –8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460*l*–5).

''(2) ALLOCATION TO NEW PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.—

''(A) ALLOCATION TO NEW PRODUCING STATES.—Effective for fiscal year 2008 and each fiscal year thereafter, the amount made available under paragraph (1)(B)(i) shall be allocated to each new producing State in amounts (based on a formula established by the Secretary by regulation) proportional to the amount of qualified outer Continental Shelf revenues generated in the new producing area offshore each State.

''(B) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

''(i) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each new producing State, as determined under subparagraph (A), to the coastal political subdivisions of the new producing State.

''(ii) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions shall be allocated to each coastal political subdivision in accordance with the regulations promulgated under subparagraph (A).

''(3) MINIMUM ALLOCATION.—The amount allocated to a new producing State for each fiscal year under paragraph (2) shall be at least 5 percent of the amounts available for the fiscal year under paragraph (1)(B)(i).

''(4) TIMING.—The amounts required to be deposited under subparagraph (B) of paragraph (1) for the applicable fiscal year shall be made available in accordance with that subparagraph during the fiscal year immediately following the applicable fiscal year.

''(5) AUTHORIZED USES.—

''(A) IN GENERAL.—Subject to subparagraph (B), each new producing State and coastal political subdivision shall use all amounts received under paragraph (2) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

''(i) Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly affected by coastal wetland losses.

''(ii) Mitigation of damage to fish, wildlife, or natural resources.

''(iii) Implementation of a federally approved marine, coastal, or comprehensive conservation management plan.

''(iv) Funding of onshore infrastructure projects.

''(v) Planning assistance and the administrative costs of complying with this section.

''(B) LIMITATION.—Not more than 3 percent of amounts received by a new producing State or coastal political subdivision under paragraph (2) may be used for the purposes described in subparagraph (A)(v).

''(6) ADMINISTRATION.—Amounts made available under paragraph (1)(B) shall—

''(A) be made available, without further appropriation, in accordance with this subsection;

''(B) remain available until expended; and

''(C) be in addition to any amounts appropriated under—

''(i) other provisions of this Act;

''(ii) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.); or

''(iii) any other provision of law.

''(d) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM OTHER AREAS.—Notwithstanding section 9, for each applicable fiscal year, the terms and conditions of subsection (c) shall apply to the disposition of qualified outer Continental Shelf revenues that—

''(1) are derived from oil or gas leasing in an area that is not included in the current 5-year plan of the Secretary for oil or gas leasing; and

''(2) are not assumed in the budget of the United States Government submitted by the President under section 1105 of title 31, United States Code.''.

**SEC. 103. CONFORMING AMENDMENTS.**

Sections 104 and 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118) are amended by striking ''No funds'' each place it appears and inserting ''Except as provided in section 32 of the Outer Continental Shelf Lands Act, no funds''.

## TITLE II—WESTERN STATE OIL SHALE EXPLORATION

**SEC. 201. REMOVAL OF PROHIBITION ON FINAL REGULATIONS FOR COMMERCIAL LEASING PROGRAM FOR OIL SHALE RESOURCES ON PUBLIC LAND.**

Section 433 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2152) is repealed.

## TITLE III—PLUG-IN ELECTRIC CARS AND TRUCKS

**SEC. 301. ADVANCED BATTERIES FOR ELECTRIC DRIVE VEHICLES.**

(a) DEFINITIONS.—In this section:

(1) ADVANCED BATTERY.—The term ''advanced battery'' means an electrical storage device that is suitable for a vehicle application.

(2) ENGINEERING INTEGRATION COSTS.—The term ''engineering integration costs'' includes the cost of engineering tasks relating to—

(A) the incorporation of qualifying components into the design of an advanced battery; and

(B) the design of tooling and equipment and the development of manufacturing processes and material for suppliers of production facilities that produce qualifying components or advanced batteries.

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

(b) ADVANCED BATTERY RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—The Secretary shall—

(A) expand and accelerate research and development efforts for advanced batteries; and

(B) emphasize lower cost means of producing abuse-tolerant advanced batteries with the appropriate balance of power and energy capacity to meet market requirements.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $100,000,000 for each of fiscal years 2010 through 2014.

(c) DIRECT LOAN PROGRAM.—

(1) IN GENERAL.—Subject to the availability of appropriated funds, not later than 1 year after the date of enactment of this Act, the Secretary shall carry out a program to provide a total of not more than $250,000,000 in loans to eligible individuals and entities for not more than 30 percent of the costs of 1 or more of—

(A) reequipping a manufacturing facility in the United States to produce advanced batteries;

(B) expanding a manufacturing facility in the United States to produce advanced batteries; or

(C) establishing a manufacturing facility in the United States to produce advanced batteries.

(2) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to obtain a loan under this subsection, an individual or entity shall—

(i) be financially viable without the receipt of additional Federal funding associated with a proposed project under this subsection;

(ii) provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively; and

(iii) meet such other criteria as may be established and published by the Secretary.

(B) CONSIDERATION.—In selecting eligible individuals or entities for loans under this subsection, the Secretary may consider whether the proposed project of an eligible individual or entity under this subsection would—

(i) reduce manufacturing time;

(ii) reduce manufacturing energy intensity;

(iii) reduce negative environmental impacts or byproducts; or

(iv) increase spent battery or component recycling

(3) RATES, TERMS, AND REPAYMENT OF LOANS.—A loan provided under this subsection—

(A) shall have an interest rate that, as of the date on which the loan is made, is equal to the cost of funds to the Department of the Treasury for obligations of comparable maturity;

(B) shall have a term that is equal to the lesser of—

(i) the projected life, in years, of the eligible project to be carried out using funds from the loan, as determined by the Secretary; or

(ii) 25 years; and

(C) may be subject to a deferral in repayment for not more than 5 years after the date on which the eligible project carried out using funds from the loan first begins operations, as determined by the Secretary.

(4) PERIOD OF AVAILABILITY.—A loan under this subsection shall be available for—

(A) facilities and equipment placed in service before December 30, 2020; and

(B) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2020.

(5) FEES.—The cost of administering a loan made under this subsection shall not exceed $100,000.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2009 through 2013.

(d) SENSE OF THE SENATE ON PURCHASE OF PLUG-IN ELECTRIC DRIVE VEHICLES.—It is the sense of the Senate that, to the maximum extent practicable, the Federal Government should implement policies to increase the purchase of plug-in electric drive vehicles by the Federal Government.

## TITLE IV—ENERGY COMMODITY MARKETS

### SEC. 401. STUDY OF INTERNATIONAL REGULATION OF ENERGY COMMODITY MARKETS.

(a) IN GENERAL.—The Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the Securities and Exchange Commission, and the Chairman of the Commodity Futures Trading Commission shall jointly conduct a study of the international regime for regulating the trading of energy commodity futures and derivatives.

(b) ANALYSIS.—The study shall include an analysis of, at a minimum—

(1) key common features and differences among countries in the regulation of energy commodity trading, including with respect to market oversight and enforcement;

(2) agreements and practices for sharing market and trading data;

(3) the use of position limits or thresholds to detect and prevent price manipulation, excessive speculation as described in section 4a(a) of the Commodity Exchange Act (7 U.S.C. 6a(a)) or other unfair trading practices;

(4) practices regarding the identification of commercial and noncommercial trading and the extent of market speculation; and

(5) agreements and practices for facilitating international cooperation on market oversight, compliance, and enforcement.

(c) REPORT.—Not later than 120 days after the date of enactment of this Act, the heads of the Federal agencies described in subsection (a) shall jointly submit to the appropriate committees of Congress a report that—

(1) describes the results of the study; and

(2) provides recommendations to improve openness, transparency, and other necessary elements of a properly functioning market.

### SEC. 402. FOREIGN BOARDS OF TRADE.

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.—The Commission shall not permit a foreign board of trade's members or other participants located in the United States to enter trades directly into the foreign board of trade's trade matching system with respect to an agreement, contract, or transaction in an energy commodity (as defined by the Commission) that settles against any price, including the daily or final settlement price, of a contract or contracts listed for trading on a registered entity, unless—

''(A) the foreign board of trade makes public daily information on settlement prices, volume, open interest, and opening and closing ranges for the agreement, contract, or transaction that is comparable to the daily trade information published by the registered entity for the contract or contracts against which it settles;

''(B) the foreign board of trade or a foreign futures authority adopts position limitations (including related hedge exemption provisions) or position accountability for speculators for the agreement, contract, or transaction that are comparable to the position limitations (including related hedge exemption provisions) or position accountability adopted by the registered entity for the contract or contracts against which it settles; and

''(C) the foreign board of trade or a foreign futures authority provides such information to the Commission regarding the extent of speculative and non-speculative trading in the agreement, contract, or transaction that is comparable to the information the Commission determines is necessary to publish its weekly report of traders (commonly known as the Commitments of Traders report) for the contract or contracts against which it settles.

''(2) EXISTING FOREIGN BOARDS OF TRADE.—Paragraph (1) shall become effective 1 year after the date of enactment of this subsection with respect to any agreement, contract, or transaction in an energy commodity (as defined by the Commission) conducted on a foreign board of trade for which the Commission's staff had granted relief from the requirements of this Act prior to the date of enactment of this subsection.''.

### SEC. 403. INDEX TRADERS AND SWAP DEALERS; DISAGGREGATION OF INDEX FUNDS.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6) (as amended by section 3) is amended by adding at the end the following:

''(f) INDEX TRADERS AND SWAP DEALERS.—

''(1) REPORTING.—The Commission shall—

''(A) issue a proposed rule regarding routine reporting requirements for index traders and swap dealers (as those terms are defined by the Commission) in energy and agricultural transactions (as those terms are defined by the Commission) within the jurisdiction of the Commission not later than 180 days after the date of enactment of this subsection, and issue a final rule regarding such reporting requirements not later than 270 days after the date of enactment of this subsection; and

''(B) subject to the provisions of section 8, disaggregate and make public monthly information on the positions and value of index funds and other passive, long-only positions in the energy and agricultural futures markets.

''(2) REPORT.—Not later than 90 days after the date of enactment of this subsection, the Commission shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report regarding—

''(A) the scope of commodity index trading in the futures markets;

''(B) whether classification of index traders and swap dealers in the futures markets can be improved for regulatory and reporting purposes; and

''(C) whether, based on a review of the trading practices for index traders in the futures markets—

''(i) index trading activity is adversely impacting the price discovery process in the futures markets; and

''(ii) different practices and controls should be required.''.

### SEC. 404. IMPROVED OVERSIGHT AND ENFORCEMENT.

(a) FINDINGS.—The Senate finds that—

(1) crude oil prices are at record levels and consumers in the United States are paying record prices for gasoline;

(2) funding for the Commodity Futures Trading Commission has been insufficient to cover the significant growth of the futures markets;

(3) since the establishment of the Commodity Futures Trading Commission, the volume of trading on futures exchanges has grown 8,000 percent while staffing numbers have decreased 12 percent; and

(4) in today's dynamic market environment, it is essential that the Commodity Futures Trading Commission receive the funding necessary to enforce existing authority to ensure that all commodity markets, including energy markets, are properly monitored for market manipulation.

(b) ADDITIONAL EMPLOYEES.—As soon as practicable after the date of enactment of this Act, the Commodity Futures Trading Commission shall hire at least 100 additional full-time employees—

(1) to increase the public transparency of operations in energy futures markets;

(2) to improve the enforcement in those markets; and

(3) to carry out such other duties as are prescribed by the Commission.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds made available to carry out the Commodity Exchange Act (7 U.S.C. 1 et seq.), there are authorized to be appropriated such sums as are necessary to carry out this section for fiscal year 2009.

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By Mr. DURBIN (for himself, Mr LAUTENBERG, and Mr. KENNEDY):

S. 3206. A bill to amend titles V, XVIII, and XIX of the Social Security Act to promote cessation of tobacco use under the Medicare program, the Medicaid program, and the maternal and child health services block grant program; to the Committee on Finance.

Mr. DURBIN. Mr. President, I rise today to introduce legislation to help millions of Americans overcome a deadly addiction: the addiction to tobacco. The Medicare, Medicaid and MCH Smoking Cessation Promotion Act of 2008 will help make smoking cessation therapy available to recipients of Medicare, Medicaid, and the Maternal and Child Health, MCH, Program.

More than 45 million adults in the United States smoke cigarettes. Approximately 90 percent started smoking before the age of 14. Despite the fact that we have known for decades that cigarette smoking are the leading preventable cause of death, 1,600 adults become regular smokers each day, including 4,000 kids. Depending on your race/ethnicity, socioeconomic status, even where you live, the likelihood that you are a smoker varies greatly. African-Americans are twice as likely as the general population to smoke. Communities in the South are more likely to be smoker-friendly than other communities in the U.S. While 22.5 percent of the general adult population in the U.S. are current smokers, the percentage is about 50 percent higher among Medicaid recipients. Thirty-six percent of adults covered by Medicaid smoke.

We have a moral argument and an economic argument to end the addiction to nicotine. Morally, how do we ignore the deaths of 438,000 smokers or 8.6 million Americans living with serious smoking-related illnesses? Smoking causes virtually all cases of lung cancer and contributes to primary heart disease, peripheral vascular disease, chronic obstructive pulmonary disease, COPD, and other deadly health ailments. It is too often a bleak future for smokers and their families. An American Legacy Foundation report reminds us that second-hand smoke in children of smokers leads to asthma and chronic ear infections in children but also that 43,000 children are orphaned every year because of tobacco-related deaths.

We are not only paying a heavy health toll, but an economic price as well. According to the Campaign for Tobacco Free Kids, health care expenditures caused by smoking is approaching $100 billion. Our federal government pays $17.6 billion in smoking-caused Medicaid payments and $27.4 billion in smoking-caused Medicare expenditures.

Ironically, we do not hear that much about how many smokers America—70 percent—want to quit. Unfortunately, they face long odds—in 2000, only about 5 percent of smokers were successful in quitting long-term. Overcoming an addiction to tobacco is arguably one of the single most important lifestyle changes that can improve and extend lives. However, most smokers who want to quit don't appreciate how hard it really is to break an addition to nicotine.

This is why it is essential that we make this decision and the courage that it takes as easy as possible. States are already stepping up to the plate when it comes to smoking cessation. Last year in my home State of Illinois, a record-breaking 36 cities and counties enacted smoke-free laws, more than any other State in the Nation. More and more Illinoisans and Americans nationwide are realizing that life without smoking is possible. And the support for cessation does not end there. In fact, in 2003, 37 States had some form of coverage under Medicaid for at least one evidence-based treatment for smoking addiction. States like New Jersey and Oregon now have some of the lowest smoking-related Medicaid costs.

Studies have shown that reducing adult smoking through tobacco use treatment pays immediate dividends, both in terms of health improvements and cost savings. Shortly after quitting smoking, blood circulation improves, carbon monoxide levels in the blood decrease, the risk of heart attack decreases, lung function and breathing are improved, and coughing decreases.

Pregnant women who quit smoking before their second trimester decrease the chances that they will give birth to a low-birth-weight baby. Over the long term, quitting will reduce a person's risk of heart disease and stroke, improve symptoms of COPD, reduce the risk of developing smoking-caused cancer, and extend life expectancy.

We are fortunate to have identified clinically proven, effective strategies to help smokers quit. Advancements in treating tobacco use and nicotine addiction using pharmacotherapy and counseling have helped millions kick the habit. An updated clinical practice guideline released in May of 2008 by the U.S. Public Health Service urges health care insurers and purchasers to include counseling and FDA-approved pharmacologic treatments as a covered benefit. The Guideline also emphasizes the role that counseling, especially in conjunction with medication, increases the odds of success in quitting. As we urge healthcare insurers and purchasers to offer this important benefit, so too should our government sponsored health programs keep pace.

I am proud to be joined by my colleagues Senators KENNEDY and LAUTENBERG to introduce the Medicare, Medicaid and MCH Smoking Cessation Promotion Act of 2008 and require government-sponsored health programs to cover this important benefit. The Medicare, Medicaid, and MCH Smoking Cessation Promotion Act of 2008 makes it easier for people to have access to smoking cessation treatment therapies. It does three meaningful things.

First, this bill adds a smoking cessation counseling benefit and coverage of FDA-approved tobacco cessation drugs to Medicare. By 2020, 17 percent of the U.S. population will be 65 years of age or older. It is estimated that Medicare will pay $800 billion to treat tobacco related diseases over the next 20 years.

Second, this bill provides coverage for counseling, prescription and non-prescription smoking cessation drugs in the Medicaid program. The bill eliminates the provision in current federal law that allows States to exclude FDA-approved smoking cessation therapies from coverage under Medicaid. Despite the fact that the States have received payments from their successful Federal lawsuit against the tobacco industry, less than half the States provide coverage for smoking cessation in their Medicaid program. Even if Medicaid covered cessation products and services exclusively to pregnant women, we would see significant cost savings and health improvements. Children whose mothers smoke during pregnancy are almost twice as likely to develop asthma as those whose mothers did not. Over 7 years, reducing smoking prevalence by just one percentage point among pregnant women would prevent 57,200 low birth weight births and save $572 million in direct medical costs.

Third, this bill ensures that the Maternal and Child Health Program recognizes that medications used to promote smoking cessation and the inclusion of anti-tobacco messages in health promotion are considered part of quality maternal and child health services.

As Congress begins to examine more closely the impact of tobacco on our country—considering regulation by the FDA or raising taxes to pay for public health priorities—we must make sure we assist those fighting this deadly addiction. I hope my colleagues will join me in cosponsoring this legislation and taking a stand for the public health of our Nation.

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. 3206

*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 ''Medicare, Medicaid, and MCH Tobacco Cessation Promotion Act of 2008''.

**SEC. 2. MEDICARE COVERAGE OF COUNSELING FOR CESSATION OF TOBACCO USE.**

(a) COVERAGE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) in subparagraph (Z), by striking ''and'' at the end;

(2) in subparagraph (AA)(iii), by inserting ''and'' at the end; and

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

''(BB) counseling for cessation of tobacco use (as defined in subsection (ddd));''.

(b) SERVICES DESCRIBED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

''(ddd) COUNSELING FOR CESSATION OF TOBACCO USE.—(1)(A) Subject to subparagraph (B), the term 'counseling for cessation of tobacco use' means diagnostic, therapy, and counseling services for cessation of tobacco use for individuals who use tobacco products or who are being treated for tobacco use which are furnished—

''(i) by or under the supervision of a physician;

''(ii) by a practitioner described in clause (i), (iii), (iv), (v) or (vi) of section 1842(b)(18)(C); or

''(iii) by a licensed tobacco cessation counselor (as defined in paragraph (2)).

''(B) Such term is limited to—

''(i) services recommended in 'Treating Tobacco Use and Dependence: A Clinical Practice Guideline', published by the Public Health Service in May 2008, or any subsequent modification of such Guideline; and

''(ii) such other services that the Secretary recognizes to be effective.

''(2) In this subsection, the term 'licensed tobacco cessation counselor' means a tobacco cessation counselor who—

''(A) is licensed as such by the State (or in a State which does not license tobacco cessation counselors as such, is legally authorized to perform the services of a tobacco cessation counselor in the jurisdiction in which the counselor performs such services); and

''(B) meets uniform minimum standards relating to basic knowledge, qualification training, continuing education, and documentation that are established by the Secretary for purposes of this subsection.''.

(c) PAYMENT AND ELIMINATION OF COST-SHARING FOR COUNSELING FOR CESSATION OF TOBACCO USE.—

(1) PAYMENT AND ELIMINATION OF COINSURANCE.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(A) by striking ''and'' before ''(V)''; and

(B) by inserting before the semicolon at the end the following: '', and (W) with respect to counseling for cessation of tobacco use (as defined in section 1861(ddd)), the amount paid shall be 100 percent of the lesser of the actual charge for the service or the amount determined by a fee schedule established by the Secretary for purposes of this subparagraph''.

(2) ELIMINATION OF COINSURANCE IN OUTPATIENT HOSPITAL SETTINGS.—

(A) EXCLUSION FROM OPD FEE SCHEDULE.—Section 1833(t)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395l(t)(1)(B)(iv)) is amended by striking ''and diagnostic mammography'' and inserting '', diagnostic mammography, or counseling for cessation of tobacco use (as defined in section 1861(ddd))''.

(B) CONFORMING AMENDMENTS.—Section 1833(a)(2) of the Social Security Act (42 U.S.C. 1395l(a)(2)) is amended—

(i) in subparagraph (F), by striking ''and'' after the semicolon at the end;

(ii) in subparagraph (G)(ii), by striking the comma at the end and inserting ''; and''; and

(iii) by inserting after subparagraph (G)(ii) the following new subparagraph:

''(H) with respect to counseling for cessation of tobacco use (as defined in section 1861(ddd)) furnished by an outpatient department of a hospital, the amount determined under paragraph (1)(W),''.

(3) ELIMINATION OF DEDUCTIBLE.—The first sentence of section 1833(b) of the Social Security Act (42 U.S.C. 1395l(b)) is amended—

(A) by striking ''and'' before ''(8)''; and

(B) by inserting before the period the following: '', and (9) such deductible shall not apply with respect to counseling for cessation of tobacco use (as defined in section 1861(ddd))''.

(d) APPLICATION OF LIMITS ON BILLING.—Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)) is amended by adding at the end the following new clause:

''(vii) A licensed tobacco cessation counselor (as defined in section 1861(ddd)(2)).''.

(e) INCLUSION AS PART OF INITIAL PREVENTIVE PHYSICAL EXAMINATION.—Section 1861(ww)(2) of the Social Security Act (42 U.S.C. 1395x(ww)(2)) is amended by adding at the end the following new subparagraph:

''(M) Counseling for cessation of tobacco use (as defined in subsection (ddd)).''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after the date that is 1 year after the date of enactment of this Act.

**SEC. 3. MEDICARE COVERAGE OF TOBACCO CESSATION PHARMACOTHERAPY.**

(a) INCLUSION OF TOBACCO CESSATION AGENTS AS COVERED DRUGS.—Section 1860D–2(e)(1) of the Social Security Act (42 U.S.C. 1395w–102(e)(1)) is amended—

(1) in subparagraph (A), by striking ''or'' after the semicolon at the end;

(2) in subparagraph (B), by striking the comma at the end and inserting ''; or''; and

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

''(C) any agent approved by the Food and Drug Administration for purposes of promoting, and when used to promote, tobacco cessation that may be dispensed without a prescription (commonly referred to as an 'over-the-counter' drug), but only if such an agent is prescribed by a physician (or other person authorized to prescribe under State law),''.

(b) ESTABLISHMENT OF CATEGORIES AND CLASSES CONSISTING OF TOBACCO CESSATION AGENTS.—Section 1860D–4(b)(3)(C) of the Social Security Act (42 U.S.C. 1395w–104(b)(3)(C)) is amended by adding at the end the following new clause:

''(iv) CATEGORIES AND CLASSES OF TOBACCO CESSATION AGENTS.—There shall be a therapeutic category or class of covered part D drugs consisting of agents approved by the Food and Drug Administration for cessation of tobacco use. Such category or class shall include tobacco cessation agents described in subparagraphs (A) and (C) of section 1860D–2(e)(1).''.

(c) CONFORMING AMENDMENT.—Section 1860D–2(e)(2)(A) of the Social Security Act (42 U.S.C. 1395w–102(e)(2)(A)) is amended by striking '', other than subparagraph (E) of such section (relating to smoking cessation agents),''.

**SEC. 4. PROMOTING CESSATION OF TOBACCO USE UNDER THE MEDICAID PROGRAM.**

(a) COVERAGE OF TOBACCO CESSATION COUNSELING SERVICES.—

(1) IN GENERAL.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(A) in paragraph (27), by striking ''and'' after the semicolon at the end;

(B) in paragraph (28), by striking the comma at the end and inserting ''; and''; and

(C) by inserting after paragraph (28) the following new paragraph:

''(29) at the option of the State, counseling for cessation of tobacco use (as defined in section 1861(ddd)),''.

(2) CONFORMING AMENDMENT.—Section 1902(a)(10)(C)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended by inserting ''or (29)'' after ''(24)''.

(b) ELIMINATION OF OPTIONAL EXCLUSION FROM MEDICAID PRESCRIPTION DRUG COVERAGE FOR TOBACCO CESSATION MEDICATIONS.—Section 1927(d)(2) of the Social Security Act (42 U.S.C. 1396r–8(d)(2)) is amended—

(1) by striking subparagraph (E);

(2) by redesignating subparagraphs (F) through (J) as subparagraphs (E) through (I), respectively; and

(3) in subparagraph (F) (as redesignated by paragraph (2)), by inserting before the period at the end the following: '', other than agents approved by the Food and Drug Administration for purposes of promoting, and when used to promote, tobacco cessation''.

(c) REMOVAL OF COST-SHARING FOR TOBACCO CESSATION COUNSELING SERVICES AND MEDICATIONS.—Subsections (a)(2) and (b)(2) of section 1916 of the Social Security Act (42 U.S.C. 1396o) are each amended—

(1) in subparagraph (D), by striking ''or'' after the comma at the end;

(2) in subparagraph (E), by striking ''; and'' and inserting '', or''; and

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

''(F)(i) counseling for cessation of tobacco use described in section 1905(a)(29); or

''(ii) covered outpatient drugs (as defined in paragraph (2) of section 1927(k), and including nonprescription drugs described in paragraph (4) of such section) that are prescribed for purposes of promoting, and when used to promote, tobacco cessation; and''.

(d) INCREASED FMAP FOR TOBACCO CESSATION COUNSELING SERVICES AND MEDICATIONS.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(1) by striking ''and'' before ''(4)''; and

(2) by inserting before the period the following: '', and (5) for purposes of this title, the Federal medical assistance percentage shall be 80 percent with respect to amounts expended as medical assistance for counseling for cessation of tobacco use described in subsection (a)(29) and for covered outpatient drugs (as defined in paragraph (2) of section 1927(k), and including nonprescription drugs described in paragraph (4) of such section) that are prescribed for purposes of promoting, and when used to promote, tobacco cessation''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after the date that is 1 year after the date of enactment of this Act.

**SEC. 5. PROMOTING CESSATION OF TOBACCO USE UNDER THE MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT PROGRAM.**

(a) QUALITY MATERNAL AND CHILD HEALTH SERVICES INCLUDES TOBACCO CESSATION COUNSELING AND MEDICATIONS.—Section 501 of the Social Security Act (42 U.S.C. 701) is amended by adding at the end the following new subsection:

''(d) For purposes of this title, quality maternal and child health services include the following:

''(1) Counseling for cessation of tobacco use (as defined in section 1861(ddd)).

''(2) The encouragement of the prescribing and use of agents approved by the Food and Drug Administration for purposes of tobacco cessation.

''(3) The inclusion of messages that discourage tobacco use in health promotion counseling.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 1 year after the date of enactment of this Act.

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By Mr. CONRAD (for himself and Mr. HATCH):

S. 3208. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for clean coal technology, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, I would like to discuss a bill that I am introducing along with Senator HATCH today, the Carbon Reduction Technology Bridge Act of 2008.

This bill is designed to develop the technologies that will enable us to use coal in a manner that helps address the threat of climate change.

Our country depends on coal to provide half of our electricity. In North Dakota, coal accounts for over 90 percent of our power. This is the power we need for lighting and heating our homes, powering our businesses, and, in the future, charging our cars.

The U.S. has vast resources of coal, enough to last over 250 years. We need to ensure that we can continue to enjoy the affordable electricity provided by coal, while developing technologies that will lower the greenhouse gas emissions that result from coal use.

We need to advance carbon capture and storage technologies to address the reality of climate change. The scientific evidence is clear that human activity is increasing the concentration of greenhouse gases in the atmosphere, which contributes to warming temperatures. The increased occurrence of severe weather and other effects that we have seen to date are small in comparison to what scientists say are the likely consequences of continued warming.

This bill will help jumpstart investment in technologies to capture and store carbon. It provides tax credits to the first generation of highly efficient advanced coal plants that capture carbon dioxide. It helps companies make the first investments in carbon capture and storage equipment on the first existing plants. It also provides credits for each ton of carbon dioxide captured and stored underground. It provides a number of other incentives to advance coal technology.

The science on climate change is clear, but what is not proven is the technology that can provide the solution. This bill sets ambitious but achievable goals for those companies willing to be the first to address this challenge head-on and build and install these technologies. Under this bill, a typical new coal plant would be required to capture 65 percent of its carbon dioxide emissions. After the first generation of projects supported by this bill, we will have tested and refined the technologies to enable an even higher rate of capture on future plants.

This bill will provide an important step toward affordable, low-carbon power. I welcome comments from my colleagues on this proposal and hope that they will join me in sponsoring this bill.

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Mr. BINGAMAN:

S. 3213. A bill to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; read the first time.

Mr. BINGAMAN. Mr. President, today I am introducing the Omnibus Public Land Management Act of 2008, a collection of over 90 individual bills that have been reported by the Committee on Energy and Natural Resources. This legislation follows enactment of the Consolidated Natural Resources Act, Public Law 110–229, which was signed into law last month. That act was successful in combining together several bills which were not able to pass the Senate individually. It is my hope that the Omnibus Public Land Management Act will similarly facilitate the passage of the remaining bills which have been reported by the Energy and Natural Resources Committee during this Congress.

For the information of the Senate and the public, I ask unanimous consent that the table of contents listing the various measures included in this bill be printed in the RECORD.

There bein no objection, the material as ordered to be placed in the RECORD, as follows:


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Sec. 1203 Amendments to the Alaska Natural Gas Pipeline Act (S. 1809)
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By Mr. DOMENICI (for himself, Mr. SESSIONS, Ms. LANDRIEU, and Ms. MURKOWSKI):

S. 3215. A bill to require the Secretary of Energy to enter into cooperative agreements with private entities to share the cost of obtaining construction and operating licenses for certain types of recycling facilities, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I rise today to introduce, on behalf of myself and Senators SESSIONS, MURKOWSKI, and LANDRIEU, a bill that establishes the foundation for a sustainable nuclear fuel cycle for the U.S. A sustainable nuclear fuel cycle is the key to nuclear energy reaching its full potential to provide the large scale base load electrical generating capacity our country needs, while reducing greenhouse gas emissions. Today, nuclear energy provides nearly 20 percent of our electricity generation capacity and does so more reliably, and with a lower cost per kilowatt hour than coal, with essentially no greenhouse gas emissions. In the decades to come, we will need nuclear energy to play an even greater role, not only in electrical generation, but also in the transportation and industrial sectors, if we are to achieve the reductions in greenhouse gas emissions needed to address the challenge of global climate change. The Strengthening Management of Advanced Recycling Technologies Act, or SMART Act, represents the first important step in building the bridge to that future.

The SMART Act promotes the establishment of privately owned and operated used nuclear fuel storage and recycling facilities. These facilities will help resolve the current deadlock in spent nuclear fuel management while providing a means to extract additional energy from used nuclear fuel. I believe that a commercially viable used fuel recycling strategy, combined with a responsible waste disposition strategy, will enable the expansion of nuclear energy necessary to meet all our goals for the future of nuclear energy. The SMART Act advances this vision through incentives—rather than mandates—for both industry and local communities.

The SMART Act establishes a competitive 50–50 cost share program between the Department of Energy and private industry to finance engineering and design work and the development of license applications for up to 2 spent fuel recycling facilities. The SMART Act restricts facility designs to commercial scale facilities that do not separate pure plutonium. The recycling technology must also reduce the burden on geologic repositories used for ultimate disposal of waste and promote extraction of additional energy from used fuel stocks. Beyond these restrictions, the choice of recycling technology is left up to industry.

The resulting reference licenses for recycling facilities may then be used by industry to construct domestic used nuclear fuel recycling capacity. To assist industry in securing the necessary financing for these facilities, the SMART Act authorizes DOE to offer long term contracts for spent fuel recycling services. All construction and financing costs, however, would be born by industry.

Although ultimate geologic disposition of waste will always be needed, interim storage of used nuclear fuel is a

necessary component of the nuclear fuel cycle infrastructure. To encourage development of interim storage facilities the SMART Act establishes an economic incentive program for communities and states that wish to host a facility within their jurisdiction. All interim storage facilities would be privately owned and operated and licensed by the Nuclear Regulatory Commission. The SMART Act incentives are designed to encourage the development of two large scale facilities with enough capacity to accommodate our annual domestic used nuclear fuel generation.

As with the used fuel recycling facilities, the SMART act authorizes the Department of Energy to enter into long term contracts with storage facility operators. In addition, the SMART Act allows the Department of Energy to enter into agreements with utilities for the settlement of all future claims against the department for failure to take title to spent nuclear fuel by 1998.

Currently, the Nuclear Waste Fund established by the Nuclear Waste Policy Act of 1982 has a balance of approximately $20 billion and is growing by nearly $1.8 billion annually from fees paid by the utilities and interest on the fund. Unfortunately, this fund is currently ''on budget'' and amounts to little more than an IOU to the U.S. ratepayers. The SMART Act will allow access to a small portion of this fund so that it can begin working to resolve the nuclear waste issue as it was intended.

The SMART Act establishes a revolving fund from $1 billion of the current waste fund as well as the annual interest on the fund. The remaining 95 percent of the current waste fund, as well as all future fees, would be placed in a legacy fund for the purposes of constructing a geologic repository. Expenditures from the revolving fund for the provisions of the act could be made without further appropriations but would be subject to limitations in appropriations acts. In this way the revolving fund could be put to use without being subject to the uncertainty of the annual appropriations process while still retaining the authority of Congress to oversee the fund.

The resolution of the used nuclear fuel issue has been deadlocked for decades. Fortunately time has been on our side since nuclear energy produces so little waste. For example the nuclear waste generated by a family of four during their entire lives is only a couple of pounds. Some have even said that we do not need to begin recycling used nuclear fuel for 30 or 40 years. I do not believe we can wait that long before we resolve the used nuclear fuel issue, however. We must begin taking steps today that will place us on the path to a secure and sustainable nuclear energy industry in the future. We must demonstrate to industry and financial institutions the Government's commitment to resolving the used nuclear fuel issue. The SMART bill will place us on that path to the future.

By Mr. MCCONNELL:

S. 3216. A bill to provide for the introduction of pay-for-performance compensation mechanisms into contracts of the Department of Veterans Affairs with community-based outpatient clinics for the provision of health care services, and for other purposes; to the Committee on Veterans' Affairs.

Mr. MCCONNELL. 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 placed in the RECORD, as follows:

S. 3216

*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 Health Care Improvement Act of 2008''.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) Veterans of the Armed Forces have made tremendous sacrifices in the defense of freedom and liberty.

(2) Congress recognizes these great sacrifices and reaffirms America's strong commitment to its veterans.

(3) As part of the on-going congressional effort to recognize the sacrifices made by America's veterans, Congress has dramatically increased funding for the Department of Veterans Affairs for veterans health care in the years since September 11, 2001.

(4) Part of the funding for the Department of Veterans Affairs for veterans health care is allocated toward community-based outpatient clinics (CBOCs).

(5) Many CBOCs are administered by private contractors.

(6) CBOCs administered by private contractors operate on a capitated basis.

(7) Some current contracts for CBOCs may create an incentive for contractors to sign up as many veterans as possible, without ensuring timely access to high quality health care for such veterans.

(8) The top priorities for CBOCs should be to provide quality health care and patient satisfaction for America's veterans.

(9) The Department of Veterans Affairs currently tracks the quality of patient care through its Computerized Patient Record System. However, fees paid to contractors are not currently adjusted automatically to reflect the quality of care provided to patients.

(10) A pay-for-performance payment model offers a promising approach to health care delivery by aligning the payment of fees to contractors with the achievement of better health outcomes for patients.

(11) The Department of Veterans Affairs should begin to emphasize pay-for-performance in its contracts with CBOCs.

**SEC. 3. PAY-FOR-PERFORMANCE UNDER DEPARTMENT OF VETERANS AFFAIRS CONTRACTS WITH COMMUNITY-BASED OUTPATIENT HEALTH CARE CLINICS.**

(a) PLAN REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a plan to introduce pay-for-performance measures into contracts which compensate contractors of the Department of Veterans Affairs for the provision of health care services through community-based outpatient clinics (CBOCs).

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) Measures to ensure that contracts of the Department for the provision of health care services through CBOCs begin to utilize pay-for-performance compensation mechanisms for compensating contractors for the provision of such services through such clinics, including mechanisms as follows:

(A) To provide incentives for clinics that provide high-quality health care.

(B) To provide incentives to better assure patient satisfaction.

(C) To impose penalties (including termination of contract) for clinics that provide substandard care.

(2) Mechanisms to collect and evaluate data on the outcomes of the services generally provided by CBOCs in order to provide for an assessment of the quality of health care provided by such clinics.

(3) Mechanisms to eliminate abuses in the provision of health care services by CBOCs under contracts that continue to utilize capitated-basis compensation mechanisms for compensating contractors.

(c) IMPLEMENTATION.—The Secretary shall commence the implementation of the plan required by subsection (a) unless Congress enacts an Act, not later than 60 days after the date of the submittal of the plan, prohibiting or modifying implementation of the plan. In implementing the plan, the Secretary may initially carry out one or more pilot programs to assess the feasability and advisability of mechanisms under the plan.

(d) REPORTS.—Not later than 180 days after the date of the enactment of this Act and every 180 days thereafter, the Secretary shall submit to Congress a report setting forth the recommendations of the Secretary as to the feasability and advisability of utilizing pay-for-performance compensation mechanisms in the provision of health care services by the Department by means in addition to CBOCs.

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By Mr. SPECTER (for himself, Mr. BIDEN, Mr. GRAHAM, Mr. KERRY, Mr. CORNYN, Mr. PRYOR, Mrs. DOLE, Ms. LANDRIEU, Mr. COCHRAN, Mr. CARPER, Mrs. MCCASKILL, and Mrs. FEINSTEIN):

S. 3217. A bill to provide appropriate protection to attorney-client privileged communications and attorney work product; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I seek recognition today to introduce the Attorney-Client Privilege Protection Act of 2008, which is a modified version of my earlier legislation by the same name. This legislation, which adds original cosponsors, continues to address the Department of Justice's corporate prosecution guidelines. Those guidelines, last revised by former Deputy Attorney General Paul McNulty in December 2006, erode the attorney-client relationship by allowing prosecutors to request privileged information backed by the hammer of prosecution if the request is denied.

Like my previous bill, S. 186, this bill will protect the sanctity of the attorney-client relationship by prohibiting federal prosecutors and investigators from requesting waiver of attorney-client privilege and attorney work product protections in corporate investigations. The bill would similarly prohibit the government from conditioning charging decisions or any adverse treatment on an organization's payment of employee legal fees, invocation

of the attorney-client privilege, or agreement to a joint defense agreement.

The new version of the bill makes many subtle improvements, including defining ''organization'' to make clear that continuing criminal enterprises and terrorist organizations will not benefit from the bill's protections. The bill also clarifies language that the Department of Justice had previously criticized as ambiguous. The bill also makes clear in its findings that its prohibition on informal privilege waiver demands is far from unprecedented. The bill states: ''Congress recognized that law enforcement can effectively investigate without attorney-client privileged information when it banned Attorney General demands for privileged materials in the Racketeer Influenced and Corrupt Organizations Act. See 18 U.S.C. §1968(c)(2).''

There is no need to wait to see how the McNulty memorandum will operate in practice. There is similarly no need to wait for another internal Department of Justice reform that will likely fall short and be the fifth policy in the last 10 years. Any such internal reform will not address the privilege waiver policies of other government agencies that refer matters to the Department of Justice and allow in through the window what isn't allowed through the door.

As I said when I introduced S. 186, the right to counsel is too important to be passed over for prosecutorial convenience. It has been engrained in American jurisprudence since the 18th century when the Bill of Rights was adopted. The 6th Amendment is a fundamental right afforded to individuals charged with a crime and guarantees proper representation by counsel throughout a prosecution. However, the right to counsel is largely ineffective unless the confidential communications made by a client to his or her lawyer are protected by law. As the Supreme Court observed in Upjohn Co. v. United States, ''the attorney-client privilege is the oldest of the privileges for confidential communications known to the common law.'' When the Upjohn Court affirmed that attorney-client privilege protections apply to corporate internal legal dialogue, the Court manifested in the law the importance of the attorney-client privilege in encouraging full and frank communication between attorneys and their clients, as well as the broader public interests the privilege serves in fostering the observance of law and the administration of justice. The Upjohn Court also made clear that the value of legal advice and advocacy depends on the lawyer having been fully informed by the client.

In addition to the importance of the right to counsel, it is also fundamental that the Government has the burden of investigating and proving its own case. Privilege waiver tends to transfer this burden to the organization under investigation. As a former prosecutor, I am well aware of the enormous power and tools a prosecutor has at his or her disposal. The prosecutor has enough power without the coercive tools of the privilege waiver, whether that waiver policy is embodied in the Holder, Thompson, McCallum, McNulty—or a future Filip—memorandum.

As in S. 186, this bill amends title 18 of the United States Code by adding a new section, §3014, that would prohibit any agent or attorney of the U.S. Government in any criminal or civil case to demand or request the disclosure of any communication protected by the attorney-client privilege or attorney work product. The bill would also prohibit government lawyers and agents from basing any charge or adverse treatment on whether an organization pays attorneys' fees for its employees or signs a joint defense agreement.

This legislation is needed to ensure that basic protections of the attorney-client relationship are preserved in Federal prosecutions and investigations.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 603—EXPRESSING THE SENSE OF THE SENATE ON THE RESTITUTION OF OR COMPENSATION FOR PROPERTY SEIZED DURING THE NAZI AND COMMUNIST ERAS

Mr. NELSON of Florida (for himself, Mr. SMITH, Mr. CARDIN, Mr. COLEMAN, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 603

Whereas many East European countries were dominated for parts of the last century by Nazi or communist regimes, without the consent of their people;

Whereas victims of Nazi persecution included individuals persecuted or targeted for persecution by the Nazi or Nazi-allied governments based on their religious, ethnic, or cultural identity, political beliefs, sexual orientation, or disability;

Whereas the Nazi regime and the authoritarian and totalitarian regimes that emerged in Eastern Europe after World War II perpetuated the wrongful and unjust confiscation of property belonging to the victims of Nazi persecution, including real property, personal property, and financial assets;

Whereas communal and religious property was an early target of the Nazi regime and, by expropriating churches, synagogues and other community-controlled property, the Nazis denied religious communities the temporal facilities that held those communities together;

Whereas, after World War II, communist regimes expanded the systematic expropriation of communal and religious property in an effort to eliminate the influence of religion;

Whereas many insurance companies that issued policies in pre-World War II Eastern Europe were nationalized or had their subsidiary assets nationalized by communist regimes;

Whereas such nationalized companies and those with nationalized subsidiaries have generally not paid the proceeds or compensation due on pre-war policies, because control of those companies or their East European subsidiaries had passed to the government;

Whereas East European countries involved in these nationalizations have not participated in a compensation process for Holocaust-era insurance policies for victims of Nazi persecution;

Whereas the protection of and respect for private property rights is a basic principle for all democratic governments that operate according to the rule of law;

Whereas the rule of law and democratic norms require that the activity of governments and their administrative agencies be exercised in accordance with the laws passed by their parliaments or legislatures and such laws themselves must be consistent with international human rights standards;

Whereas the Paris Declaration of the Organization for Security and Cooperation in Europe (OSCE) Parliamentary Assembly in July 2001 noted that the process of restitution, compensation, and material reparation of victims of Nazi persecution has not been pursued with the same degree of comprehensiveness by all of the OSCE participating States;

Whereas the OSCE participating States have agreed to achieve or maintain full recognition and protection of all types of property, including private property and the right to prompt, just, and effective compensation for the private property that is taken for public use;

Whereas the OSCE Parliamentary Assembly has called on the OSCE participating States to ensure that they implement appropriate legislation to secure the restitution of or compensation for property losses of victims of Nazi persecution and property losses of communal organizations and institutions during the Nazi era, irrespective of the current citizenship or place of residence of victims or their heirs or the relevant successor to communal property;

Whereas Congress passed resolutions in the 104th and 105th Congresses that emphasized the longstanding support of the United States for the restitution of or compensation for property wrongly confiscated during the Nazi or communist eras;

Whereas certain post-communist countries in Europe have taken steps toward compensating victims of Nazi persecution whose property was confiscated by the Nazis or their allies or collaborators during World War II or subsequently seized by communist governments after World War II;

Whereas, at the 1998 Washington Conference on Holocaust-Era Assets, 44 countries adopted Principles on Nazi-Confiscated Art to guide the restitution of looted artwork and cultural property;

Whereas the Government of Lithuania has promised to adopt an effective legal framework to provide for the restitution of or compensation for wrongly confiscated communal property, but so far has not done so;

Whereas successive governments in Poland have promised to adopt an effective general property compensation law, but so far the current Government of Poland has not adopted one;

Whereas the legislation providing for the restitution of or compensation for wrongly confiscated property in Europe has, in various instances, not always been implemented in an effective, transparent, and timely manner;

Whereas such legislation is of the utmost importance in returning or compensating property wrongfully seized by totalitarian or authoritarian governments to its rightful owners;

Whereas compensation and restitution programs can never bring back to Holocaust

survivors what was taken from them, or in any way make up for their suffering; and

Whereas there are Holocaust survivors, now in the twilight of their lives, who are impoverished and in urgent need of assistance, lacking the resources to support basic needs, including adequate shelter, food, or medical care: Now, therefore, be it

*Resolved*, That the Senate—

(1) appreciates the efforts of those countries in Europe that have enacted legislation for the restitution of or compensation for private, communal, and religious property wrongly confiscated during the Nazi or communist eras, and urges each of those countries to ensure that the legislation is effectively and justly implemented;

(2) welcomes the efforts of many post-communist countries to address the complex and difficult question of the status of confiscated properties, and urges those countries to ensure that their restitution or compensation programs are implemented in a timely, nondiscriminatory manner;

(3) urges the Government of Poland and the governments of other countries in Europe that have not already done so to immediately enact fair, comprehensive, and just legislation so that victims of Nazi persecution (or the heirs of such persons) who had their private property looted and wrongly confiscated by the Nazis during World War II and in turn seized by a communist government are able to obtain either restitution of their property or, where restitution is not possible, fair compensation;

(4) urges the Government of Lithuania and the governments of other countries in Europe that have not already done so to immediately enact fair, comprehensive, and just legislation so that communities that had communal and religious property looted and wrongly confiscated by the Nazis during World War II and in turn seized by a communist government (or the relevant successors to the communal and religious property or the relevant foundations) are able to obtain either restitution of their property or, where restitution is not possible, fair compensation;

(5) urges the countries of Europe which have not already done so to ensure that all such restitution and compensation legislation is established in accordance with principles of justice and provides a simple, transparent, and prompt process, so that it results in a tangible benefit to those surviving victims of Nazi persecution who suffered from the unjust confiscation of their property, many of whom are well into their senior years;

(6) calls on the President and the Secretary of State to engage in an open dialogue with leaders of those countries which have not already enacted such legislation to support the adoption of legislation requiring the fair, comprehensive, and nondiscriminatory restitution of or compensation for private, communal, and religious property that was seized and confiscated during the Nazi and communist eras; and

(7) welcomes a country in Europe to host in 2009 a follow-up international conference a decade after the Washington Conference on Holocaust-Era Assets, for governments and non-governmental organizations, which would—

(A) address the issues of restitution of or compensation for real property, personal property (including art and cultural property), and financial assets wrongly confiscated by the Nazis and their allies or collaborators and the subsequent wrongful confiscations by communist regimes; and

(B) review issues related to the opening of archives and the work of historical commissions, review progress made, and focus on the next steps required on these issues.

Mr. NELSON of Florida. Mr. President, last month I chaired a hearing in the Senate Foreign Relations Committee to consider a difficult but extremely important issue—compensating Holocaust survivors and their heirs for the value of Holocaust-era insurance policies they held before the war but lost or had stolen from them by the Nazi regime.

Although this hearing was the first time a Senate committee had met specifically to consider Holocaust-era insurance compensation issues, I have been involved in the issue for more than a decade. As Florida's insurance commissioner in the late 1990's, I helped lead an international effort by regulators and Jewish groups that ultimately forced many European insurers to come to the table and for the first time begin paying restitution to survivors. Florida is a State with a large population of Holocaust survivors—one of the largest concentrations of Holocaust survivors in the world. Most are in their 80s or 90s. The very youngest are in their 70s. They are valued constituents, and while I recognize that no amount of financial compensation or property restitution can ever make up for the indescribable wrong of the Holocaust, I have been and remain committed to doing what I can to assist survivors to obtain without delay meaningful compensation for assets that they lost during the war.

The primary purpose of the hearing was to examine what remains to be done to compensate Holocaust survivors and their heirs for the insurance policies, now that the decade-long compensation process undertaken by the International Commission on Holocaust Era Insurance Claims, ICHEC, has ceased operations and paid out some $306 million to 48,000 Holocaust victims and their heirs for Holocaust-era insurance policies that belonged to them and never were paid.

While Western European countries and insurance companies participated in and contributed to ICHEIC, there was undisputed testimony at the hearing that Eastern European countries and companies did not, and should be called upon to compensate Holocaust survivors for the unpaid value of their insurance policies.

Millions of Jews lived in Eastern European countries before the war. While many of them lived in rural areas and were too poor to afford insurance, there were certainly Jews who purchased insurance policies from subsidiaries of Western European companies whose assets were taken by the communist governments that came into power, or by Eastern European companies that were nationalized. Unfortunately, the Eastern European countries neither participated in ICHEIC nor contributed to any of the insurance compensation efforts that have taken place. ICHEIC nonetheless paid claims on those Eastern European policies from out of the humanitarian funds that were contributed by the ICHEIC companies, ultimately distributing $31 million on more than 2,800 such claims.

Unfortunately, Eastern European countries have not taken nearly enough action on restitution for insurance and other private and communal property taken from Jews and other victims of Nazi persecution, and then seized by the communist governments that ruled Eastern Europe after the war. Poland, for example, is the sole member of the Organization for Security and Cooperation in Europe not to have enacted property restitution legislation. And Lithuania has yet to enact promised legislation to compensate communities that had communal and religious property seized. This is unacceptable.

Today, Senator SMITH and I, joined by our colleagues Senators CARDIN, COLEMAN, and MENENDEZ, are introducing a bi-partisan resolution urging countries in Eastern Europe to enact fair and comprehensive private and communal property restitution legislation addressing the unjust taking of property by Nazi, communist, and socialist regimes, and to do so as quickly as possible. Given that the youngest Holocaust survivors are in their 70s, time is of the essence.

Our resolution calls for the Secretary of State to engage in dialogue to achieve the aims of the resolution as well as for the convening of an international intergovernmental conference to focus on the remaining steps necessary to secure restitution and compensation of Holocaust-era assets.

The resolution has received overwhelming support from the survivor community. Following the hearing, Holocaust survivors were notified of our intent to file this resolution and asked to provide input via e-mail. Over the space of six weeks, we received more than 200 messages from Holocaust survivors and their children and relatives now living in nations around the world, supporting restitution. Many e-mails addressed specific claims to property in Eastern European countries including Croatia, Czech Republic, Hungary, Latvia, Lithuania, Poland, Romania, Serbia, Slovakia, and Ukraine.

The following message of support from a Holocaust survivor from England exemplifies the many heart-rending and compelling e-mails I received, recounting what was lost by survivors who had lived in Eastern Europe and their inability thus far to obtain restitution or compensation:

> I support your efforts to secure property restitution in Eastern Europe for Holocaust Survivors.
>
> With my family, I was expelled from our apartment in Lodz, Poland on December 11, 1939. We were allowed to take with us only 3 rucksacks and all our material belongings had to be left behind. These included a newly built apartment block with 10 luxury flats, a textile factory employing over 100 people and magazines full of finished fabrics.
>
> My mother and I survived the Warsaw ghetto, my father was killed by the Germans in December 1944 and we returned to Lodz after liberation by the Russians in early 1945.

Our factory and our apartment belonged now to the Polish authorities. We left Poland soon afterwards.

After the collapse of the Iron Curtain and the communist regime, I tried [to] get our possessions back without success, my appeal having been dismissed by the Polish High Court. No compensation was offered.

We hope our resolution we are introducing today will spur our own government and governments in Eastern Europe into action and call attention to this important unfinished business. Justice and memory demand nothing less.

I ask unanimous consent that this statement be placed in the appropriate place in the RECORD and ask that the text of the resolution be printed in the RECORD.

Mr. SMITH. Mr. President, I rise today to submit a resolution with my friend and colleague, the senior Senator from Florida, urging the restitution of property looted from victims of the Holocaust.

Though it was inflicted over 60 years ago, the persecution of Europe's Jews still defies belief. Never before in history had a nation committed the scope and breadth of the Holocaust's crimes against its own citizens, some of whom were even decorated German veterans of WWI. Never before had a state policy of atrocity encompassed such a horrifying thoroughness as it did during those terrible years of Nazi rule. Crimes against the Jews took all forms—from genocide to theft—and for those who survived, the scars remain today.

There are many of us now who look back, and wonder how the civilized world could have stood by, and let this thing happen; but we are not wholly without responsibility ourselves. Many of the victims of the Holocaust still seek property which was stolen from them during the years of Nazi and Nazi-allied rule in Germany and Eastern Europe. For these survivors and their kin, the persecution of the Jews is not a 60-year-old horror story in a history textbook, but a constant struggle to extract justice from those who would prefer to forget. While some countries have taken active steps to recompense victims of the wholesale Nazi confiscation, others have not.

I am proud to have been engaged in this issue throughout my tenure in the Senate, serving in 1999 as a Commissioner on the Presidential Advisory Commission on Holocaust Assets in the United States. I also introduced with Senator CLINTON the Holocaust Victims Assets, Restitution Policy, and Remembrance Act in 2001 and again in 2003. This legislation aimed to establish a Foundation to research Holocaust-era property restitution, and promote innovative solutions restitution issues. I am confident that my resolution introduced today will help establish a follow-up conference to the previous Holocaust restitution conference in 1998. I would further like to thank the Claims Conference for all the great work they've done with us on this issue, and in furthering the cause of justice for Holocaust victims.

I recognize that this issue is complex. It is a matter of enacting legislation for restitution in countries that do not yet have it, and using the existing legislation in those that do. Our resolution calls for such action. It also calls for a second conference on Holocaust restitution to be held in Europe next year, more than a decade after the first. These steps would represent meaningful action on an issue which has gone unaddressed for far too long.

I also recognize that most of the countries in question have different governments than they did during the Nazi and Communist eras. As a result, I believe that the restitution process can be achieved in a positive spirit of cooperation with our European allies.

I thus sincerely hope that these European friends will work with us to resolve some of the last loose ends of the Nazis' crimes; and so do our own small part to make redress for the inaction of those who came before.

## SENATE RESOLUTION 604—CONGRATULATING THE CALIFORNIA STATE UNIVERSITY, FRESNO BULLDOGS BASEBALL TEAM FOR WINNING THE 2008 NATIONAL COLLEGIATE ATHLETICS ASSOCIATION DIVISION I COLLEGE WORLD SERIES

Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 604

Whereas on June 25, 2008, the student athletes of the California State University, Fresno Bulldogs baseball team, in the sixth elimination game faced by the Fresno State Bulldogs, finished a true Cinderella story season, winning the 2008 National Collegiate Athletics Association Division I College World Series Championship (referred to in this preamble as the ''2008 NCAA College World Series'') by defeating the University of Georgia Bulldogs, 2 games to 1, in a best-of-3 championship;

Whereas the 2008 NCAA College World Series is the second championship for the California State University;

Whereas the Fresno State Bulldogs are the lowest-seeded team in college sports history to win a championship;

Whereas the Fresno State Bulldogs won 6 elimination games to win the 2008 NCAA College World Series, which is a testament to the resilience, fortitude, and ''never say die'' attitude of the team;

Whereas the Fresno State Bulldogs beat number 3-ranked Arizona State University, number 6-ranked Rice University, number 2-ranked University of North Carolina, and number 8-ranked University of Georgia to win the 2008 NCAA College World Series;

Whereas the Fresno State Bulldogs tied the record of most runs, 62, in the College World Series;

Whereas the Fresno State Bulldogs elimination game, a 19-10 win against Georgia just 1 day earlier, produced College World Series records for most runs in a game by 1 team, most combined runs, most hits by 1 team, most combined hits, and longest game;

Whereas the Fresno State Bulldogs played 78 games this year, more than any other team in the United States;

Whereas playing with a torn ligament in his left thumb, right fielder Steve Detwiler had 4 hits in 4 at-bats, including 2 home runs and 6 runs batted in, during the championship game;

Whereas Justin Wilson, the winning pitcher, pitching on just 3 days rest, was able to pitch 129 pitches, 86 of which were strikes over 8 strong innings, allowing just 5 hits, 1 run, and striking out 9 batters;

Whereas Tommy Mendonca, third baseman for the 2008 NCAA College World Series champion Fresno State Bulldogs, was named the ''Most Outstanding Player'', tying the College World Series record with 4 home runs;

Whereas the Fresno State Bulldogs have 5 players on the 2008 NCAA College World Series all-tournament team, including third baseman Tommy Mendonca, second baseman Erik Wetzel, outfielder Steve Susdorf, outfielder Steve Detwiler, and pitcher Justin Wilson;

Whereas the Fresno State Bulldogs have shown great character, comradery, resilience, and sportsmanship on the way to winning the national championship;

Whereas the fellow students, families, alumni, faculty, and fans of the Fresno State Bulldogs have been a great part of this championship, showing great support with many individuals wearing ''Underdogs to Wonderdogs'' t-shirts; and

Whereas the Fresno State Bulldogs have instilled within the City of Fresno and the State of California great pride and excitement: Now, therefore, be it

*Resolved,* That the Senate—

(1) congratulates the California State University Fresno Bulldogs baseball team for winning the 2008 National Collegiate Athletics Association Division I College World Series; and

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication made winning the championship possible.

## SENATE RESOLUTION 605—COMMEMORATING THE 60TH ANNIVERSARY OF THE BERLIN AIRLIFT AND HONORING THE VETERANS OF OPERATION VITTLES

Mr. DEMINT (for himself and Mr. BAYH) submitted the following resolution; which was considered and agreed to:

S. RES. 605

Whereas in spring of 1948 Berlin was isolated within the Soviet occupation zone and had only 35 days' worth of food and 45 days' worth of coal remaining for the city;

Whereas military planners in the United States and the United Kingdom determined that 1,534 tons of flour, wheat, fish, milk, and other food items would be required daily to feed the 2,000,000 residents of Berlin;

Whereas military planners determined that 3,475 tons of coal and gasoline would be required daily to keep the city of Berlin heated and powered;

Whereas, on June 1, 1948, the United States Air Force created the Military Air Transport Service, the predecessor to Air Mobility Command, to organize and conduct airlift missions;

Whereas, on June 26, 1948, ''Operation Vittles'' began when 32 United States Air Force C-47 Dakotas departed West Germany for Berlin hauling 80 tons of cargo, and the first British aircraft launched on June 28, 1948;

Whereas Major General William H. Tunner, a veteran of the aerial supply line over the

Himalayas in World War II, took command of ''Operation Vittles'' on July 28, 1948;

Whereas Major General Tunner pioneered many new and innovative tactics and procedures for the airlift, including the creation of air corridors for ingress and egress, staggering altitudes of the aircraft, and implementing instrument flight rules which allowed aircraft to land as frequently as every 3 minutes;

Whereas one pilot, 1st Lieutenant Gail S. Halvorsen, who became known as the ''Candy Bomber'', initiated ''Operation Little Vittles'' to bring hope to the children of Berlin, by dropping handkerchief parachutes containing chocolate and chewing gum as a symbol of American goodwill, ultimately resulting in more than 3 tons of candy being dropped in more than 250,000 miniature parachutes;

Whereas, on Easter Sunday, April 17, 1949, airlifters reached the pinnacle of ''Operation Vittles'' by delivering 13,000 tons of cargo, including the equivalent of 600 railroad cars full of coal, setting the single day record for the Berlin Airlift;

Whereas 39 British and 31 American airmen made the ultimate sacrifice during the Berlin Airlift, and 8 British and 17 American aircraft were lost;

Whereas airlifters delivered more than 2,300,000 tons of food and supplies on 278,228 total flights into Berlin;

Whereas the Soviet Union was forced to lift the blockade in light of the success of the 15-month airlift operation;

Whereas the Berlin Airlift marked the first use of airpower to provide hope and humanitarian assistance, and to win a strategic victory against enemy aggression and intimidation;

Whereas the enormous effort and cooperation of the Berlin Airlift laid the foundation for a deep and lasting friendship between the people of the United States and the people of Germany; and

Whereas, today, air mobility continues to play a vital role in United States foreign policy by helping to advance freedom and alleviate suffering around the world: Now, therefore, be it

*Resolved*, That Congress—

(1) recognizes the 60th anniversary of the Berlin Airlift as the largest and longest running humanitarian airlift operation in history;

(2) honors the service and sacrifice of the men and women who participated in and supported the Berlin Airlift;

(3) commends the close friendship forged between the American, British, and German people through the Berlin Airlift; and

(4) applauds the men and women of the United States Air Force's Air Mobility Command, who, in the best traditions of the Berlin Airlift, still work diligently to provide hope, save lives, and deliver freedom around the world in support of the United States's foreign policy objectives.

## SENATE CONCURRENT RESOLUTION 92—RECOGNIZING THE IMPORTANCE OF HOMEOWNERSHIP FOR AMERICANS

Mr. JOHNSON (for himself and Mr. THUNE) submitted the following concurrent resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. CON. RES. 92

Whereas the United States promotes and encourages the creation and revitalization of sustainable and strong neighborhoods in partnership with States, cities, and local communities and in conjunction with the independent and collective actions of private citizens and organizations;

Whereas establishing a housing infrastructure strengthens neighborhoods and local economies and nurtures the families who reside in them;

Whereas an integral element of a strong community is a sufficient supply of affordable housing;

Whereas affordable housing may be provided in many forms, including apartment buildings, transitional and temporary homes, condominiums, cooperatives, and single family homes;

Whereas, for many families, a home is not merely shelter, but also provides an opportunity for growth, prosperity, and security;

Whereas homeownership spurs the production and sale of goods and services, generates new jobs, encourages savings and investment, promotes economic and civic responsibility, and enhances the financial security of all people in the United States;

Whereas, although the United States is the first nation in the world to make owning a home a reality for a vast majority of families, ⅓ of homeowners in the United States are severely cost-burdened homeowners;

Whereas Habitat for Humanity is able to sell homes to working families at 30 percent to 60 percent of median income;

Whereas the community-building activities of neighborhood-based nonprofit organizations empower individuals to improve their lives and make communities safer and healthier for families;

Whereas one of the best known nonprofit housing organizations is Habitat for Humanity, which builds simple but adequate housing for less fortunate families and symbolizes the self-help approach to homeownership;

Whereas studies show that homeownership has a positive impact on the lives of family members, including improved physical and mental health;

Whereas Habitat for Humanity is organized in all 50 States and the District of Columbia;

Whereas Habitat for Humanity has built over 275,000 houses worldwide and endeavors to complete another 100,000 homes by the end of 2009;

Whereas Habitat for Humanity provides opportunities for people from every segment of society to volunteer to help make the American dream a reality for families who otherwise would not own a home; and

Whereas June has been designated National Homeownership Month: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of Congress that—

(1) everyone in the United States should have a decent home in which to live;

(2) Members of the Senate and the House of Representatives should demonstrate the importance of volunteerism;

(3) during the 110th, 111th, and 112th Congresses, Members of the Senate and the House of Representatives are encouraged to participate in Congress Building America, a program in which congressional delegations work with Habitat for Humanity affiliates to build homes in their districts and States; and

(4) these occasions should be used to emphasize and focus on the importance of providing decent homes for all of the people in the United States.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 5060. Mr. WHITEHOUSE (for himself, Mrs. FEINSTEIN, and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 6304, to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes; which was ordered to lie on the table.

SA 5061. Ms. SNOWE (for herself, Mr. WHITEHOUSE, Mr. VITTER, Mr. SUNUNU, Mr. CARDIN, Ms. LANDRIEU, Ms. COLLINS, Mr. KENNEDY, and Mr. REED) 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.

SA 5062. 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 5063. Mr. SMITH (for himself, Mr. BAYH, and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 5064. Mr. DODD (for himself, Mr. FEINGOLD, Mr. LEAHY, Mr. REID, Mr. HARKIN, Mrs. BOXER, Mr. SANDERS, Mr. WYDEN, Mr. KENNEDY, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 6304, to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 5060.** Mr. WHITEHOUSE (for himself, Mrs. FEINSTEIN, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 6304, to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, strike line 13, and insert the following:

''(ii) determined to be lawful; and

''(C) provided based on the good faith and reasonable belief of the electronic communication service provider that compliance with a written request or directive described in subparagraph (B) was lawful; or

**SA 5061.** Ms. SNOWE (for herself, Mr. WHITEHOUSE, Mr. VITTER, Mr. SUNUNU, Mr. CARDIN, Ms. LANDRIEU, Ms. COLLINS, Mr. KENNEDY, and Mr. REED) 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:

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, to remain available until September 30, 2009.

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**SA 5062.** 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 5063.** Mr. SMITH (for himself, Mr. BAYH, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

**SEC. 634. TRAVEL AND TRANSPORTATION OF FAMILY MEMBERS INCIDENT TO SERIOUS MENTAL DISORDERS OF MEMBERS OF THE UNIFORMED SERVICES.**

(a) IN GENERAL.—Subsection (a)(2)(B)(i) of section 411h of title 37, United States Code, is amended by inserting "(including having a serious mental disorder)" after "seriously injured".

(b) SERIOUS MENTAL DISORDER DEFINED.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

"(4)(A) In this section, the term 'serious mental disorder', in the case of a member, means that the member has been diagnosed with a mental disorder that requires intensive mental health treatment or hospitalization.

"(B) The circumstances in which a member shall be considered to have a serious mental disorder for purposes of this section shall include, but not be limited to, the following:

"(i) The member is considered to be a potential danger to self or others as a result of a diagnosed mental disorder that requires intensive mental health treatment or hospitalization.

"(ii) The member is diagnosed with a mental disorder and has psychotic symptoms that require intensive mental health treatment or hospitalization.

"(iii) The member is diagnosed with a mental disorder and has severe symptoms or severe impairment in functioning that require intensive mental health treatment or hospitalization.".

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**SA 5064.** Mr. DODD (for himself, Mr. FEINGOLD, Mr. LEAHY, Mr. REID, Mr. HARKIN, Mrs. BOXER, Mr. SANDERS, Mr. WYDEN, Mr. KENNEDY, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 6304, to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes; which was ordered to lie on the table; as follows:

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## NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power. The hearing will be held on Tuesday, July 8, 2008, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 2842, to require the Secretary of the Interior to carry out annual inspections of canals, levees, tunnels, dikes, pumping plants, dams, and reservoirs under the jurisdiction of the Secretary, and for other purposes; S. 2974, to provide for the construction of the Arkansas Valley Conduit in the State of Colorado; H.R. 3323, to authorize the Secretary of the Interior to convey a water distribution system to the Goleta Water District, and for other purposes.; and S. 3189, to amend Public Law 106–392 to require the Administrator of the Western Area Power Administration and the Commissioner of Reclamation to maintain sufficient revenues in the Upper Colorado River Basin Fund, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Gina_Weinstock@energy.senate.gov.

For further information, please contact Michael Connor at (202) 224–5479 or Gina Weinstock at (202) 224–5684.

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## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 26, 2008, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, June 26, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ROCKEFELLER. 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 "Protecting Children, Strengthening Families: Reauthorizing CAPTA" on Thursday, June 26, 2008. The hearing will commence at 2:30 p.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. ROCKEFELLER. 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 Thursday, June 26, 2008, at 10 a.m. to conduct a hearing entitled "Nuclear Terrorism: Providing Medical Care and Meeting Basic Needs in the Aftermath—the Federal Response."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, June 26, at 9:30 a.m. in room 562 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ROCKEFELLER. 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 an executive business meeting on Thursday, June 26, 2008, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Thursday, June 26. The Committee will meet in room 418 of the Russell Senate Office Building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Thursday, June 26, 2008, at 2:30 p.m. to conduct a hearing entitled, ''In the Red: Addressing the Nation's Financial Challenges''.

The PRESIDING OFFICER. Without objection, it is so ordered.

## FEDERAL LAW ENFORCEMENT CONGRESSIONAL BADGE OF BRAVERY ACT OF 2007

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 833, S. 2565.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2565) to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal, State, and Local law enforcement officers.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Law Enforcement Congressional Badge of Bravery Act of 2008''.*

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

*In this Act:*

*(1) FEDERAL AGENCY HEAD.—The term ''Federal agency head'' means the head of any executive, legislative, or judicial branch Government entity that employs Federal law enforcement officers.*

*(2) FEDERAL BOARD.—The term ''Federal Board'' means the Federal Law Enforcement Congressional Badge of Bravery Board established under section 103(a).*

*(3) FEDERAL BOARD MEMBERS.—The term ''Federal Board members'' means the members of the Federal Board appointed under section 103(c).*

*(4) FEDERAL LAW ENFORCEMENT BADGE.—The term ''Federal Law Enforcement Badge'' means the Federal Law Enforcement Congressional Badge of Bravery described in section 101.*

*(5) FEDERAL LAW ENFORCEMENT OFFICER.—The term ''Federal law enforcement officer''—*

*(A) means a Federal employee—*

*(i) who has statutory authority to make arrests or apprehensions;*

*(ii) who is authorized by the agency of the employee to carry firearms; and*

*(iii) whose duties are primarily—*

*(I) engagement in or supervision of the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law; or*

*(II) the protection of Federal, State, local, or foreign government officials against threats to personal safety; and*

*(B) includes a law enforcement officer employed by the Amtrak Police Department or Federal Reserve.*

*(6) OFFICE.—The term ''Office'' means the Congressional Badge of Bravery Office established under section 301(a).*

*(7) STATE AND LOCAL BOARD.—The term ''State and Local Board'' means the State and Local Law Enforcement Congressional Badge of Bravery Board established under section 203(a).*

*(8) STATE AND LOCAL BOARD MEMBERS.—The term ''State and Local Board members'' means the members of the State and Local Board appointed under section 203(c).*

*(9) STATE AND LOCAL LAW ENFORCEMENT BADGE.—The term ''State and Local Law Enforcement Badge'' means the State and Local Law Enforcement Congressional Badge of Bravery described in section 201.*

*(10) STATE OR LOCAL AGENCY HEAD.—The term ''State or local agency head'' means the head of any executive, legislative, or judicial branch entity of a State or local government that employs State or local law enforcement officers.*

*(11) STATE OR LOCAL LAW ENFORCEMENT OFFICER.—The term ''State or local law enforcement officer'' means an employee of a State or local government—*

*(A) who has statutory authority to make arrests or apprehensions;*

*(B) who is authorized by the agency of the employee to carry firearms; and*

*(C) whose duties are primarily—*

*(i) engagement in or supervision of the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law; or*

*(ii) the protection of Federal, State, local, or foreign government officials against threats to personal safety.*

### *TITLE I—FEDERAL LAW ENFORCEMENT CONGRESSIONAL BADGE OF BRAVERY*

***SEC. 101. AUTHORIZATION OF A BADGE.***

*The Attorney General may award, and a Member of Congress or the Attorney General may present, in the name of Congress a Federal Law Enforcement Congressional Badge of Bravery to a Federal law enforcement officer who is cited by the Attorney General, upon the recommendation of the Federal Board, for performing an act of bravery while in the line of duty.*

***SEC. 102. NOMINATIONS.***

*(a) IN GENERAL.—A Federal agency head may nominate for a Federal Law Enforcement Badge an individual—*

*(1) who is a Federal law enforcement officer working within the agency of the Federal agency head making the nomination; and*

*(2) who—*

*(A)(i) sustained a physical injury while—*

*(I) engaged in the lawful duties of the individual; and*

*(II) performing an act characterized as bravery by the Federal agency head making the nomination; and*

*(ii) put the individual at personal risk when the injury described in clause (i) occurred; or*

*(B) while not injured, performed an act characterized as bravery by the Federal agency head making the nomination that placed the individual at risk of serious physical injury or death.*

*(b) CONTENTS.—A nomination under subsection (a) shall include—*

*(1) a written narrative, of not more than 2 pages, describing the circumstances under which the nominee performed the act of bravery described in subsection (a) and how the circumstances meet the criteria described in such subsection;*

*(2) the full name of the nominee;*

*(3) the home mailing address of the nominee;*

*(4) the agency in which the nominee served on the date when such nominee performed the act of bravery described in subsection (a);*

*(5) the occupational title and grade or rank of the nominee;*

*(6) the field office address of the nominee on the date when such nominee performed the act of bravery described in subsection (a); and*

*(7) the number of years of Government service by the nominee as of the date when such nominee performed the act of bravery described in subsection (a).*

*(c) SUBMISSION DEADLINE.—A Federal agency head shall submit each nomination under subsection (a) to the Office not later than February 15 of the year following the date on which the nominee performed the act of bravery described in subsection (a).*

***SEC. 103. FEDERAL LAW ENFORCEMENT CONGRESSIONAL BADGE OF BRAVERY BOARD.***

*(a) ESTABLISHMENT.—There is established within the Department of Justice a Federal Law Enforcement Congressional Badge of Bravery Board.*

*(b) DUTIES.—The Federal Board shall do the following:*

*(1) Design the Federal Law Enforcement Badge with appropriate ribbons and appurtenances.*

*(2) Select an engraver to produce each Federal Law Enforcement Badge.*

*(3) Recommend recipients of the Federal Law Enforcement Badge from among those nominations timely submitted to the Office.*

*(4) Annually present to the Attorney General the names of Federal law enforcement officers who the Federal Board recommends as Federal Law Enforcement Badge recipients in accordance with the criteria described in section 102(a).*

*(5) After approval by the Attorney General—*

*(A) procure the Federal Law Enforcement Badges from the engraver selected under paragraph (2);*

*(B) send a letter announcing the award of each Federal Law Enforcement Badge to the Federal agency head who nominated the recipient of such Federal Law Enforcement Badge;*

*(C) send a letter to each Member of Congress representing the congressional district where the recipient of each Federal Law Enforcement Badge resides to offer such Member an opportunity to present such Federal Law Enforcement Badge; and*

*(D) make or facilitate arrangements for presenting each Federal Law Enforcement Badge in accordance with section 104.*

*(6) Set an annual timetable for fulfilling the duties described in this subsection.*

*(c) MEMBERSHIP.—*

*(1) NUMBER AND APPOINTMENT.—The Federal Board shall be composed of 7 members appointed as follows:*

*(A) One member jointly appointed by the majority leader and minority leader of the Senate.*

*(B) One member jointly appointed by the Speaker and minority leader of the House of Representatives.*

*(C) One member from the Department of Justice appointed by the Attorney General.*

*(D) Two members of the Federal Law Enforcement Officers Association appointed by the Executive Board of the Federal Law Enforcement Officers Association.*

*(E) Two members of the Fraternal Order of Police appointed by the Executive Board of the Fraternal Order of Police.*

*(2) LIMITATION.—Not more than—*

*(A) 2 Federal Board members may be members of the Federal Law Enforcement Officers Association; and*

*(B) 2 Federal Board members may be members of the Fraternal Order of Police.*

*(3) QUALIFICATIONS.—Federal Board members shall be individuals with knowledge or expertise, whether by experience or training, in the field of Federal law enforcement.*

*(4) TERMS AND VACANCIES.—Each Federal Board member shall be appointed for 2 years and may be reappointed. A vacancy in the Federal Board shall not affect the powers of the Federal Board and shall be filled in the same manner as the original appointment.*

*(d) OPERATIONS.—*

*(1) CHAIRPERSON.—The Chairperson of the Federal Board shall be a Federal Board member elected by a majority of the Federal Board.*

*(2) MEETINGS.—The Federal Board shall conduct its first meeting not later than 90 days after the appointment of a majority of Federal Board members. Thereafter, the Federal Board shall meet at the call of the Chairperson, or in the case of a vacancy of the position of Chairperson, at the call of the Attorney General.*

*(3) VOTING AND RULES.—A majority of Federal Board members shall constitute a quorum to conduct business, but the Federal Board may establish a lesser quorum for conducting hearings scheduled by the Federal Board. The Federal Board may establish by majority vote any other rules for the conduct of the business of the Federal Board, if such rules are not inconsistent with this title or other applicable law.*

*(e) POWERS.—*

*(1) HEARINGS.—*

*(A) IN GENERAL.—The Federal Board may hold hearings, sit and act at times and places, take testimony, and receive evidence as the Federal Board considers appropriate to carry out the duties of the Federal Board under this title. The Federal Board may administer oaths or affirmations to witnesses appearing before it.*

*(B) WITNESS EXPENSES.—Witnesses requested to appear before the Federal Board may be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Federal Board.*

*(2) INFORMATION FROM FEDERAL AGENCIES.—Subject to sections 552, 552a, and 552b of title 5, United States Code—*

*(A) the Federal Board may secure directly from any Federal department or agency information necessary to enable it to carry out this title; and*

*(B) upon request of the Federal Board, the head of that department or agency shall furnish the information to the Federal Board.*

*(3) INFORMATION TO BE KEPT CONFIDENTIAL.—The Federal Board shall not disclose any information which may compromise an ongoing law enforcement investigation or is otherwise required by law to be kept confidential.*

*(f) COMPENSATION.—*

*(1) IN GENERAL.—Except as provided in paragraph (2), each Federal Board member shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such Federal Board member is engaged in the performance of the duties of the Federal Board.*

*(2) PROHIBITION OF COMPENSATION FOR GOVERNMENT EMPLOYEES.—Federal Board members who serve as officers or employees of the Federal Government or a State or a local government may not receive additional pay, allowances, or benefits by reason of their service on the Federal Board.*

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

***SEC. 104. PRESENTATION OF FEDERAL LAW ENFORCEMENT BADGES.***

*(a) PRESENTATION BY MEMBER OF CONGRESS.—A Member of Congress may present a Federal Law Enforcement Badge to any Federal Law Enforcement Badge recipient who resides in such Member's congressional district. If both a Senator and Representative choose to present a Federal Law Enforcement Badge, such Senator and Representative shall make a joint presentation.*

*(b) PRESENTATION BY ATTORNEY GENERAL.—If no Member of Congress chooses to present the Federal Law Enforcement Badge as described in subsection (a), the Attorney General, or a designee of the Attorney General, shall present such Federal Law Enforcement Badge.*

*(c) PRESENTATION ARRANGEMENTS.—The office of the Member of Congress presenting each Federal Law Enforcement Badge may make arrangements for the presentation of such Federal Law Enforcement Badge, and if a Senator and Representative choose to participate jointly as described in subsection (a), the Members shall make joint arrangements. The Federal Board shall facilitate any such presentation arrangements as requested by the congressional office presenting the Federal Law Enforcement Badge and shall make arrangements in cases not undertaken by Members of Congress.*

***TITLE II—STATE AND LOCAL LAW ENFORCEMENT CONGRESSIONAL BADGE OF BRAVERY***

***SEC. 201. AUTHORIZATION OF A BADGE.***

*The Attorney General may award, and a Member of Congress or the Attorney General may present, in the name of Congress a State and Local Law Enforcement Congressional Badge of Bravery to a State or local law enforcement officer who is cited by the Attorney General, upon the recommendation of the State and Local Board, for performing an act of bravery while in the line of duty.*

***SEC. 202. NOMINATIONS.***

*(a) IN GENERAL.—A State or local agency head may nominate for a State and Local Law Enforcement Badge an individual—*

*(1) who is a State or local law enforcement officer working within the agency of the State or local agency head making the nomination; and*

*(2) who—*

*(A)(i) sustained a physical injury while—*

*(I) engaged in the lawful duties of the individual; and*

*(II) performing an act characterized as bravery by the State or local agency head making the nomination; and*

*(ii) put the individual at personal risk when the injury described in clause (i) occurred; or*

*(B) while not injured, performed an act characterized as bravery by the State or local agency head making the nomination that placed the individual at risk of serious physical injury or death.*

*(b) CONTENTS.—A nomination under subsection (a) shall include—*

*(1) a written narrative, of not more than 2 pages, describing the circumstances under which the nominee performed the act of bravery described in subsection (a) and how the circumstances meet the criteria described in such subsection;*

*(2) the full name of the nominee;*

*(3) the home mailing address of the nominee;*

*(4) the agency in which the nominee served on the date when such nominee performed the act of bravery described in subsection (a);*

*(5) the occupational title and grade or rank of the nominee;*

*(6) the field office address of the nominee on the date when such nominee performed the act of bravery described in subsection (a); and*

*(7) the number of years of government service by the nominee as of the date when such nominee performed the act of bravery described in subsection (a).*

*(c) SUBMISSION DEADLINE.—A State or local agency head shall submit each nomination under subsection (a) to the Office not later than February 15 of the year following the date on which the nominee performed the act of bravery described in subsection (a).*

***SEC. 203. STATE AND LOCAL LAW ENFORCEMENT CONGRESSIONAL BADGE OF BRAVERY BOARD.***

*(a) ESTABLISHMENT.—There is established within the Department of Justice a State and Local Law Enforcement Congressional Badge of Bravery Board.*

*(b) DUTIES.—The State and Local Board shall do the following:*

*(1) Design the State and Local Law Enforcement Badge with appropriate ribbons and appurtenances.*

*(2) Select an engraver to produce each State and Local Law Enforcement Badge.*

*(3) Recommend recipients of the State and Local Law Enforcement Badge from among those nominations timely submitted to the Office.*

*(4) Annually present to the Attorney General the names of State or local law enforcement officers who the State and Local Board recommends as State and Local Law Enforcement Badge recipients in accordance with the criteria described in section 202(a).*

*(5) After approval by the Attorney General—*

*(A) procure the State and Local Law Enforcement Badges from the engraver selected under paragraph (2);*

*(B) send a letter announcing the award of each State and Local Law Enforcement Badge to the State or local agency head who nominated the recipient of such State and Local Law Enforcement Badge;*

*(C) send a letter to each Member of Congress representing the congressional district where the recipient of each State and Local Law Enforcement Badge resides to offer such Member an opportunity to present such State and Local Law Enforcement Badge; and*

*(D) make or facilitate arrangements for presenting each State and Local Law Enforcement Badge in accordance with section 204.*

*(6) Set an annual timetable for fulfilling the duties described in this subsection.*

*(c) MEMBERSHIP.—*

*(1) NUMBER AND APPOINTMENT.—The State and Local Board shall be composed of 9 members appointed as follows:*

*(A) One member jointly appointed by the majority leader and minority leader of the Senate.*

*(B) One member jointly appointed by the Speaker and minority leader of the House of Representatives.*

*(C) One member from the Department of Justice appointed by the Attorney General.*

*(D) Two members of the Fraternal Order of Police appointed by the Executive Board of the Fraternal Order of Police.*

*(E) One member of the National Association of Police Organizations appointed by the Executive Board of the National Association of Police Organizations.*

*(F) One member of the National Organization of Black Law Enforcement Executives appointed by the Executive Board of the National Organization of Black Law Enforcement Executives.*

*(G) One member of the International Association of Chiefs of Police appointed by the Board of Officers of the International Association of Chiefs of Police.*

*(H) One member of the National Sheriffs' Association appointed by the Executive Committee of the National Sheriffs' Association.*

*(2) LIMITATION.—Not more than 5 State and Local Board members may be members of the Fraternal Order of Police.*

*(3) QUALIFICATIONS.—State and Local Board members shall be individuals with knowledge or expertise, whether by experience or training, in the field of State and local law enforcement.*

*(4) TERMS AND VACANCIES.—Each State and Local Board member shall be appointed for 2 years and may be reappointed. A vacancy in the State and Local Board shall not affect the powers of the State and Local Board and shall be filled in the same manner as the original appointment.*

*(d) OPERATIONS.—*

*(1) CHAIRPERSON.—The Chairperson of the State and Local Board shall be a State and Local Board member elected by a majority of the State and Local Board.*

*(2) MEETINGS.—The State and Local Board shall conduct its first meeting not later than 90 days after the appointment of a majority of State and Local Board members. Thereafter, the State and Local Board shall meet at the call of the Chairperson, or in the case of a vacancy of the position of Chairperson, at the call of the Attorney General.*

*(3) VOTING AND RULES.—A majority of State and Local Board members shall constitute a quorum to conduct business, but the State and Local Board may establish a lesser quorum for conducting hearings scheduled by the State and Local Board. The State and Local Board may establish by majority vote any other rules for the conduct of the business of the State and Local Board, if such rules are not inconsistent with this title or other applicable law.*

*(e) POWERS.—*

*(1) HEARINGS.—*

*(A) IN GENERAL.—The State and Local Board may hold hearings, sit and act at times and places, take testimony, and receive evidence as the State and Local Board considers appropriate to carry out the duties of the State and Local Board under this title. The State and Local Board may administer oaths or affirmations to witnesses appearing before it.*

*(B) WITNESS EXPENSES.—Witnesses requested to appear before the State and Local Board may be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the State and Local Board.*

*(2) INFORMATION FROM FEDERAL AGENCIES.—Subject to sections 552, 552a, and 552b of title 5, United States Code—*

*(A) the State and Local Board may secure directly from any Federal department or agency information necessary to enable it to carry out this title; and*

*(B) upon request of the State and Local Board, the head of that department or agency shall furnish the information to the State and Local Board.*

*(3) INFORMATION TO BE KEPT CONFIDENTIAL.—The State and Local Board shall not disclose any information which may compromise an ongoing law enforcement investigation or is otherwise required by law to be kept confidential.*

*(f) COMPENSATION.—*

*(1) IN GENERAL.—Except as provided in paragraph (2), each State and Local Board member shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such State and Local Board member is engaged in the performance of the duties of the State and Local Board.*

*(2) PROHIBITION OF COMPENSATION FOR GOVERNMENT EMPLOYEES.—State and Local Board members who serve as officers or employees of the Federal Government or a State or a local government may not receive additional pay, allowances, or benefits by reason of their service on the State and Local Board.*

*(3) TRAVEL EXPENSES.—Each State and Local Board member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.*

***SEC. 204. PRESENTATION OF STATE AND LOCAL LAW ENFORCEMENT BADGES.***

*(a) PRESENTATION BY MEMBER OF CONGRESS.—A Member of Congress may present a State and Local Law Enforcement Badge to any State and Local Law Enforcement Badge recipient who resides in such Member's congressional district. If both a Senator and Representative choose to present a State and Local Law Enforcement Badge, such Senator and Representative shall make a joint presentation.*

*(b) PRESENTATION BY ATTORNEY GENERAL.—If no Member of Congress chooses to present the State and Local Law Enforcement Badge as described in subsection (a), the Attorney General, or a designee of the Attorney General, shall present such State and Local Law Enforcement Badge.*

*(c) PRESENTATION ARRANGEMENTS.—The office of the Member of Congress presenting each State and Local Law Enforcement Badge may make arrangements for the presentation of such State and Local Law Enforcement Badge, and if a Senator and Representative choose to participate jointly as described in subsection (a), the Members shall make joint arrangements. The State and Local Board shall facilitate any such presentation arrangements as requested by the congressional office presenting the State and Local Law Enforcement Badge and shall make arrangements in cases not undertaken by Members of Congress.*

***TITLE III—CONGRESSIONAL BADGE OF BRAVERY OFFICE***

***SEC. 301. CONGRESSIONAL BADGE OF BRAVERY OFFICE.***

*(a) ESTABLISHMENT.—There is established within the Department of Justice a Congressional Badge of Bravery Office.*

*(b) DUTIES.—The Office shall—*

*(1) receive nominations from Federal agency heads on behalf of the Federal Board and deliver such nominations to the Federal Board at Federal Board meetings described in section 103(d)(2);*

*(2) receive nominations from State or local agency heads on behalf of the State and Local Board and deliver such nominations to the State and Local Board at State and Local Board meetings described in section 203(d)(2); and*

*(3) provide staff support to the Federal Board and the State and Local Board to carry out the duties described in section 103(b) and section 203(b), respectively.*

Amend the title so as to read: ''A bill to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal, State, and local law enforcement officers.''.

Mr. DODD. Mr. President, I ask unanimous consent that the committee substitute amendment be agreed to, the bill as amended be read the third time, and passed, the amendment to the title be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2565), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: ''A bill to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal, State, and local law enforcement officers.''

## JOHN F. KENNEDY CENTER REAUTHORIZATION ACT OF 2007

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 765, H.R. 3986.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3986) to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

H.R. 3986

*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 ''John F. Kennedy Center Reauthorization Act of 2007''.

**[SEC. 2. TECHNICAL AMENDMENT.**

[Section 2(a)(2)(J)(ii) of the John F. Kennedy Center Act (20 U.S.C. 76h(a)(2)(J)(ii)) is amended by striking ''Public Works and Transportation'' and inserting ''Transportation and Infrastructure''.

**[SEC. 3. PHOTOVOLTAIC SYSTEM.**

[The John F. Kennedy Center Act (20 U.S.C. 76h et seq.) is amended by inserting after section 6 the following:

**[''SEC. 7. PHOTOVOLTAIC SYSTEM.**

[''(a) IN GENERAL.—The Board is authorized to study, plan, design, engineer, and construct a photovoltaic system for the main roof of the John F. Kennedy Center for the Performing Arts.

[''(b) REPORT.—Not later than 60 days before beginning construction of the photovoltaic system pursuant to subsection (a), the Board shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate on the feasibility and design of the project.''.

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

[Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76r) is amended—

[(1) by striking subsections (a) and (b) and inserting the following:

[''(a) MAINTENANCE, REPAIR, AND SECURITY.—There are authorized to be appropriated to the Board to carry out section 4(a)(1)(H)—

[''(1) $20,200,000 for fiscal year 2008;

[''(2) $21,800,000 for fiscal year 2009; and

[''(3) $22,500,000 for fiscal year 2010.

[''(b) CAPITAL PROJECTS.—There are authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 4(a)(1)—

[''(1) $23,150,000 for fiscal year 2008;

[''(2) $16,000,000 for fiscal year 2009; and

[''(3) $17,000,000 for fiscal year 2010.''; and

[(2) by redesignating subsection (d) as subsection (e), and by adding after subsection (c) the following:

[''(d) PHOTOVOLTAIC SYSTEM.—There are authorized to be appropriated to the Board such sums as may be necessary to carry out section 7, with such sums to remain available until expended.''.

**[SEC. 5. EXISTING AUTHORITIES.**

[Nothing in this Act shall be construed to limit or affect the authority or responsibility of the National Capital Planning Commission or the Commission of Fine Arts.]

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''John F. Kennedy Center Reauthorization Act of 2008''.*

***SEC. 2. TECHNICAL AMENDMENT.***

*Section 2(a)(2)(J)(ii) of the John F. Kennedy Center Act (20 U.S.C. 76h(a)(2)(J)(ii)) is amended by striking ''Public Works and Transportation'' and inserting ''Transportation and Infrastructure''.*

***SEC. 3. PHOTOVOLTAIC SYSTEM.***

*The John F. Kennedy Center Act is amended by inserting after section 6 (20 U.S.C. 76l) the following:*

***''SEC. 7. PHOTOVOLTAIC SYSTEM.***

*''(a) IN GENERAL.—The Board may study, plan, design, engineer, and construct a photovoltaic system for the main roof of the John F. Kennedy Center for the Performing Arts.*

*''(b) REPORT.—Not later than 60 days before beginning construction of the photovoltaic system pursuant to subsection (a), the Board shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the feasibility and design of the project.''.*

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

*Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76r) is amended—*

*(1) by striking subsections (a) and (b) and inserting the following:*

*''(a) MAINTENANCE, REPAIR, AND SECURITY.—There are authorized to be appropriated to the Board to carry out section 4(a)(1)(H)—*

*''(1) $20,200,000 for fiscal year 2008;*

*''(2) $21,800,000 for fiscal year 2009;*

*''(3) $22,500,000 for fiscal year 2010;*

*''(4) $23,500,000 for fiscal year 2011; and*

*''(5) $24,500,000 for fiscal year 2012.*

*''(b) CAPITAL PROJECTS.—There are authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 4(a)(1)—*

*''(1) $23,150,000 for fiscal year 2008;*

*''(2) $16,000,000 for fiscal year 2009;*

*''(3) $17,000,000 for fiscal year 2010;*

*''(4) $17,000,000 for fiscal year 2011; and*

*''(5) $18,500,000 for fiscal year 2012.'';*

*(2) by redesignating subsection (d) as subsection (e); and*

*(3) by inserting after subsection (c) the following:*

*''(d) PHOTOVOLTAIC SYSTEM.—There are authorized to be appropriated to the Board such sums as are necessary to carry out section 7, to remain available until expended.''.*

***SEC. 5. EXISTING AUTHORITIES.***

*Nothing in this Act limits or otherwise affects the authority or responsibility of the National Capital Planning Commission or the Commission of Fine Arts.*

Mr. DODD. Mr. President, I ask unanimous consent that the committee substitute amendment be agreed to, the bill, as amended, be read the third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 3986), as amended, was read the third time, and passed.

## MARITIME POLLUTION PREVENTION ACT OF 2008

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 828, H.R. 802.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 802) to amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science and Transportation with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

H.R. 802

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Maritime Pollution Prevention Act of 2008''.*

***SEC. 2. REFERENCES.***

*Wherever in this Act an amendment or repeal is expressed in terms of an amendment to or a repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.).*

***SEC. 3. DEFINITIONS.***

*Section 2(a) (33 U.S.C. 1901(a)) is amended—*

*(1) by redesignating the paragraphs (1) through (12) as paragraphs (2) through (13), respectively;*

*(2) by inserting before paragraph (2) (as so redesignated) the following:*

*''(1) 'Administrator' means the Administrator of the Environmental Protection Agency;'';*

*(3) in paragraph (5) (as so redesignated) by striking ''and V'' and inserting ''V, and VI'';*

*(4) in paragraph (6) (as so redesignated) by striking ''discharge' and 'garbage' and 'harmful substance' and 'incident'' and inserting ''discharge', 'emission', 'garbage', 'harmful substance', and 'incident'''; and*

*(5) by redesignating paragraphs (7) through (13) (as redesignated) as paragraphs (8) through (14), respectively, and inserting after paragraph (6) (as redesignated) the following:*

*''(7) 'navigable waters' includes the territorial sea of the United States (as defined in Presidential Proclamation 5928 of December 27, 1988) and the internal waters of the United States;''.*

***SEC. 4. APPLICABILITY.***

*Section 3 (33 U.S.C. 1902) is amended—*

*(1) in subsection (a)—*

*(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) with respect to Annex VI to the Convention, and other than with respect to a ship referred to in paragraph (1)—*

*''(A) to a ship that is in a port, shipyard, offshore terminal, or the internal waters of the United States;*

*''(B) to a ship that is bound for, or departing from, a port, shipyard, offshore terminal, or the internal waters of the United States, and is in—*

*''(i) the navigable waters or the exclusive economic zone of the United States;*

*''(ii) an emission control area designated pursuant to section 4; or*

*''(iii) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment;*

*''(C) to a ship that is entitled to fly the flag of, or operating under the authority of, a party to Annex VI, and is in—*

*''(i) the navigable waters or the exclusive economic zone of the United States;*

*''(ii) an emission control area designated under section 4; or*

*''(iii) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment; and*

*''(D) to any other ship, to the extent that, and in the same manner as, such ship may be boarded by the Secretary to implement or enforce any other law of the United States or Annex I, II, or V of the Convention, and is in—*

*''(i) the exclusive economic zone of the United States;*

*''(ii) the navigable waters of the United States;*

*''(iii) an emission control area designated under section 4; or*

*''(iv) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment.'';*

*(2) in subsection (b)—*

*(A) in paragraph (1) by striking ''paragraph (2),'' and inserting ''paragraphs (2) and (3),''; and*

*(B) by adding at the end the following:*

*''(3) With respect to Annex VI the Administrator, or the Secretary, as relevant to their authorities pursuant to this Act, may determine that some or all of the requirements under this Act shall apply to one or more classes of public vessels, except that such a determination by the Administrator shall have no effect unless the head of the Department or agency under which the vessels operate concurs in the determination. This paragraph does not apply during time of war or during a declared national emergency.'';*

*(3) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively, and inserting after subsection (b) the following:*

*''(c) APPLICATION TO OTHER PERSONS.—This Act shall apply to all persons to the extent necessary to ensure compliance with Annex VI to the Convention.'';*

*(4) in subsection (e), as redesignated—*

*(A) by inserting ''or the Administrator, consistent with section 4 of this Act,'' after ''Secretary'';*

*(B) by striking ''of section (3),'' and inserting ''of this section,''; and*

*(C) by striking ''Protocol, including regulations conforming to and giving effect to the requirements of Annex V'' and inserting ''Protocol (or the applicable Annex), including regulations conforming to and giving effect to the requirements of Annex V and Annex VI''; and*

*(5) by adding at the end thereof the following:*

*''(i) SAVINGS CLAUSE.—Nothing in this section shall be construed to restrict in a manner inconsistent with international law navigational rights and freedoms as defined by United States law, treaty, convention, or customary international law.''.*

***SEC. 5. ADMINISTRATION AND ENFORCEMENT.***

*Section 4 (33 U.S.C. 1903) is amended—*

*(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and inserting after subsection (a) the following:*

*''(b) DUTY OF THE ADMINISTRATOR.—In addition to other duties specified in this Act, the Administrator and the Secretary, respectively, shall have the following duties and authorities:*

*''(1) The Administrator shall, and no other person may, issue Engine International Air Pollution Prevention certificates in accordance with Annex VI and the International Maritime Organization's Technical Code on Control of Emissions of Nitrogen Oxides from Marine Diesel Engines, on behalf of the United States for a vessel of the United States as that term is defined in section 116 of title 46, United States Code. The issuance of Engine International Air Pollution Prevention certificates shall be consistent with any applicable requirements of the Clean Air Act or regulations prescribed under that Act.*

*''(2) The Administrator shall have authority to administer regulations 12, 13, 14, 15, 16, 17, 18, and 19 of Annex VI to the Convention.*

*''(3) The Administrator shall, only as specified in section 8(f), have authority to enforce Annex VI of the Convention.'';*

*(2) in subsection (c), as redesignated, by redesignating paragraph (2) as paragraph (4), and inserting after paragraph (1) the following:*

*''(2) In addition to the authority the Secretary has to prescribe regulations under this Act, the Administrator shall also prescribe any necessary or desired regulations to carry out the provisions of regulations 12, 13, 14, 15, 16, 17, 18, and 19 of Annex VI to the Convention.*

*''(3) In prescribing any regulations under this section, the Secretary and the Administrator shall consult with each other, and with respect to regulation 19, with the Secretary of the Interior.''; and*

*(3) by adding at the end of subsection (c), as redesignated, the following:*

*''(5) No standard issued by any person or Federal authority, with respect to emissions from tank vessels subject to regulation 15 of Annex VI to the Convention, shall be effective until 6 months after the required notification to the International Maritime Organization by the Secretary.''.*

***SEC. 6. CERTIFICATES.***

*Section 5 (33 U.S.C. 1904) is amended—*

*(1) in subsection (a) by striking ''The Secretary'' and inserting ''Except as provided in section 4(b)(1), the Secretary'';*

*(2) in subsection (b) by striking ''Secretary under the authority of the MARPOL protocol.'' and inserting ''Secretary or the Administrator under the authority of this Act.''; and*

*(3) in subsection (e) by striking ''environment.'' and inserting ''environment or the public health and welfare.''.*

***SEC. 7. RECEPTION FACILITIES.***

*Section 6 (33 U.S.C. 1905) is amended—*

*(1) in subsection (a) by adding at the end the following:*

*''(3) The Secretary and the Administrator, after consulting with appropriate Federal agencies, shall jointly prescribe regulations setting criteria for determining the adequacy of reception facilities for receiving ozone depleting substances, equipment containing such substances, and exhaust gas cleaning residues at a port or terminal, and stating any additional measures and requirements as are appropriate to ensure such adequacy. Persons in charge of ports and terminals shall provide reception facilities, or ensure that reception facilities are available, in accordance with those regulations. The Secretary and the Administrator may jointly prescribe regulations to certify, and may issue certificates to the effect, that a port's or terminal's facilities for receiving ozone depleting substances, equipment containing such substances, and exhaust gas cleaning residues from ships are adequate.'';*

*(2) in subsection (b) by inserting ''or the Administrator'' after ''Secretary'';*

*(3) in subsection (e) by striking paragraph (2) and inserting the following:*

*''(2) The Secretary may deny the entry of a ship to a port or terminal required by the MARPOL Protocol, this Act, or regulations prescribed under this section relating to the provision of adequate reception facilities for garbage, ozone depleting substances, equipment containing those substances, or exhaust gas cleaning residues, if the port or terminal is not in compliance with the MARPOL Protocol, this Act, or those regulations.'';*

*(4) in subsection (f)(1) by striking ''Secretary is'' and inserting ''Secretary and the Administrator are''; and*

*(5) in subsection (f)(2) by striking ''(A)''.*

***SEC. 8. INSPECTIONS.***

*Section 8(f) (33 U.S.C. 1907(f)) is amended to read as follows:*

*''(f)(1) The Secretary may inspect a ship to which this Act applies as provided under section 3(a)(5), to verify whether the ship is in compliance with Annex VI to the Convention and this Act.*

*''(2) If an inspection under this subsection or any other information indicates that a violation has occurred, the Secretary, or the Administrator in a matter referred by the Secretary, may undertake enforcement action under this section.*

*''(3) Notwithstanding subsection (b) and paragraph (2) of this subsection, the Administrator shall have all of the authorities of the Secretary, as specified in subsection (b) of this section, for the purposes of enforcing regulations 17 and 18 of Annex VI to the Convention to the extent that shoreside violations are the subject of the action and in any other matter referred to the Administrator by the Secretary.''.*

***SEC. 9. AMENDMENTS TO THE PROTOCOL.***

*Section 10(b) (33 U.S.C. 1909(b)) is amended—*

*(1) by striking ''Annex I, II, or V'' and inserting ''Annex I, II, V, or VI''; and*

*(2) by inserting ''or the Administrator as provided for in this Act,'' after ''Secretary,''.*

***SEC. 10. PENALTIES.***

*Section 9 (33 U.S.C. 1908) is amended—*

*(1) by striking ''Protocol,,'' each place it appears and inserting ''Protocol,'';*

*(2) in subsection (b)—*

*(A) by inserting ''or the Administrator as provided for in this Act,'' after ''Secretary,'' the first place it appears;*

*(B) in paragraph (2), by inserting '', or the Administrator as provided for in this Act,'' after ''Secretary''; and*

*(C) in the matter after paragraph (2)—*

*(i) by inserting ''or the Administrator as provided for in this Act'' after ''Secretary,'' the first place it appears; and*

*(ii) by inserting '', or the Administrator as provided for in this Act,'' after ''Secretary'' the second and third places it appears;*

*(3) in subsection (c), by inserting '', or the Administrator as provided for in this Act,'' after ''Secretary'' each place it appears; and*

*(4) in subsection (f), by inserting ''or the Administrator as provided for in this Act'' after ''Secretary,'' the first place appears.*

***SEC. 11. EFFECT ON OTHER LAWS.***

*Section 15 (33 U.S.C. 1911) is amended to read as follows:*

***''SEC. 15. EFFECT ON OTHER LAWS.***

*''Authorities, requirements, and remedies of this Act supplement and neither amend nor repeal any other authorities, requirements, or remedies conferred by any other provision of law. Nothing in this Act shall limit, deny, amend, modify, or repeal any other authority, requirement, or remedy available to the United States or any other person, except as expressly provided in this Act.''.*

***SEC. 12. LEGAL ACTIONS.***

*Section 11 (33 U.S.C. 1910) is amended—*

*(1) by redesignating paragraph (3) of subsection (a) as paragraph (4), and inserting after paragraph (2) the following:*

*''(3) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary; or'';*

*(2) by striking ''concerned,'' in subsection (b)(1) and inserting ''concerned or the Administrator,''; and*

*(3) by inserting ''or the Administrator'' after ''Secretary'' in subsection (b)(2).*

Mr. DODD. Mr. President, I ask unanimous consent that the committee substitute amendment 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 that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 802), as amended, was read the third time and passed.

## CONGRATULATING THE CALIFORNIA STATE UNIVERSITY, FRESNO BULLDOGS BASEBALL TEAM

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 604, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 604) congratulating the California State University Fresno Bulldogs baseball team for winning the 2008 National Collegiate Athletics Association Division I College World Series.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 604) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 604

Whereas on June 25, 2008, the student athletes of the California State University, Fresno Bulldogs baseball team, in the sixth elimination game faced by the Fresno State Bulldogs, finished a true Cinderella story season, winning the 2008 National Collegiate Athletics Association Division I College World Series Championship (referred to in this preamble as the ''2008 NCAA College World Series'') by defeating the University of Georgia Bulldogs, 2 games to 1, in a best-of-3 championship;

Whereas the 2008 NCAA College World Series is the second championship for the California State University;

Whereas the Fresno State Bulldogs are the lowest-seeded team in college sports history to win a championship;

Whereas the Fresno State Bulldogs won 6 elimination games to win the 2008 NCAA College World Series, which is a testament to the resilience, fortitude, and ''never say die'' attitude of the team;

Whereas the Fresno State Bulldogs beat number 3-ranked Arizona State University, number 6-ranked Rice University, number 2-ranked University of North Carolina, and number 8-ranked University of Georgia to win the 2008 NCAA College World Series;

Whereas the Fresno State Bulldogs tied the record of most runs, 62, in the College World Series;

Whereas the Fresno State Bulldogs elimination game, a 19-10 win against Georgia just 1 day earlier, produced College World Series records for most runs in a game by 1 team, most combined runs, most hits by 1 team, most combined hits, and longest game;

Whereas the Fresno State Bulldogs played 78 games this year, more than any other team in the United States;

Whereas playing with a torn ligament in his left thumb, right fielder Steve Detwiler had 4 hits in 4 at-bats, including 2 home runs and 6 runs batted in, during the championship game;

Whereas Justin Wilson, the winning pitcher, pitching on just 3 days rest, was able to pitch 129 pitches, 86 of which were strikes over 8 strong innings, allowing just 5 hits, 1 run, and striking out 9 batters;

Whereas Tommy Mendonca, third baseman for the 2008 NCAA College World Series champion Fresno State Bulldogs, was named the ''Most Outstanding Player'', tying the College World Series record with 4 home runs;

Whereas the Fresno State Bulldogs have 5 players on the 2008 NCAA College World Series all-tournament team, including third baseman Tommy Mendonca, second baseman Erik Wetzel, outfielder Steve Susdorf, outfielder Steve Detwiler, and pitcher Justin Wilson;

Whereas the Fresno State Bulldogs have shown great character, comradery, resilience, and sportsmanship on the way to winning the national championship;

Whereas the fellow students, families, alumni, faculty, and fans of the Fresno State Bulldogs have been a great part of this championship, showing great support with many individuals wearing ''Underdogs to Wonderdogs'' t-shirts; and

Whereas the Fresno State Bulldogs have instilled within the City of Fresno and the State of California great pride and excitement: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the California State University Fresno Bulldogs baseball team for winning the 2008 National Collegiate Athletics Association Division I College World Series; and

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication made winning the championship possible.

## 60TH ANNIVERSARY OF THE BERLIN AIRLIFT

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 605, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 605) commemorating the 60th anniversary of the Berlin Airlift and honoring the veterans of Operation Vittles.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. 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. 605) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 605

Whereas in spring of 1948 Berlin was isolated within the Soviet occupation zone and had only 35 days' worth of food and 45 days' worth of coal remaining for the city;

Whereas military planners in the United States and the United Kingdom determined that 1,534 tons of flour, wheat, fish, milk, and other food items would be required daily to feed the 2,000,000 residents of Berlin;

Whereas military planners determined that 3,475 tons of coal and gasoline would be required daily to keep the city of Berlin heated and powered;

Whereas, on June 1, 1948, the United States Air Force created the Military Air Transport Service, the predecessor to Air Mobility Command, to organize and conduct airlift missions;

Whereas, on June 26, 1948, ''Operation Vittles'' began when 32 United States Air Force C-47 Dakotas departed West Germany for Berlin hauling 80 tons of cargo, and the first British aircraft launched on June 28, 1948;

Whereas Major General William H. Tunner, a veteran of the aerial supply line over the Himalayas in World War II, took command of ''Operation Vittles'' on July 28, 1948;

Whereas Major General Tunner pioneered many new and innovative tactics and procedures for the airlift, including the creation of air corridors for ingress and egress, staggering altitudes of the aircraft, and implementing instrument flight rules which allowed aircraft to land as frequently as every 3 minutes;

Whereas one pilot, 1st Lieutenant Gail S. Halvorsen, who became known as the ''Candy Bomber'', initiated ''Operation Little Vittles'' to bring hope to the children of Berlin, by dropping handkerchief parachutes containing chocolate and chewing gum as a symbol of American goodwill, ultimately resulting in more than 3 tons of candy being dropped in more than 250,000 miniature parachutes;

Whereas, on Easter Sunday, April 17, 1949, airlifters reached the pinnacle of ''Operation Vittles'' by delivering 13,000 tons of cargo, including the equivalent of 600 railroad cars full of coal, setting the single day record for the Berlin Airlift;

Whereas 39 British and 31 American airmen made the ultimate sacrifice during the Berlin Airlift, and 8 British and 17 American aircraft were lost;

Whereas airlifters delivered more than 2,300,000 tons of food and supplies on 278,228 total flights into Berlin;

Whereas the Soviet Union was forced to lift the blockade in light of the success of the 15-month airlift operation;

Whereas the Berlin Airlift marked the first use of airpower to provide hope and humanitarian assistance, and to win a strategic victory against enemy aggression and intimidation;

Whereas the enormous effort and cooperation of the Berlin Airlift laid the foundation for a deep and lasting friendship between the people of the United States and the people of Germany; and

Whereas, today, air mobility continues to play a vital role in United States foreign policy by helping to advance freedom and alleviate suffering around the world: Now, therefore, be it

*Resolved*, That Congress—

(1) recognizes the 60th anniversary of the Berlin Airlift as the largest and longest running humanitarian airlift operation in history;

(2) honors the service and sacrifice of the men and women who participated in and supported the Berlin Airlift;

(3) commends the close friendship forged between the American, British, and German people through the Berlin Airlift; and

(4) applauds the men and women of the United States Air Force's Air Mobility Command, who, in the best traditions of the Berlin Airlift, still work diligently to provide hope, save lives, and deliver freedom around the world in support of the United States's foreign policy objectives.

## CONDITIONAL ADJOURNMENT OR RECESS OF THE HOUSE AND SENATE

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 379, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 379) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 379) was agreed to, as follows:

H. CON. RES. 379

*Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on the legislative day of Thursday, June 26, 2008, or Friday, June 27, 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, July 8, 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, June 26, 2008, through Friday, July 4, 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, July 7, 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.

## CRIMINAL HISTORY BACKGROUND CHECKS PILOT EXTENSION ACT OF 2008

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3218, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3218) to extend the pilot program for volunteer groups to obtain criminal history background checks.

There being no objection, the Senate proceeded to consider the bill.

Mr. DODD. Mr. President, I ask unanimous consent that 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 relating to the bill be placed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3218) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3218

*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 ''Criminal History Background Checks Pilot Extension Act of 2008''.

**SEC. 2. EXTENSION OF PILOT PROGRAM.**

Section 108(a)(3)(A) of the PROTECT Act (42 U.S.C. 5119a note) is amended by striking ''a 60-month'' and inserting ''a 66-month''.

## MEASURES READ THE FIRST TIME—S. 3202, S. 3213, AND H.R. 3195

Mr. DODD. Mr. President, I understand there are three bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title en bloc.

The assistant legislative clerk read as follows:

A bill (S. 3202) to address record high gas prices at the pump, and for other purposes.

A bill (S. 3213) to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

A bill (H.R. 3195) to restore the intent and protections of the Americans with Disabilities Act of 1990.

Mr. DODD. Mr. President, I ask unanimous consent for a second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will receive their second reading on the next legislative day.

## UNANIMOUS CONSENT AGREEMENT MODIFICATION—H.R. 6304

Mr. DODD. Mr. President, I ask that the consent be modified with respect to Calendar No. 827, H.R. 6304, in the following way: Provided that the Specter and Bingaman amendments be subject to an affirmative 60-vote threshold; and that if they do not achieve that threshold, then they be withdrawn; if they achieve that threshold, then they be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THANKING THE MAJORITY LEADER AND STAFF

Mr. DODD. Mr. President, let me say before I read this last section, I commend the majority leader. He has had a very trying week. The floor staff and others have done a remarkable job in getting us to this point. I wouldn't want this evening to pass without noting they do not get the recognition they often deserve, but this institution functions because there are a lot of people whose names are never known who make this happen. It is important, as we begin this Independence Day break, that we recognize the remarkable people who function and work every single day in the Senate, the majority leader's staff, and others who have had to weave through this morass of procedural objections that have allowed us to reach the point we have.

We are going to come back in 10 days. I mentioned the housing bill, but also the Foreign Intelligence Surveillance Act is a source of significant controversy. While I have serious objections to it, and appreciate the opportunity I will have to strike section 2 of that bill dealing with retroactive immunity, I want the record to reflect the deep appreciation I have for the majority leader—I know others do as well—for the way in which he and his office have allowed us to achieve the results we have up to this point.

## ORDERS FOR FRIDAY, JUNE 27, 2008

Mr. DODD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:45 a.m. tomorrow, Friday, June 27; 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; I further ask that the cloture vote on the motion to concur with respect to H.R. 3221 occur at 5:30 p.m. Monday, July 7, and that the postcloture time count as if the vote had occurred at 5 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. DODD. Mr. President, there will be no rollcall votes tomorrow. The next vote will occur at 5:30 p.m. on Monday, July 7.

## ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. DODD. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 10:58 p.m., adjourned until Friday, June 27, 2008, at 9:45 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### FARM CREDIT ADMINISTRATION

MARK EVERETT KEENUM, OF MISSISSIPPI, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR A TERM EXPIRING MAY 21, 2014, VICE NANCY C. PELLETT, TERM EXPIRED.

### DEFENSE NUCLEAR FACILITIES SAFETY BOARD

JOSEPH F. BADER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2012. (REAPPOINTMENT)

### DEPARTMENT OF THE TREASURY

RICHARD A. ANDERSON, OF GEORGIA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2013, VICE PAUL JONES, TERM EXPIRING.

### DEPARTMENT OF STATE

MATTHEW A. REYNOLDS, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF STATE (LEGISLATIVE AFFAIRS), VICE JEFFREY THOMAS BERGNER, RESIGNED.

### FEDERAL MINE SAFETY AND HEALTH ADMINISTRATION

MARY LUCILLE JORDAN, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2014. (REAPPOINTMENT)

### BROADCASTING BOARD OF GOVERNORS

PETER ROBERT KANN, OF NEW JERSEY, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2010, VICE JAMES K. GLASSMAN, RESIGNED.

MICHAEL MEEHAN, OF VIRGINIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2010, VICE D. JEFFREY HIRSCHBERG, TERM EXPIRED.

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

*To be lieutenant colonel*

TAMERA A. HERZOG

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

*To be major*

KERI L. AZUAR
JEREMY S. BRAGDON
ROBERTO D. CALDERON
STEPHEN J. FENTON
TODD W. GRAY
TODD R. GREGNER
GREGG G. MARTYAK
TIMOTHY M. ROWLAND
KHURRAM M. SHAHZAD
JONATHAN STREETER
DANIEL L. TARBOX
PAMELA P. WARDDEMO

### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

BRYAN K. WOOD

## CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, June 26, 2008:

THE JUDICIARY

WILLIAM T. LAWRENCE, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA.

G. MURRAY SNOW, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA.

## WITHDRAWAL

Executive Message transmitted by the President to the Senate on June 26, 2008 withdrawing from further Senate consideration the following nomination:

D. JEFFREY HIRSCHBERG, OF WISCONSIN, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2007, (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

# EXTENSIONS OF REMARKS

## WHO DO WE FIGHT?

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. POE. Madam Speaker, who do we fight against? We have been at war in Iraq and Afghanistan for years. We heard that we are fighting a war on terror. But what does that mean? Who are the people at war with America?

Now, after all this time, our government has decided we must have a politically correct name for our enemy. No longer can we use the term ''Jihadist,'' the primary meaning being a holy war to subject the world to Islam. After all, using that term might hurt our enemies' feelings.

And certainly the most accurate term, ''Islamo-Fascists,'' is strictly taboo because it might further anger our enemies by insinuating they are a bit radical when they murder in the name of religion.

So the government insists that we call the bad guys ''extremists'' or ''terrorists.'' The term terrorist is so general it could cover a multitude of individuals. My neighbor sometimes calls my Dalmatians ''terrorists''. Does that mean our country is at war with my dogs? I really hope not. The term ''extremists'' could be applied to Global Warming Advocates, Health enthusiasts, NASCAR fanatics or anyone with strong opinions. Are we fighting all these people?

Those terms: extremists and terrorists are so vague they don't indicate the war against us is waged in the name of a radical Muslim religious doctrine. But isn't that the reason for this war?

The term ''Jihadist'' is not a reflection on all Muslims. After all, many Muslims are literally fighting these radical ideas.

In a war, we must specifically define our enemy. Otherwise, we don't know who they are or why they fight.

And that's just the way it is.

## TRIBUTE TO RICK KUHLMAN

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Mr. Rick Kuhlman, the principal of Fort Dodge Senior High in Fort Dodge, Iowa. I also want to express my appreciation for Rick's dedication and commitment to the youth of Iowa.

For the past 34 years Mr. Kuhlman has contributed his time and his talents to improving youths' lives through education and mentoring. Mr. Kuhlman began as a physical education and health teacher with the Fort Dodge School District in 1974. He later became assistant principal of the high school from 1987 until 1999, when he was named the principal. During his career Mr. Kuhlman has been responsible for many accomplishments and successes, but the one that is most important to him was Fort Dodge Senior High being chosen as a model school in the State of Iowa, one of the first 20 schools in the State to receive such an honor.

Mr. Kuhlman's dedication to the Fort Dodge School District has touched the lives of the many students, families and faculty members he has worked with over the years. His leadership will certainly be missed, but his accomplishments will have a lasting impact on the community for years to come. I consider it an honor to represent Mr. Rick Kuhlman in the United States Congress, and I wish him a happy and healthy retirement.

## RECOGNIZING EMERGENCY MANAGEMENT, DISASTER RECOVERY AND RELIEF EFFORTS IN JOHNSON COUNTY

### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. PENCE. Madam Speaker, I rise today to commend and recognize the extraordinary contributions of emergency management, disaster response, and recovery personnel as well as elected officials and community leaders in my district which was devastated by the recent severe weather in Indiana.

I wish particularly to honor the Board of Commissioners and County Council, as well as these outstanding individuals in Johnson County:

Forrest Sutton, Director, Emergency Management Agency

Terry McLaughlin, Sheriff

Town Council, City of Edinburgh

Patrick Pankey, Chief of Police, City of Edinburgh

These areas suffered greatly from severe storms and weather, creating a catastrophe of nature that inflicted injuries, destroyed property, and displaced many of our citizens. In response, these officials went above and beyond the call of duty, showing great poise while saving many lives and serving the people of their communities.

Madam Speaker, I commend these fine men and women for their tremendous dedication to the Hoosier families, businesses, farmers and communities that they serve. As Hoosiers continue to recover from Mother Nature's fury, I feel confident that the people of Johnson County will be well served by these officials.

## THE 58TH ANNIVERSARY OF THE OUTBREAK OF THE KOREAN WAR

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. RANGEL. Madam Speaker, I rise today to recognize and honor the sacrifice of the men and women who bravely served in the Korean War in defense of freedom. Today, June 25th, we commemorate the 58th anniversary of the start of the Korean War; the so-called 'Forgotten War', which claimed more than 36,000 American lives. Although the Korean War may receive less attention than other wars, it does not diminish the significance of the war and the freedom it preserved.

I proudly served my wartime tour in Korea as a member of the 503d Field Artillery Battalion of the 2d Infantry Division. The 503d Field Artillery Battalion landed in Korea in August 1950, arriving in time to participate in hard-fought battles that defeated the North Korean offensives against the United Nations forces on the Pusan Perimeter. During the battalion's 15 months in Korea, members of the 503d received 19 Silver Stars, four Distinguished Flying Crosses, and 79 Bronze Stars. The battalion suffered 512 casualties, including 150 men who died in Communist prison camps and 79 who remain listed as missing in action. The 503d, a Black unit, shattered the biased and unfair negative stereotypes attached to Black men and women fighting in Korea and earlier wars.

Although today is a solemn reminder of the lives that were lost during the Korean War; it also serves as a reminder of the binding friendship we have forged with the Korean people. As a phoenix rises from the ashes, so has the U.S.-Korean alliance.

Madam Speaker, I would like to enter into the RECORD the heart/felt comments from the wreath laying ceremony at the Korean War Memorial by the Korean Ambassador, The Honorable Tae-Sik Lee:

REMARKS BY HIS EXCELLENCY TAE-SIK LEE, AMBASSADOR OF THE REPUBLIC OF KOREA TO THE UNITED STATES, ON THE OCCASION OF THE 58TH ANNIVERSARY OF THE OUTBREAK OF THE KOREAN WAR, KOREAN WAR VETERANS MEMORIAL, WASHINGTON, DC, JUNE 25, 2008

Distinguished veterans, colleagues from the diplomatic corps, and honored guests:

June 25, 1950, began as a day like any other. But the consequences of that day, and the War that ensued, have left a lasting mark. Millions were killed, our country destroyed, our nation divided. Yet freedom-loving governments stepped forward, and alliances were formed.

In the brutal heat of summer, and the bitter grip of winter, over every kind of tough terrain—it was through countless individual acts of courage, sacrifice, and faith—that South Korea's freedom was preserved. We are here today to honor that courage, remember that sacrifice and, I hope, reward the faith of every fighting man and woman—from 21 nations around the globe—who served to keep us free.

Far too numerous to mention—but far too important to forget—we remember and honor these heroes, not just today, but every day.

Some may say that the Korean War has been known as the Forgotten War. But it has been my personal mission to try to rectify that—as I have met with thousands of veterans in dozens of cities across the country. And I know that, here today, I am among many allies in this effort to remember.

Clearly one of the most compelling monuments to the veterans of this War is this moving memorial on the national mall. I recently saw an interesting statistic—a list of the top most-visited National Park Service memorials. As you might expect, Arlington National Cemetery is first, followed by the World War II and Vietnam memorials. But the Korean War Veterans Memorial has risen to number 4—averaging more than 3.2 million visitors per year.

I think people are remembering. And the priceless lesson that ''Freedom Is Not Free'' could not be more appropriate today.

For Korea, freedom has meant the chance to energize our economy; institutionalize democracy; and join the responsible community of nations. Today, we are proud to do our part in the war on terror, in peace-keeping operations, and in international economic and social organizations as well. With the United States, we are working to transform our alliance for the challenges of the future—building on the legacy of such forward-thinking leaders as General Riscassi, General Tilleli and General Sennewald, who are here with us today.

To all our friends from other nations who answered our call for help—I would like to offer this verse from Ecclesiastes that says: ''A faithful friend is a strong defense, and he that hath found him, hath found a treasure.'' A friend in need is a friend indeed. Certainly, the generous spirit of your friendship we will continue to honor and treasure.

To the veterans here today, you are our heroes and we remember you. And we hope you believe that Korea was a country worth saving—a people worth protecting—and a war worth fighting. Thank you very much.

## PERSONAL EXPLANATION

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mrs. MALONEY of New York. Madam Speaker, on June 9, 2008, I missed rollcall votes numbered 438, a resolution honoring the life, musical accomplishments, and contributions of Louis Jordan on the 100th anniversary of his birth; 439, a resolution supporting the goals and ideals of Black Music Month, and 440, a resolution congratulating James Madison University in Harrisonburg, Virginia, for 100 years of service and leadership to the United States.

Had I been present, I would have voted ''yea'' on rollcall votes numbered 438, 439, and 440.

## CONGRESSIONAL ART COMPETITION WINNER: KAITLIN SURDOVAL

### HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to honor the outstanding artistic talents of high school students from around our nation who have participated in the 2008 Congressional Art Competition: An Artistic Discovery.

For the past 27 years Congress has had the distinct pleasure of hosting this nationwide competition. I am very proud of the students who have participated in this competition, and I would like to specifically recognize the finalist from each of the four counties that make up New Jersey's Fifth Congressional District: Kaitlin Surdoval of Warren County, Megan Dreisbach from Sussex County, Kaitlin Cibenko from Passaic County, and Megan Sherlock from Bergen County.

Of these four finalists, Kaitlin Surdoval placed first for the entire district. Her outstanding artistic talent is truly remarkable and I am proud that her art will be displayed for the upcoming year here in our nation's capitol, representing New Jersey's Fifth Congressional District.

I am also pleased to recognize the hard work of the Art Societies that have been so instrumental in the organization and judging of the Competition in my district: the Sussex County Art Society, the Sussex-Warren Art Society, the Ringwood Manor Art Association, and the Bergen Museum of Art and Science.

In addition to the tremendous support of the art societies, citizens and businesses around the fifth district have been wonderfully supportive of the Art Competition and Kaitlin Surdoval. I would like to recognize James McCracken of the House of the Good Shepherd, Michael Alfone from the Borough of Ramsey, and Sal Risalvato of the New Jersey Gasoline-C-store-Automotive Association for their generous donations to assist Ms. Surdoval with her travel to Washington, DC for the celebration of the culmination of this year's Competition.

I am very pleased to be able to support this Competition which brings together so many citizens of the Fifth District to celebrate our talented youth.

## HONORING CHESTER GOSPEL CHURCH

### HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. WALBERG. Madam Speaker, I rise today to recognize Chester Gospel Church in Charlotte, Michigan on the celebration of its sixtieth anniversary. It is with great admiration and pride that I congratulate Chester Gospel Church on behalf of all of those in south-central Michigan who have benefited from its steadfast commitment to faith, service and prayer.

Chester Gospel Church began to serve the Charlotte community in 1958 under the leadership of Pastor Merritt Johnson, and the church occupied a one room schoolhouse at that time. Over the years, Chester Gospel has undergone numerous renovations to its original building in order to accommodate its flourishing membership. Chester Gospel now serves over one hundred members with its sister church, Bright Hope Bible Church, in Potterville, Michigan.

A spirit of humility and service has always been a mark of Chester Gospel Church as its congregation constantly seeks ways to reach out to the Michigan community. Roughly five years ago, Chester Gospel sent out six families to found the Bright Hope Bible Church in Potterville. In addition, each month Chester Gospel volunteers at the City Rescue Mission in Lansing, serving women and children at the Family Center. Chester Gospel has dedicated the entire month of August to Missions, and during the month, speakers come from all corners of the world to share the challenge of spreading the love of the Lord Jesus. Additionally, the church hosts Vacation Bible School each summer to encourage children's faith and promote the fellowship and love that is found throughout the halls of Chester Gospel Church.

In celebration of its sixtieth anniversary, Chester Gospel Church will be hosting a homecoming celebration. Four previous pastors of the church will be in attendance, including Pastors Merritt Johnson (1958–63), Elwood Norton (1966–70), Larry Pike (1971–82), and Barry Smith (1982–93). Currently, Pastor Marc S. Livingston faithfully leads Chester Gospel Church. The anniversary celebration includes a time for prayer, fellowship and sharing memories of the church's long and devoted history to service.

Madam Speaker, today I ask my colleagues to join me in honoring Chester Gospel Church on the celebration of its sixtieth anniversary. May others know of my high regard for the inspiring faith of this vibrant church, as well as my best wishes for Chester Gospel Church and its congregation in the future.

## IN MEMORY OF HAZEL HARVEY PEACE

### HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Ms. GRANGER. Madam Speaker, rise today to honor Hazel Harvey Peace, a longtime friend of District 12 and a Fort Worth icon, who passed from this life on June 8, 2008, at the age of 100.

Hazel Harvey Peace, while small in physical stature, was a giant of a Texan who had a huge influence not only on the individuals who were fortunate enough to come within her sphere of influence during her long and fruitful life, but on her community, the state and the country. A native of Fort Worth, Hazel Harvey Peace was born on August 4, 1907 at a time when segregation was still alive and when opportunities for African Americans were still limited. Hazel Harvey Peace always exhibited that she was a special person. By the age of 13, she graduated from Fort Worth Colored High School, which later was renamed I.M. Terrell High School. By the age of 16, Mrs. Peace earned a bachelor's degree from Howard University, located in Washington, DC.

She returned to Fort Worth to join the staff of her alma mater, I.M. Terrell High School, where she was a teacher and administrator for 46 years before retiring, for the first time. After her I.M. Terrell High School career, Mrs. Peace served nine years as the student affairs director and the financial aid coordinator of Bishop College in Dallas before retiring a second time. During her teaching career, Mrs. Peace earned a masters degree from Columbia University and did subsequent graduate work at other universities.

While Hazel Harvey Peace may have retired from her professional career twice, she never retired from teaching, mentoring and kindly encouraging her former students, her neighbors, and her community. The cornerstone of her message and teaching was simple but powerful: attain the best education possible and always conduct yourself properly in your personal and professional lives. Generations of students fondly recall Mrs. Peace dedicating herself to arming them with knowledge that would enable each to be successful at whatever they chose in life, while also stressing what one student describes as ''proper conduct, proper diction, proper vocabulary, proper dress and proper carriage.'' Likewise, generations of community leaders, mayors, council members, city managers and other public stewards were the recipients of her wise counsel and of her vision to make the City of Fort Worth, the State of Texas and the United States of America a better place for generations to come. She rose to become the great dame of Fort Worth not because of wealth, not because of powerful position and not because of her station in life. Rather, she became one of the most influential women in Fort Worth's history because of her determination and dedication to inspire.

Throughout the years, Mrs. Peace worked tirelessly not only for her students and the community's youth, but for the entire community. Her involvement included serving as co-chair for the City's Committee for the 150th Anniversary of Fort Worth, chairwoman of the Near Southeast Neighborhood Advisory Council and the United Community Centers, as well as service on other organizations such as the Tarrant County Housing Partnership, YWCA, Fort Worth Chapter of the NAACP and Women's Policy Forum Management Committee. Her numerous awards included Tarrant County Junior College Northeast Campus President's Cup Award, The Black Awareness Better Life Award, the Fort Worth School District's Distinguished Alumni Award and the Fort Worth Outstanding Women Award. In 2002 she was honored by being selected to be an Olympic Torchbearer as the torch made its way through Fort Worth.

Because of her dedication to education and her belief that excellent libraries go hand in hand with education, the City of Fort Worth Central Library named its children's section the Hazel Harvey Peace Children's Library in 2002. To honor her life work, former students, friends and corporate citizens raised more than $350,000 in 2004 to create a Hazel Harvey Peace professorship at the University of North Texas in Denton, the first endowed professorship in Texas to be named for an African American woman at a four-year, publicly supported university.

Our city, our state and our county are much better as a result of the life work of a wonderful, loving and dedicated woman-Hazel Harvey Peace.

She will live forever in the thousands upon thousands of people she touched, from her students and children throughout the community, to her neighbors and public stewards. She will be missed but not forgotten.

## TRIBUTE TO MAX GUSTAFSON

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate Max Gustafson for his longtime service to the community of Perry, Iowa. He recently earned the 2008 Civil Servant of the Year award from the local Rotary Club as well as special recognition by the Firefighters Association for his 53 years of service with the Perry Fire Department.

Soon after serving over four years in the Army with the NI Tank Company in the 34th Division, 133rd Infantry, Max began volunteering with Perry Fire Department. During his 53 years of service, Max served as fire chief for 10 years, and at the age of 93, Max continues to be active with the Perry Fire Department by contributing his mechanical skills. On his 90th birthday, he chose to celebrate by climbing to the top of the ladder on the ladder truck. Max has dedicated an immense amount of his time to the people of Perry and he is living proof that you are never too old to serve the community you love.

Max's loyalty to the Perry Fire Department and community has earned him a great deal of admiration, and his service deserves to be commended. I consider it an honor to represent Max Gustafson in the United States Congress, and I know my colleagues join me in wishing him the best as he continues to serve the town of Perry and set a positive example for all to follow.

## RECOGNIZING EMERGENCY MANAGEMENT, DISASTER RECOVERY AND RELIEF EFFORTS AT CAMP ATTERBURY

### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. PENCE. Madam Speaker, I rise today to commend and recognize the extraordinary contributions of emergency management, disaster response, and recovery personnel as well as government officials and military leaders at Camp Atterbury Joint Forces Maneuver Training Center, an important Army National Guard training site in my district which was devastated by the recent severe weather in Indiana.

I wish particularly to honor Governor Mitch Daniels and his administration, as well as these outstanding individuals in the Indiana National Guard for their yeoman's work on behalf of Camp Atterbury:

Major General R. Martin Umbarger, Adjutant General

Brigadier General Clif Tooley, Assistant Adjutant General

Colonel Barry Richmond, Post Commander

Lieutenant Colonel Ronald A. Morris, Deputy Post Commander

This area suffered greatly from severe storms and weather, creating a catastrophe of nature that inflicted injuries, destroyed property, and displaced many of our citizens. In response, these officials went above and beyond the call of duty, showing great poise while saving lives and serving the personnel working at their post.

Madam Speaker, as Hoosiers continue to recover from Mother Nature's fury, I feel confident that the military and civilian personnel of Camp Atterbury will be well served by these leaders.

## HONORING LOYD AND PHYLLIS MUSGRAVE

### HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mrs. MUSGRAVE. Madam Speaker, I rise today to honor Loyd and Phyllis Musgrave, who are celebrating their 70th wedding anniversary.

Loyd and Phyllis Musgrave grew up in southeastern Colorado. Both of their families were homesteaders, living in a small community about 25 miles south of Fort Morgan. They met as children, when attending Sunday school together in a one-room schoolhouse. Later, both attended Fort Morgan High School.

Phyllis laughingly recalls that Loyd proposed to her several times, but each time she told him ''I'll have to talk to my mother about that.'' When she finally did get around to speaking to her mom, he didn't bring up the subject again. She became impatient and decided to broach the subject herself ''Loyd has always teased me that I proposed to him,'' Phyllis says.

On May 27, 1938, only one day after Phyllis graduated from high school, they were married. Afterwards, they moved to a farm near Hoyt, Colorado, and by the late 1940s, they completed the house where they continue to live today.

Loyd and Phyllis have 2 sons, Jerard and Larry, who both live in Colorado, 6 grandchildren, and 11 great grandchildren.

Phyllis recalls all the fun that she and Loyd have had together over the years. ''We did a lot of traveling,'' she said, including trips to Canada, Alaska, and Hawaii. The only states they haven't explored are Maine, New Hampshire, and Vermont.

The couple's life motto is Matthew 6:33: ''But seek ye first the kingdom of God, and his righteousness; and all these things shall be added unto you.'' They have always been active in their local church, and today they remain involved in Hoyt Community Sunday School.

I want to congratulate Loyd and Phyllis Musgrave on their 70 years of marriage, and to thank them for the blessing they have been to their family and community.

## TRIBUTE TO MRS. NANCY SUTTON

### HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. MURTHA. Madam Speaker, I would like to take this opportunity to recognize the accomplishments of Mrs. Nancy Sutton, as she

celebrates her 93rd birthday on June 29. Mrs. Sutton is a selfless volunteer who constantly puts others ahead of herself. She is a valuable asset to Fayette County, Pennsylvania.

Madam Speaker, Mrs. Sutton worked hard during her long and varied career, which included working in retail in Uniontown. Following her retirement, she began to volunteer at her local Social Security Office during the 1980s and 1990s for a period of over 10 years. She still actively volunteers for the American Cancer Society, where she has volunteered for many years. In addition, Mrs. Sutton has been an active member of the Marshall Manor Resident Council since she became a resident in February 1973. She has served as president of the council and has coordinated and cooked monthly dinners for the manor's residents. Mrs. Sutton helps her fellow residents by driving them to medical appointments, picking up prescriptions, and helping with grocery shopping.

Mrs. Sutton was appointed as the tenant representative to the Fayette County Housing Authority's Board of Directors on February 8, 2001. She has served as the secretary of the board since her appointment.

Madam Speaker, Mrs. Nancy Sutton is truly a great and caring American. I wish to end my remarks by congratulating her on her 93rd birthday and for all of her community accomplishments.

## TRIBUTE TO MAURICE A. CALDERON

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the Inland Empire in California are exceptional. The Inland Empire has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Maurice Calderon is one of these individuals. On June 27, 2008, there will be a ceremony for Maurice as he retires from the position of vice president of minority development at Arrowhead Credit Union in San Bernardino, California.

Born and raised in Banning, California, Maurice learned the rich traditions and values of his Hispanic heritage and has used those lessons throughout his professional life. This treasured background guided Mr. Calderon in his unwavering commitment of professional and public service to the people of the Inland Empire. An elected school board member for 9 years in Banning, followed by an elective seat as a Mount San Jacinto Community College district trustee for another 9 years, Mr. Calderon was in the wonderful position of public service.

Maurice is an active member of numerous business, education, and community groups. He is a member of both the Inland Empire Hispanic, and African American, Chambers of Commerce. He is a member of the board of trustees of the University of California, Riverside Foundation, and the San Bernardino Valley College Foundation. Maurice is also a director for the Inland Empire Economic Partnership, president of Sinfonia Mexicana and chairman of the Inland Empire Hispanic Leadership Council.

Maurice has been honored to receive many awards from community and service groups over the years including ''Father of the Year'' from the city of Banning. He has also received ''Citizen of the Year'' from the city of Beaumont and Phi Delta Kappa, Riverside. Maurice was named the inaugural ''Hispanic of the Year'' and ''Influential Latino of the Year'' in 1998 by the Inland Empire Hispanic Chamber, and Hispanic Lifestyle Magazine, respectively. Mr. Calderon was also named ''Influential Latino of the Year'' and was a distinguished medal recipient for the Northside Impact Committee of Redlands in 1996. Maurice was also the inaugural recipient of the California Credit Union League Diversity Award, and was named to the Southern California Native American and Latino Hall of Fame. In April of 2004, Maurice was honored as the recipient of the 2004 Reconocimiento Ohtli Award, an award given by the Mexican Ministry of Foreign Affairs, which recognizes those who have proven their excellence, are role models for the society, and have contributed most successfully to the well-being of the communities of Mexican origin in the United States. Maurice was awarded the Black Rose Award for 2004 from the San Bernardino Black Culture Foundation for his dedication and service to the community. On September 1, 2005, the city of Banning acknowledged Maurice Calderon and the entire Calderon family for over 100 years of community service by naming a street Calderon Way in their honor. In November of 2005, Maurice received the California Credit Union League PAC 2005 Advocate of the Year Award during the League's annual meeting in Anaheim, California. In 2008 Maurice received the Sinfonia Mexicana Award for Service for serving as president from 2001 to 2008. In May of 2008 Maurice received the Esperanza Award from the California Chicano News Media Association.

Mr. Calderon has received certificates from the University of Georgia and Indiana University in savings and loan graduate programs. He also received an associate of arts degree from Mount San Jacinto College with honors. Married to Dorothy Calderon for 47 wonderful years, Maurice has two children and four grandchildren. Maurice's tireless passion for community service has contributed immensely to the betterment of the Inland Empire. I am proud to call Maurice a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he retires.

## IN HONOR OF DEAN CARMEN TWILLIE AMBAR

### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. PALLONE. Madam Speaker, it is with great pleasure that I rise today in recognition of Dean Carmen Twillie Ambar. I join with President Richard L. McCormick and all of Rutgers University in honoring Dean Ambar for her outstanding tenure at Douglass and for her recent appointment as President of the Cedar Crest College.

During her tenure as dean of Douglass, Dean Ambar demonstrated her commitment to the educational advancement of women by leading the fight to save Douglass College. Dedicated to women's success and leadership, Douglass is a unique institution that has enabled countless young women to receive an excellent education and fulfill their potential as leaders in public service, academia, and business.

In addition, Dean Ambar's exemplary service and dedication to Douglass was evident in her pursuit of women's global leadership. Dean Ambar spearheaded programs that showcased and promoted women's leadership skills and encouraged young women to pursue careers in math, science, and technology.

Madam Speaker, it is my sincere hope that my colleagues will join me in honoring and recognizing Dean Ambar for her invaluable contributions to Douglass and the greater Rutgers University community.

## RECOGNIZING EMERGENCY MANAGEMENT, DISASTER RECOVERY AND RELIEF EFFORTS IN HENRY COUNTY

### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. PENCE. Madam Speaker, I rise today to commend and recognize the extraordinary contributions of emergency management, disaster response, and recovery personnel as well as elected officials and community leaders in my district which was devastated by the recent severe weather in Indiana.

I wish particularly to honor the Board of Commissioners and County Council, as well as these outstanding individuals in Henry County:

Ronald D. Huffman, Director, Emergency Management Agency

Bruce Baker, Sheriff

Jim Small, Mayor, City of New Castle

James E. Nicholson, Chief of Police, City of New Castle

These areas suffered greatly from severe storms and weather, creating a catastrophe of nature that inflicted injuries, destroyed property, and displaced many of our citizens. In response, these officials went above and beyond the call of duty, showing great poise while saving many lives and serving the people of their communities.

Madam Speaker, I commend these fine men and women for their tremendous dedication to the Hoosier families, businesses, farmers and communities that they serve. As Hoosiers continue to recover from Mother Nature's fury, I feel confident that the people of Henry County will be well served by these officials.

## ON KOREAN WAR MEMORIAL DAY, AMERICA IS URGED TO REMEMBER THE FORGOTTEN WAR

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. RANGEL. Madam Speaker, I rise today to reintroduce the Korean War Veterans Recognition Act in the United States House of

Representatives to honor the great sacrifices and contributions made by the Korean War veterans to preserve our freedom.

Fifty-eight years have passed since its outbreak on June 25, 1950, yet the Korean War has never formally ended. In lieu of a peace treaty, a cease-fire armistice was signed on July 27, 1953, leaving in its wake 4 million military and civilian casualties. H.R. 6363 will commemorate the Korean War Armistice Day by displaying the flag at half-staff in remembrance and recognition of the Korean War veterans and a war that has yet to end.

The truest heroes of the Korean War are the thousands who served without question and never returned home to their loved ones. This bill is to honor them, especially, as well as to salute their comrades who placed themselves in harm's way in defense of their country. Even as we place this spotlight on the fighting men and women in the Forgotten War, I also wish to remember the tens of thousands of families, both Americans and Koreans, who suffered through this bloody conflict.

Indeed, the Korean War was one of the bloodiest wars fought in one of the coldest winters. In just 3 years, the United States suffered 54,246 casualties and 8,176-plus POW/MIAs. A total of 26 nations were involved in the War (22 UN Allied, 1 Support; 3 Communist); yet few people understand that the lingering effects of the Korean War and the resulting stalemate continue to impact our world today.

Sandwiched between World War II and the Vietnam War, the Korean War is often overlooked in the public consciousness and often referenced as the 'Forgotten War'. The courageous service and sacrifice of our Korean War veterans must never be forgotten and deserves to be honored. Let us remember the 6.8 million American men and women who served during the Korean War period, June 27, 1950 to January 31, 1955. Only 2 million are surviving today and nearly 1,000 die each day.

## TRIBUTE TO BOB SANDY

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. LATHAM. Madam Speaker, I rise today to recognize Bob Sandy for reaching an important milestone of 60 years as a public servant to the people of Warren County, Iowa.

For the past 60 years Bob has honorably served Warren County. His work with the county began when Bob took a job as a surveyor and bridge inspector for the county engineer's department at the age of 19. In 1953 he earned a degree in civil engineering from Iowa State University. Five years later, in 1958, he was hired as the county engineer and remained in that position until 1997. In the following year, Bob was elected to the Warren County Board of Supervisors and is currently serving his third term.

When Bob began working for the county, there were no paved roads in the entire county. Over 150 miles of roads were paved while Bob was the engineer. His friends say his success has come from getting along with, and earning the respect of those around him, including those who have shared their differences. In addition to his work with the county, Bob was a widely recognized and regarded sports announcer for local high school and Simpson College athletics with KBAB radio for 30 years. He also was the president of the Little League Association for many years.

I know that my colleagues in the United States Congress join me in commending Bob Sandy for his six decades of leadership and service to Warren County. I consider it an honor to represent him in Congress, and I wish him the best in his future service.

## HONORING THE EYE CENTER OF LENAWEE

### HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. WALBERG. Madam Speaker, I rise today to recognize the one hundredth anniversary of the Eye Center of Lenawee. It is with great admiration and pride that I congratulate the optometrists, both present and past, who have served the eye care needs of the Lenawee community over the past one hundred years. From its founding optometrist, Dr. J Berris, to today's practice that boasts three doctors and nine staff members, the Eye Center of Lenawee has long been a familiar and trusted business in Lenawee County, Michigan.

The history of the Eye Center of Lenawee is full of quality care and dedication to the Lenawee County community. The eye care center was established in 1908 by a Canadian immigrant, Dr. J Berris, in Adrian, Michigan next to the Croswell Opera House. Over the years, the practice passed through generations of highly qualified optometrists. In 1939, Dr. Robert Birmingham bought the practice and hired an associate, Dr. Robert Davis. In the late 1940s, Dr. Davis moved the eye care center to Maple Avenue. Upon Dr. Birmingham's retirement in 1979, Dr. Edward Schenkel, former Air Force optometrist, entered the practice and eventually became a partner with Dr. Davis. The center was moved to larger quarters when the Adrian Optometrists merged with Dr. Rick Allan Snow's practice in 1986. Shortly after the merge the name was changed to Eye Center of Lenawee, P.C. Today, the Eye Center of Lenawee has three resident optometrists, partners Dr. Rick Allan Snow and Dr. Jodi Kordyzon, and associate Dr. Kelli Lambert.

The Eye Center of Lenawee offers extensive and state-of-the-art eye care services for both adults and children. Services range from routine eye examinations and contact lenses, to treatment of eye injuries and laser vision correction. In addition to the numerous treatment options, the Eye Center of Lenawee is renowned for its knowledgeable and friendly staff that readily assists patients with scheduling appointments, arranging insurance coverage and the proper fitting of their eyewear. Over the past one hundred years, the Eye Center of Lenawee has never swerved from its firm commitment to first-rate patient service.

Madam Speaker, today I ask my colleagues to join me in honoring the Eye Center of Lenawee for one hundred years of respected business and outstanding service to Lenawee County. May others know of my high regard for the exceptional quality of this business, as well as my best wishes for the Eye Center of Lenawee in the future.

## URGING REFORM OF OUR INEPT IMMIGRATION LAWS

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. RANGEL. Madam Speaker, I rise today to implore my colleagues to review, and subsequently ameliorate, the current state of immigration law. After the failure of this Congress to enact sensible, compassionate, and effective immigration reform last year, selective—and at times nonsensica—enforcement has been the rule. It has meant, in the face of inaction and silence on the part of the Federal Government, fragmented and contradictory responses from local municipalities, ranging from establishing sanctuary cities to conducting incessant, violent, and sometimes illogical raids and deportations. Waiting is no longer a suitable solution, particularly not for those hardworking undocumented immigrants, free of any criminal record, who live every day in fear, and certainly not for those legal immigrants who committed long-ago misdemeanors and become victims to the fervor for increased deportations.

A New York CARIB News June 3 article, "Deportation Hanging Over West Indian's Head," reports the case of the deputy chief of staff to a prominent New York City Council member—a legal resident—who now faces deportation because of a minor drug offense he committed 20 years ago as an 18-year-old. The law was meant to apply to those immigrants who have committed serious offenses, but in today's climate, it is increasingly being used against persons convicted of rather small crimes, like shoplifting. These are legal residents, having now become model citizens, who have built lives in this country and have none elsewhere, committing small-time crimes years ago as teenagers and finding themselves in deportation proceedings. This is just one example of an American immigration system that proves illogical, demands fixing, and provides blanket judgment as opposed to reasoned case-by-case due process.

As we forestall meaningful action on immigration, good Americans suffer. I urge that we get back to work on this most imperative issue, and do what's right for this country and its residents.

## HONORING ART CHAN

### HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. OBERSTAR. Madam Speaker, I rise today to pay tribute to Arthur Chan, a dedicated staffer and an exceptional public servant, on his retirement from the Committee on Transportation and Infrastructure.

Over the last 15 years, Art has undertaken a number of critical roles on the Committee, and has been integral to the passage of numerous landmark pieces of legislation designed to rebuild America. Throughout his

service, protecting the public interest was paramount to Art as he worked to develop transportation policy.

In 1993, Art joined what was then the Committee on Public Works and Transportation, serving as Chief Economist for the Full Committee under Chairman Norman Mineta. In the 104th Congress, Art made the transition to the Subcommittee on Water Resources and Environment in order to focus on the passage of the Water Resources Development Act of 1996. Art quickly learned the intricacies of the Army Corps of Engineers programs and was instrumental in the enactment of the legislation. Art continued to play a key role on the subcommittee, and was vital to the passage of a number of water infrastructure bills. In 2003, Art took on the role of Highway Policy Director for the Subcommittee on Highways and Transit, where he quickly became an expert on the Federal-aid highway program and was a lead negotiator during the creation of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), the 2005 surface transportation legislation.

Prior to his public service, Art earned his Ph.D. in economics, master's degrees in both economics and political science, and his B.A., with distinction, all from the University of Nebraska. A true intellectual, Art stayed in academia, teaching students first at Boston University and then at New Mexico State University.

When Art began his public service, first with GAO and then with the Committee, his teaching experience was quickly apparent to all who worked with him. Art always found the time to share his knowledge with anyone who asked, from Members of Congress to new Committee staffers. Throughout his career, he developed a command of a range of issues spanning the Committee's jurisdiction.

Art's expertise is complemented by his dedication to defending the public interest. In his decade and a half of service, his first priority was always crafting sound public policy. The depth and breadth of his knowledge allowed Art to understand the benefits or shortfalls of the most complex legislative proposal, and to assess its potential impact on the users of our transportation system. The American public has been well-served by Art's insightful commitment to his work.

Art is a true believer in the intents and ideals of our transportation programs, and has always sought to protect and improve upon them. As anyone who has sat across from him at the negotiating table knows, Art is relentless in his efforts to achieve the best possible policy solutions to address our transportation challenges. His devotion to this pursuit and his attention to detail led to many long days and late nights in the legislative counsel's office, and is reflected in the high quality of the work he produced. His commitment to maintaining the integrity of our transportation infrastructure programs has been a hallmark of Art's service.

Madam Speaker, it is with wholehearted gratitude that I rise today to honor Art Chan's service to the Committee on Transportation and Infrastructure, to the House of Representatives, and to the United States. Art's institutional knowledge, insightful counsel, and tenacity have earned him the well-deserved respect of Members and colleagues on both sides of the aisle, and he will be greatly missed. I wish Art continued happiness and success in his future endeavors.

## TRIBUTE TO MINDY DAUGHERTY

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate Mindy Daugherty of Dallas Center, Iowa for earning the Hero of the Heartland honor presented by the Central Iowa chapter of the American Red Cross.

Mindy is a legal nurse consultant with Bradshaw Law Firm in Des Moines, but during her free time she volunteers with the Mid-Iowa Sexual Assault Response Team, where she is able to utilize her forensic nursing background. Her duties involved with being a member of the team include extensive hours of being on call to administer assistance to sexual abuse victims at any given time. When a patient is sexually assaulted, Mindy does a history, physical and collects DNA evidence for the patient. At the same time she has the difficult task of comforting and giving reassurance to distressed victims.

Mindy's willingness to utilize her strengths by volunteering and helping people involved in traumatic events is certainly an example to all of us. Her dedication to her community and commitment to serving those in a time of great need should be commended. I consider it an honor to represent Mindy Daugherty in the United States Congress, and I know my colleagues join me in congratulating her on this honor and wishing her the best in the future.

## RECOGNIZING EMERGENCY MANAGEMENT, DISASTER RECOVERY AND RELIEF EFFORTS IN BARTHOLOMEW COUNTY

### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. PENCE. Madam Speaker, I rise today to commend and recognize the extraordinary contributions of emergency management, disaster response, and recovery personnel as well as elected officials and community leaders in my district which was devastated by the recent severe weather in Indiana.

I wish particularly to honor the Board of Commissioners and County Council, as well as these outstanding individuals in Bartholomew County:

Dennis Moats, Director, Emergency Management Agency

Mark Gorbett, Sheriff

Jim Bickel, CEO, Columbus Regional Hospital

Fred Armstrong, Mayor, City of Columbus

Jim Worton, Chief of Police, City of Columbus

These areas suffered greatly from severe storms and weather, creating a catastrophe of nature that inflicted injuries, destroyed property, and displaced many of our citizens. In response, these officials went above and beyond the call of duty, showing great poise while saving many lives and serving the people of their communities.

Madam Speaker, I commend these fine men and women for their tremendous dedication to the Hoosier families, businesses, farmers and communities that they serve. As Hoosiers continue to recover from Mother Nature's fury, I feel confident that the people of Bartholomew County will be well served by these officials.

## IN HONOR OF DR. LEATRICE RABINSKY

### HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. KLEIN of Florida. Madam Speaker, I rise today to honor a distinguished member of the Jewish Community and a real role model in my life.

Dr. Leatrice B. Rabinsky, an Adjunct Professor of Jewish Literature at the Siegal College of Judaic Studies and a board member of the Ohio Council on Education, has recently retired after 25 years of dedicated service, teaching Ohio youth about the Holocaust at Cleveland Heights High School.

During her 25 years of service she pioneered Holocaust education and led eight ''Journeys of Conscience'' for students and survivors to the sights of the Holocaust in Europe and Israel.

I was privileged be a student of Dr. Rabinsky. She instilled in me principles and knowledge that have had a lasting impact on my life. She shaped me as a person and as a public servant. One of my proudest moments as a state legislator in the Florida legislature was when we passed the Holocaust Education Act, legislation that I authored that mandated teaching about the lessons of the Holocaust in all of Florida's public schools. Because of this legislation, which grew out of Dr. Rabinsky's inspiration, more of America's children will know the consequences of bigotry and intolerance. Now, as a member of the United States Congress, and as the Chairman of the Congressional Taskforce Against Anti-Semitism, I continue to make Holocaust issues a priority.

I am sure that each and every one of our colleagues can identify a teacher from their past who left a significant mark on their lives. I know that I would not be where I am today without the motivation and encouragement of Dr. Rabinsky.

Finally, I would like to thank the Jewish National Fund for honoring Dr. Leatrice Rabinky as a ''Woman of Valor.'' She is a pillar in the Jewish community and, I am proud to honor her in the U.S. House of Representatives.

## IN RESPONSE TO THE SUPREME COURT DECISION ON DISTRICT OF COLUMBIA VS. HELLER

### HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. BOYD of Florida. Madam Speaker, I want to voice my support for the landmark Supreme Court decision to overturn the District of Columbia handgun ban. This was a long and hard-fought battle, one in which I signaled my support for the rights of gun owners by joining many of my colleagues in signing an

amicus brief supporting gun rights. In the end, the Court's decision affirmed that all citizens have the right to keep and bear arms.

I am pleased with this decision because now honest, law-abiding citizens of the District of Columbia, as well as those in Florida and across the Nation, can be assured of the right to self-protection in their homes. As a strong defender of our Second Amendment rights, I am glad to see this outcome from the Courts.

## IN HONOR OF THE 150TH ANNIVERSARY OF THE PROTECTIVES CO. 1 OF ROCHESTER, NY

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Ms. SLAUGHTER. Madam Speaker, I rise today to congratulate the Protectives Co. 1 of Rochester, New York as they approach their 150th anniversary. Ever since their formation on August 23, 1858 these volunteer citizens have spent thousands of hours a year protecting the property of their neighbors from fire, smoke and water damage thereby reducing the costs to the businesses and citizens of Rochester in their most distressing times.

Formed as part of a general reorganization of a fractured and dysfunctional Rochester Fire Department, the Protectives Property Protection and Salvage Company instilled a sense of security that the community it served had been missing. Before its inception, the citizens of Rochester relied on ten separate, and often bickering, fire departments to protect their homes and businesses from fires. The Protectives helped bring about a renewed commitment to protecting the community.

The original Protectives Property Protection and Salvage Company has not only saved countless dollars in property damage over the years, but has also saved the lives of many individuals and firefighters from out of control fires. The Protectives No. 1 operates as a volunteer unit under the Rochester Fire Department assisting them with salvage, ventilation, lighting and holding fire hoses as ordered by the fire Chief, thereby relieving the firefighting manpower at the scene of an active fire.

The Protectives have been there supporting the Greater Rochester community throughout some of its most trying times, including the Great Sibley Fire of 1904 which totaled 4 million dollars worth of damage at the time. And today they continue to work many of the most fundamental and underappreciated jobs including pumping out flooded basements, and setting up and operating fans and lighting during salvaging efforts. Each and every day they subscribe to their motto, ''we strive to save.''

The Greater Rochester Area owes them a debt of gratitude for their dedicated work and thousands of hours of volunteer services. So it is with great pride and appreciation that I congratulate the Protectives Co. 1 for 150 years of great service, and may it continue to serve as a model of volunteer service and community activism for the citizens of Rochester, NY and across America.

## IN RECOGNITION OF THE CENTENNIAL OF THE CITY OF POINT ARENA

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. THOMPSON of California. Madam Speaker, I rise today to commemorate the 100th anniversary of the incorporation of the City of Point Arena on the Mendocino Coast in Northern California. Located along magnificently rugged headlands overlooking the Pacific Ocean to the west and bordered by redwood forests to the east, California's sixth smallest city (current population 501) is precariously ''surrounded'' by the San Andreas Fault and watched over by the stately Point Arena Lighthouse.

Self-described as a ''town of booms and declines'' Point Arena has survived three major fires and fueled a variety of enterprising possibilities. Historical anecdotes trace its heritage from the native Pomos to traders, lumberjacks and sea captains, from oil drillers and bootleggers to hippies and nuclear energy protestors.

Prior to 1906, Point Arena was the ''busiest town between San Francisco and Eureka.'' More than 200,000 board feet of lumber came from the town mills. Point Arena was the main shipping port for agricultural products on the south Mendocino coast. After the earthquake in 1906 every brick building collapsed and every chimney and timbered dwelling came down.

In the meantime, William Hanon, the editor of the town newspaper, the Point Arena Record, was elected to a term in the state legislature. While there he saw money and services handed out to incorporated cities and wanted Point Arena to get a share. Due to his foresight and persistence tiny Point Arena became incorporated July 6, 1908.

By 1910 more than two dozen saloons graced the dirt road next to the headlands overlooking the Pacific. Until 1912 horse-drawn stagecoaches brought visitors and provisions. The main source of supplies, however, was the SS *Sea Foam* until it sank off the coast in 1931. A fire, started at the Grand Hotel on July 2, 1927, wiped out the town once again. By the 1930s Point Arena was rebuilt and many art deco and arte moderne remnants still stand downtown.

Since then roads have been paved and the scenic Coast Highway One turns into Point Arena's Main Street. The pier has been revitalized with restaurants and inns and harbors a small fishing fleet. Main Street sports historic facades, coffee shops, bars and a theater as well as a new public kiosk describing Point Arena's status as a California Coastal National Monument gateway.

Madam Speaker and colleagues, please join me in recognizing the city of Point Arena for a hundred years of determination and success. I would also like to salute the energetic and conscientious city council, which chose ''Still Crazy After all These Years'' as the motto for its centennial. And for their new colorful city seal featuring the indigenous Point Arena Mountain Beaver.

## TRIBUTE TO ALAN WOOTERS

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Alan Wooters, a native of Gowrie, Iowa, who has been a distinguished long time public servant in Webster County, Iowa.

For the past 44 years, Alan has been working in the Webster County Auditor's office. After studying at the American Institute of Business in Des Moines, Alan began his non-elected position at the age of 19. Despite being a long-time Republican and a member of the Webster County Republican Central Committee, the three auditors he has worked for during his 44 year career have all been Democrats. In today's political climate, he certainly serves as a wonderful example of how to work across the aisle to accomplish results for the greater good.

Although Alan is stepping down from his First Deputy Auditor position, he hopes to continue serving the community by devoting more time to volunteering in programs such as Meals on Wheels and continuing as the president of the Gowrie Historical Society.

I know that my colleagues in the United States Congress join me in congratulating Alan Wooters for his many years of service to Webster County, Iowa. I consider it an honor to represent Alan in Congress, and I wish him the best in his retirement and as he continues to serve his community.

## RECOGNIZING THE OUTSTANDING ACHIEVEMENTS OF THE CARIBBEAN DEVELOPMENT BANK

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. RANGEL. Madam Speaker, I rise today to commend the work and accomplishments of the Caribbean Development Bank (CDB). The CDB has most recently been ranked among the world's most effective international financial institutions by Standard & Poor's, with the highest possible foreign currency high credit rating.

The CDB's mission is to promote economic growth and development among Caribbean member states by promoting economic cooperation and regional integration. Their work has helped to facilitate more efficient economic partnerships throughout the Caribbean by providing a number of financial services to the region.

I would like to thank the CDB for its contribution to the development of the Caribbean and I would like to wish the bank continued growth and success.

## RECOGNIZING JOHN MILAZZO

### HON. CHARLIE MELANCON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. MELANCON. Madam Speaker, it is with great pleasure that I rise today to recognize

the retirement of John Milazzo as the chairman of the National Association of Federal Credit Unions (NAFCU). Elected to the NAFCU Board in 1999, John has been a leader in the credit union community both nationally and within my great state of Louisiana.

For the past nine years, Mr. Milazzo has been balancing his time as a NAFCU Board member, including the past two years as the chairman of the NAFCU Board, against his responsibilities at Campus Federal Credit Union, where he has been the president/CEO since 1985. Headquartered in Baton Rouge, Campus Federal Credit Union is a $320 million multibranch credit union serving 39,000 members that is known for its use of technology and innovation to improve operational efficiency.

Throughout his tenure as chairman of the NAFCU Board of Directors, Mr. Milazzo worked tirelessly to enhance the federal credit union charter by working with Congress for regulatory relief legislation for credit unions. As chairman, he has also helped maintain NAFCU's status as a leading credit union trade association. John has been an active credit union advocate on local, state and national levels, having served on the Federal Reserve Bank of Atlanta's Financial Institutions Advisory Committee and as chairman of the Southern Financial Exchange and now serving as a member of Fannie Mae's National Advisory Council.

Many would think that the work he does for credit unions would be enough to fill a day, but that is not the case. Mr. Milazzo is a dedicated family man who finds time to volunteer with the United Way Campaign and the Community Fund for the Arts. He is a current member of Kiwanis International and previously served as club president and former district lieutenant governor of the organization. He is also a Eucharistic minister and member of the finance committee of Saint Anne's Catholic Church. A graduate of Louisiana State, he may also be one of the most loyal LSU Tigers fans in the nation, and he continues to serve the LSU community through Campus Federal Credit Union.

It is with great honor that I rise today to congratulate Mr. John Milazzo on his fine work throughout his illustrious tenure as chair of NAFCU. I have worked with him on issues that are important to the credit union community in the past, and I am committed to continuing this relationship. I have no doubt that, with Milazzo's more than 20 years of experience in the credit union community, his departure will leave a great void. Congratulations on your retirement from the NAFCU Board, Mr. Milazzo.

## CELEBRATING THE 25TH ANNIVERSARY OF THE FIRST AMERICAN WOMAN IN SPACE—DR. SALLY K. RIDE—AND HONORING HER CONTRIBUTIONS TO THE SPACE PROGRAM AND TO SCIENCE EDUCATION

### HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. LAMPSON. Madam Speaker, today I am introducing a resolution "Celebrating the 25th Anniversary of the First American Woman in Space—Dr. Sally K. Ride—and Honoring Her Contributions to the Space Program and to Science Education." On June 18, 2008 we mark the historic date, twenty-five years ago, when the STS–7 Space Shuttle mission flew the first American woman into space. Dr. Sally Ride, an accomplished athlete who once considered pursuing a professional career in tennis, holds this special distinction and has continued to be a passionate and inspiring advocate for space and for science throughout her career.

Dr. Ride, who earned undergraduate degrees in both English and physics at Stanford University and who continued her academic training leading to a doctorate in physics, was selected as an astronaut candidate in the National Aeronautics and Space Administration's (NASA's) eighth astronaut class, the first to include women. On the historic STS–7 mission, Dr. Ride served as a mission specialist; her work with the STS–7 crew included launching two communications satellites, conducting demonstration activities with the Shuttle robotic arm, and facilitating experiments in materials science.

On October 5, 1984, Dr. Ride made her second spaceflight aboard the STS 41–G mission, which launched the Earth Radiation Budget Satellite and demonstrated the capability to refuel satellites in orbit, among other accomplishments. Sadly, training preparations for Dr. Ride's third spaceflight assignment, the STS 61–M mission, ended following the *Challenger* accident. She then was asked to serve on the Presidential Commission that investigated that accident, and later she served with distinction on the Columbia Accident Investigation Board.

Madam Speaker, following her NASA career, Dr. Ride has focused her experience, talent, and dedication as a leader and advocate for educating the next generation of scientists and engineers—especially young women. As a professor and scientist, she has served on the faculty of the University of California San Diego and as director of the University of California's California Space Institute. She has authored scientific publications on free electron lasers. She has also authored several children's books about science and space.

Dr. Ride's current focus has been through her efforts to provide hands-on learning about science, math, and technology for young students and teachers. She has been the principal investigator of Earth Knowledge Acquired by Middle School Students (EarthKAM), a NASA education program that allows students to control a digital camera that is attached to the International Space Station, to determine what to photograph, and to use the imagery for their science studies. The project also instills experience in teamwork, communication, and problem-solving. In addition, Madam Speaker, as the first American woman in space, Dr. Ride has used her fame constructively, mentoring and encouraging girls and young women to pursue careers in space, science, and engineering. To that end, she has developed science festivals, science camps and other opportunities for girls and young women to engage in science, math, and technology activities.

Madam Speaker, as we celebrate the 25th anniversary of the first American woman in space we also celebrate the dawn of the space age a quarter of a century earlier. The historic milestone of Dr. Ride's flight encourages us to look forward to the additional "firsts" for our nation's space program in the coming decades. Dr. Ride's profound dedication to promoting opportunities for science and engineering learning is helping to build that exciting future.

Madam Speaker, I urge my colleagues in Congress to support this resolution celebrating the 25th anniversary of the first American woman in space and to extend our appreciation and gratitude for Dr. Ride's excellence in service to the nation as an astronaut, educator, and advocate for the next generation of women scientists and engineers.

## EXTENSION OF REMARKS

### HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. KIRK. Madam Speaker, in the past 10 years, the price of crude oil has risen by more than 400 percent, accounting for much of the nearly 200 percent increase in gasoline prices during that time. America should have spent the past decade investing in renewable energy and infrastructure, but we instead remain the number one importer of oil. Foreign oil accounts for 23.5 percent of United States energy consumption, the largest component of our energy profile. To meet its needs, the U.S. spends over $100 billion on foreign oil, helping to sustain corrupt political systems and state terrorism. This will continue to persist as long as we are dependent on oil, as nearly two-thirds of proved world oil reserves reside in countries considered "not free" by leading human rights organizations.

America's dependence on oil is a threat to our national security, economic prosperity and environmental sustainability.

Forty-five years ago, President Kennedy pledged to send man to the moon. We need a similar "moon shot" program to end our dependence on foreign oil. The bill I stand here to introduce, the Apollo Energy Independence Act, taps the greatest asset of the United States, Yankee ingenuity and free markets, to boost alternative vehicles and increase renewable energies to get off foreign oil. By cutting funding for low-priority programs, we can fund a massive effort to end our dependence on the Middle East.

The Apollo Energy Independence Act first and foremost permanently extends investment tax credits for renewable energy such as wind; closed-loop biomass; open-loop biomass; geothermal; small irrigation; hydropower; landfill gas; marine power; trash combustion facilities; solar energy property; fuel cell property; microturbines; and nuclear energy. The bill also permanently extends a number of energy efficiency tax incentives.

Each Congress, lawmakers scramble at the last minute to renew these effective incentives, then shortsightedly extend them for just a short period. This has undoubtedly stifled the growth of our renewable energy industry. Some studies estimate that renewable energy could supply up to 37 percent of our electricity needs by 2030, resulting in $700 billion in economic activity and 5 million new U.S. jobs by 2025. Yet in years which the production tax credit is set to expire, investments significantly

decline. In the wind energy sector alone, investments drop an average 80 percent every other year when the credits expire. In order to realize our full renewable potential, it is absolutely essential that we provide long-term incentives to engender enough market confidence to generate sustained investment.

If the proposals established in the Apollo Energy Independence Act are implemented, renewable energy use could increase by more than 320 percent and comprise the largest segment of U.S. energy use. Foreign oil use would plummet by more than 730 percent, based on estimates from the National Hydrogen Association (NHA), the American Council on Renewable Energy (ACORE) and the Energy Information Administration (EIA).

The Apollo Energy Independence Act also establishes a number of permanent tax incentives to purchase and produce advanced vehicle technologies and alternative fuels, such as cellulosic and hydrogen fuel. The legislation also permanently extends the hybrid tax credit, increases it by 50 percent and eliminates the obstructive limitation. Since current law limits the hybrid tax credit to just the first 60,000 vehicles, the full credit was available for the most popular vehicles for just 9 months after its establishment. The quarter in which the credit began to phase out, Toyota saw its hybrid vehicle sales decline by nearly 30 percent. My legislation repeals this limit to facilitate the constant proliferation of hybrid vehicles.

In order to spur the development and deployment of even more advanced vehicles, we establish an advanced vehicle technology credit for plug-in electric drive, fuel cell and flexible fuel vehicles. But our failure to fully deploy alternative fuels and vehicles is not simply a lack of development, it also stems from a lack of proper infrastructure. My legislation increases and makes permanent the alternative fueling property credit. It also provides a steady funding stream, via Corporate Average Fuel Economy penalties, to the Department of Energy's Clean Cities Initiative, which establishes local public-private partnerships to find alternative fueling infrastructure solutions to reduce our oil consumption.

Americans currently import 12 million barrels of oil daily. The policies of the Apollo Act could decrease foreign oil consumption by up to 10 million barrels per day by 2030, according to a study commissioned by the NHA. At today's crude oil prices, this would save America over $500 billion annually.

The bill establishes a number of other measures to help consumers reduce their energy and gasoline costs, including providing market incentives to boost public transportation use, reducing costly boutique fuels, providing grants for green school improvements and eliminating ethanol tariffs.

To fund this effort, the legislation cuts Federal funding for congressional earmarks and agriculture subsidies while consolidating a number of lower priority Government functions. By spurring new energy technology, resulting spin-offs promise to generate additional economic growth and jobs. According to NASA, since 1976 more than 1,500 technologies emerged from the space program, creating thousands of new jobs and industries.

The United States spent $19.5 billion to realize one of her most prestigious accomplishments—landing on the moon. We should invest in a similar national effort that will be equally important for the sustainability of our society and could have even far more reaching and long-term benefits than the Apollo program. I hope my colleagues will join Representatives JUDY BIGGERT, CHRISTOPHER SHAYS and me in taking the first step toward achieving this goal and support the Apollo Energy Independence Act.

## TRIBUTE TO OFFICER ELSON ''SKIP'' EHRHARDT

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. LATHAM. Madam Speaker, I rise today to recognize the recent heroic action of Eldora, Iowa Police Officer Elson ''Skip'' Ehrhardt.

On March 5, 2008 at 12:48 a.m., while Officer Ehrhardt was on patrol, he received an emergency page indicating that a woman was in active labor a half block away in the Merritt Mobile Home Court. When Officer Ehrhardt arrived on the scene, he had to urge a hesitant woman to leave the bathroom where she had begun to go into labor. When she eventually came out, Ehrhardt realized that her water had broken and that there was no time to get her medical assistance. He noticed that the baby's head was on its way out, and about a minute later, at 12:57 a.m., Officer Ehrhardt had the baby in his arms. He then quickly unwrapped the umbilical cord and rubbed the baby vigorously until the baby began to cry, just as an ambulance arrived with paramedics.

Officer Ehrhardt's alertness and decisive decision making in such a critical situation goes above and beyond what we are asked of as citizens of this country. His courage illustrates the compassion of Iowans; willing to do whatever it takes for a neighbor in need. I know my colleagues in the United States Congress join me in congratulating Officer Ehrhardt on a job well done. It is an honor to represent such a compassionate Iowan in Congress, and I wish Officer Ehrhardt the best in his future endeavors.

## HONORING THE WALKER TAVERN FARMER'S PICNIC

### HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. WALBERG. Madam Speaker, it is my special privilege to recognize the one hundredth anniversary of the first Walker Tavern Farmer's Picnic held in Brooklyn, Michigan in 1908. It is with great enthusiasm that I honor the Farmer's Picnic on behalf of the many Michigan families who have experienced the joy of this unique event.

Started by a group of business owners in 1907, the first Walker Tavern Farmer's Picnic was celebrated in the Irish Hills and quickly became a highly anticipated annual event. This day-long picnic, originally called the Businessmen's Picnic, brought families, friends, and visitors together to share food, partake in games, and exchange stories. The picnic offered over 25 summers of community entertainment from 1908 to 1935 until halted by the Depression.

This historic event is known for the bringing together workers of many trades, such as businessmen and farmers. A 1922 account reveals that the picnic drew a crowd of about 1,500 and featured a baseball game between the farmers and the businessmen. Friendly games among locals is part of what made this picnic the highlight of the summer for over a quarter century.

This year the community spirit that inspired the picnic will be rekindled. In honor of its one hundredth anniversary, families and friends will gather once again at Walker Tavern to celebrate the traditions of the past. Folks will enjoy free family fun by sharing a potluck lunch and engaging in old time games including tug-of-war and a watermelon seed spitting contest. In addition, a vintage baseball game will be played according to Civil War era rules where the ball is only allowed to bounce once before it is counted as out and participants wear no mitts, just as those who participated before them did.

Madam Speaker, today I honor the one hundredth anniversary of Walker Tavern Farmer's Picnic for its ability to draw this community together to celebrate a rich heritage all Michiganders can be proud of. May others know of my high regard for this celebrated event as well as my highest recognition for its storied past.

## RECOGNIZING RICHARD PAUL ELLIS ON THIS 100TH BIRTHDAY

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, I rise today in honor of Richard Paul Ellis on his 100th birthday.

Mr. Ellis has watched his home town of Milton, Florida grow from a dirt-road countryside to a sizable city in the 100 years that he has lived there. He grew up on the east side of the area and attended the Greater Bethlehem African Methodist Episcopal Church and Magnolia School.

Over the years, his life took root and blossomed into varying forms. He married in 1930 and proceeded to have eleven children. Mr. Ellis has been active in the Greater Bethlehem African Methodist Episcopal Church from early on. He strengthened his participation, serving as Class Leader, Stewart Board member, and Stewart Pro-Tem. Mr. Ellis also taught Sunday School and helped remodel the sanctuary.

In 1951, Mr. Ellis joined the Shriner's organization and began participating in the Pride of Milton Lodge #12 location. In 1965, he was elected Worshipful Master and served in the position for thirty-five years. Mr. Ellis was a charter member of the R.P. Ellis Royal Arch Masons and served as the High Priest for five years. After a fire badly damaged the Masonic Lodge, which was used as a school building at the time, he helped secure funds for the reconstruction of a new school.

For a century Mr. Ellis has graced the residents of Milton with his charity and good deeds. The First District of Florida is greatly indebted to his service and is honored to have

him as one of their own. Madam Speaker, on behalf of the United States Congress, I would like to wish Richard Paul Ellis a happy 100th birthday, and I wish him many more years of health and happiness.

## RECOGNIZING EMERGENCY MANAGEMENT, DISASTER RECOVERY AND RELIEF EFFORTS IN SHELBY COUNTY

### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. PENCE. Madam Speaker, I rise today to commend and recognize the extraordinary contributions of emergency management, disaster response, and recovery personnel as well as elected officials and community leaders in my district which was devastated by the recent severe weather in Indiana.

I wish particularly to honor the Board of Commissioners and County Council, as well as these outstanding individuals in Shelby County:

Mike Schantz, Director, Emergency Management Agency

Michael Bowlby, Sheriff

Scott Furgeson, Mayor, City of Shelbyville

Bill Elliott, Chief of Police, City of Shelbyville

These areas suffered greatly from severe storms and weather, creating a catastrophe of nature that inflicted injuries, destroyed property, and displaced many of our citizens. In response, these officials went above and beyond the call of duty, showing great poise while saving many lives and serving the people of their communities.

Madam Speaker, I commend these fine men and women for their tremendous dedication to the Hoosier families, businesses, farmers and communities that they serve. As Hoosiers continue to recover from Mother Nature's fury, I feel confident that the people of Shelby County will be well served by these officials.

## INTRODUCTION OF CRUISE VESSEL SECURITY AND SAFETY ACT

### HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Ms. MATSUI. Madam Speaker, today I am introducing the Cruise Vessel Security and Safety Act. This bicameral, comprehensive cruise safety reform legislation has been informed by 2 years of research and numerous Congressional hearings.

Madam Speaker, over 12 million Americans will travel on cruise lines in 2008. Within 5 years, that number is expected to reach 20 million. Unfortunately, few of these passengers fully appreciate how vulnerable they are to crime while at sea. Cruise ships, which operate under foreign flags of convenience, are not required under U.S. law to report crimes that occur outside of U.S. territorial waters. Citizens who are victimized often do not know their legal rights or who to contact for help in the immediate aftermath of the crime.

In recent years, the media has reported on a number of high profile cases of passengers falling overboard, passengers gone missing and passengers being raped and sexually assaulted. Sadly, many of these cases remain unresolved.

My involvement in this issue began after a young woman from my district, Laurie Dishman, came to me for assistance after she had been a victim of a violent crime on a cruise ship. Laurie shared her shocking story with me in a letter 2 years ago. At its heart, this bill addresses the concerns brought to my office 2 years ago by my constituent, Laurie Dishman.

As a passenger on board a Royal Caribbean cruise ship, Laurie was raped by a crew member. One of the most disturbing aspects of Laurie's case is that the cruise ship on which she was raped had inadequate security staff. As a result, the cruise line promoted someone with no training to perform security personnel duties. If a real security guard had been on duty that evening, Laurie may have been spared her awful ordeal. The tragedy that ensued is something that Laurie will never forget.

Laurie was brave enough to report the incident to the crew authorities, even though they treated her poorly and with little sensitivity. She also reported the crime to the FBI. Unfortunately, the U.S. Attorney's office declined the case for prosecution just 4 days later.

I have since learned that there have been no convictions for rape cases on cruise lines in four decades. This statistic takes on a new meaning through the lens of Laurie's experience.

Laurie told her story at a Transportation and Infrastructure, Coast Guard and Maritime Transportation Subcommittee hearing on crimes on cruise ships. At the hearing she spoke of her experience and also ways to improve prevention methods, including: peep holes and security latches on stateroom doors; instituting sensitivity training for crew members; and ensuring more CCTV cameras in hallways.

After the hearing, I introduced the Protect Americans from Crimes on Cruise Ships Resolution on September 17, 2007, with Representatives CHRISTOPHER SHAYS and CAROLYN MALONEY. The resolution has over 30 cosponsors.

The Coast Guard and Maritime Transportation Subcommittee held a follow-up hearing on September 19, 2007. We heard from other victims, some who were raped or assaulted while on a cruise; others who lost family members at sea. Unfortunately, we did not hear that the cruise lines had changed many of their standard operating procedures to reflect the previous hearing. In fact, just a few weeks before the hearing, a young woman had been raped on a cruise ship and was not given access to proper care.

These incidents beg the question: what is the process when a crime is committed on a cruise line and what recourse do victims have? The more Members of Congress have inquired, the more we have learned that there is no shortage of cases of rape, sexual assaults of minors, alcohol-related fighting and abuse, and persons overboard.

Most recently, Senator KERRY and Senator LAUTENBERG held a hearing on cruise safety. Less than a month before the hearing, a constituent of Senator LAUTENBERG's went missing while on a cruise, and was believed to have gone overboard. The family was not immediately notified of the incident. This incident occurred 4 years after Ken Carver's daughter, Merrian, went missing on a Royal Caribbean cruise to Alaska. Since then, Ken has been instrumental in organizing victims to promote safety on cruise ships, including starting the International Cruise Victims organization and developing a 10-point program to improve safety on cruise ships.

Today, as a result of Mr. Carver, Ms. Dishman, and all of the many families of victims who have suffered so greatly, I am introducing a comprehensive reform bill with my esteemed colleagues CHRIS SHAYS, CAROLYN MALONEY, LLOYD DOGGETT and JOHN LEWIS to address the public safety concerns on cruise ships.

Our legislation seeks to improve ship safety, provide transparency in reporting, improve crime scene response, improve training procedures and enforce safety and environmental standards.

Improve Ship Safety. Our legislation would improve ship safety by mandating guard rails to reach 54 inches in height and entry doors of each passenger stateroom and crew cabin to have peep holes, security latches, and time sensitive key technology. Ship owners would be required to implement fire safety codes as well as technology to detect when a passenger falls overboard. Procedures would also be established to determine which crew members have access to staterooms and when.

Provide Transparency in Reporting. The legislation would establish a reporting structure based on the current voluntary agreement in place between the cruise industry, the FBI, and the Coast Guard. Additionally, each ship would be required to maintain a log book, which would record all deaths, missing individuals, alleged crimes, and passenger/crewmember complaints regarding theft, sexual harassment, and assault. The log books would be available to FBI and Coast Guard electronically, as well as to any law enforcement officer upon request. Statistical information would be posted on a public Web site maintained by the Coast Guard.

Improve Crime Scene Response. Each ship would be required to maintain antiretroviral medications and medications used to prevent sexually transmitted diseases after assault, as well as equipment and materials for performing a medical examination to determine if a victim has been raped. A United States licensed medical practitioner would be on every ship to perform the necessary examinations and to administer treatment. Private medical information would be protected, and would require written authorization for release. Additionally, all passengers would be given free, immediate, and confidential access to a National Sexual Assault Hotline and the FBI.

Improve Training Procedures. The legislation would establish a program designed by the Coast Guard and the FBI, and certified by the Administrator of the Maritime Administration, to train appropriate crewmembers in crime scene investigation. Each ship would be required to maintain one crewmember trained and certified under such a program.

Enforce Safety and Environmental Standards. The Coast Guard is authorized to dispatch personnel to monitor discharge of waste, to verify logbook entries related to waste treatment and disposal, and to act as public safety officers by securing and collecting evidence of alleged crimes. Additionally, the Secretary of the Coast Guard shall

conduct a study of passenger security needs and report findings to Congress.

Established Equitable Remedies. The bill also establishes fair and equal remedies for persons injured in boating disasters.

Madam Speaker, nearly all cruise ships operate under a foreign flag. U.S. citizens who are victimized onboard cruise ships often do not know their legal rights or who to contact for help in the immediate aftermath of crimes. Unfortunately, few U.S. nationals are aware that they are at risk of being the victims of crime while on their vacations. And, it is even more concerning that these victims have inadequate access to assistance or law enforcement in the aftermath of the crime. Cruises operate in a legal vacuum, where a lack of accountability empowers predators and obstructs their victims' pursuit of justice. That is an unacceptable situation, made worse by the cruise lines' own efforts to avoid scrutiny of and accountability for their own handling of the security of their passengers.

My hope is that with increased Congressional oversight, the cruise lines will finally take these crimes seriously and enact necessary reforms. This comprehensive legislation will give Americans who are victims of crime on a cruise ship access to justice, and require that necessary steps are taken to bring the perpetrators of such crimes to justice. The legislation will also ensure that the cruise industry provides information to passengers about security risks and maintain necessary security personnel on each ship.

The Cruise Vessel Security and Safety Act of 2008 addresses the ongoing safety concerns on cruise ships and will help ensure that the millions of men, women and children who cruise each year are informed, aware and safe on cruise ships. I urge all of my colleagues to cosponsor this important bicameral, comprehensive legislation.

## TRIBUTE TO LARRY HEDLUND

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. LATHAM. Madam Speaker, I rise today to recognize Special Agent Larry Hedlund as a recipient of the Iowa Law Enforcement Victim Service Award. The awards were created by the Federal Law Enforcement Victim Task Force of the U.S. Attorneys' Offices for the Northern and Southern Districts of Iowa.

Agent Hedlund was nominated by the Webster County Attorney's Office for his role in protecting a victim and successfully prosecuting the defendant in the State of Iowa vs. Perry Bender case. Agent Hedlund was able to gain the victim's trust and cooperation after she was threatened with physical harm by the defendant if she appeared for a deposition in the pending case. He used the information he gained from the victim to locate a digital recorder that included a conversation of the defendant threatening the victim. This evidence eventually led to the conviction of Mr. Bender.

Agent Hedlund's 20 years of dedicated service to the Iowa Department of Public Safety has made a positive impact on the lives of many victims caught in dangerous circumstances. His courage illustrates the compassion of Iowans; willing to risk his own safety for people in need.

I commend Special Agent Larry Hedlund for his outstanding service to his community and performance on the job. I am honored to represent Agent Hedlund in the United States Congress, and I wish him the best in his future work protecting the citizens of Iowa.

## IN RECOGNITION OF LT. RON HAUGSDAHL

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. WOLF. Madam Speaker, I rise today to recognize Lt. Ron Haugsdahl of the Fairfax County Police Department. Lieutenant Haugsdahl has helped lead the Northern Virginia Regional Gang Task Force and has personally supervised the evolution of the task force from its beginning to today's nationally recognized unit dedicated to fighting gangs and crime. His tireless efforts coordinating the 15 participating agencies have led to marked achievements in the fight against violent gangs in northern Virginia.

Lieutenant Haugsdahl has served in the Fairfax County Police Department since 1993, and previously served in the city of Falls Church Police Department from 1986 to 1993 as well as in the U.S. Army as a military police officer from 1983 to 1986. Over his many years in law enforcement, Lieutenant Haugdahl's duties have included patrol sergeant, gang detective, criminal investigator, and firearms instructor, in addition to his more recent leadership role with the task force.

Madam Speaker, it is my honor to acknowledge today this fine public servant devoted to upholding the law and protecting the residents of northern Virginia. His service is greatly appreciated.

## HONORING HOUSE FELLOWS

### HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. LARSON of Connecticut. Madam Speaker, I rise today to congratulate the participants of the House Fellows Program on the completion of their weeklong program. As an initiative of the Office of the Historian, this program has been a unique opportunity for a select group of secondary education teachers of American history and government to experience firsthand how Congress really works. They were chosen because they were educators with demonstrated excellence in the classroom.

One of the goals of the program is to develop curricular materials on the history and practice of the House for use in schools. Each Fellow will prepare his or her brief lesson plan on a Congressional topic of their choosing, and these plans will become part of a teaching resource database on the House. During the school year following their participation in the House Fellows Program, each Fellow will have the responsibility to present their experiences and lesson plans to at least one in-service institute for teachers of history and government.

With plans to select a teacher from every congressional district over the next 4 years, the House Fellows Program will be able to impact thousands of high school teachers and their students, providing an inside account of how the House of Representatives functions, energizing thousands of students to become informed and active citizens.

I had the honor of meeting the Fellows this week and know that all Members will join me in congratulating the following teachers who have successfully completed the program:

Ms. Gale Carter, East Chicago Central High School, East Chicago, Indiana (INOl, Visclosky); Ms. Jennifer Fine, New Canaan High School, New Canaan, Connecticut (CT04, Shays); Mr. Todd Hodkey, Wellington High School, Wellington, Ohio (OH09, Kaptur); Mrs. Amy Koelsch, Sterling Heights High School, Sterling Heights, Michigan (MIl2); Mrs. Gerry Kohler, Wood County Schools, Wood County, West Virginia (WVOl); Mr. Erik Korling, Willows High School, Willows, California (CA02); Mr. Steven Kwiatkowski, Clay High School, Oregon, Ohio (OH09); Ms. Evelyn Longino, Red River High School, Coushatta, Louisiana (LA04, McCrery); Mr. Jake Miller, Panther Valley High School, Lansford, Pennsylvania (PAll, Kanjorski); Mr. Tony Storch, Caldwell Academy, Greensboro, North Carolina (NC06, Coble); Mr. Jonathan Waldron, Mattawan High School, Mattawan, Michigan (MI06, Upton).

As many of my colleagues already know, the first bill I sponsored upon becoming a Member of Congress in 1999 was the History of the House Awareness and Preservation Act, which directed the Librarian of Congress to oversee the writing of a history of the House of Representatives. Once this bill was signed into law (P.L. 106–99), the Librarian of Congress very wisely chose the eminent historian and author, Dr. Robert V. Remini, to write the history, which was published in 2006 under the title of The House. The project was so well received that the Speaker of the House reestablished the Office of the Historian in 2005 and appointed Dr. Remini as the House Historian.

Madam Speaker, I would like to urge all of my colleagues to join me in thanking the Office of the Historian for sponsoring this program. Under the leadership of Dr. Remini and Dr. Fred Beuttler, along with their staff; Michael Cronin, Anthony Wallis, Andrew Dodge, and Dr. Charles Flanagan; interns George Dise, Parker Williams, and Mike Ferrin; the Office of the Historian is dedicated to fulfilling the goals of the History of the House Awareness and Preservation Act by conserving and presenting the history of the House of Representatives, the ''People's House.''

## GRADUATE SPOTLIGHT, AT THE 37TH COMMENCEMENT CEREMONY OF MEDGAR EVERS COLLEGE, CUNY

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. RANGEL. Madam Speaker, I rise today in recognition of Medgar Evers College of The City University of New York (CUNY) which recently celebrated its thirty-seventh Commencement Ceremony and to enter into the RECORD an article from the New York Carib News for the week ending June 24, 2008 titled

"Graduate Spotlight, At the 37th Commencement Ceremony Of Medgar Evers College, CUNY."

Medgar Evers College was founded as a result of collaborative efforts by community leaders, elected officials, the Chancellor, and the Board of Trustees of The City University of New York. The College, named for the late civil rights leader, Medgar Wiley Evers (1925–1963), was established in 1970 with a mandate to meet the educational and social needs of the Central Brooklyn community. Medgar Evers College is committed to the fulfillment of this mandate. Consequently, the College's mission is to develop and maintain high quality, professional, career-oriented undergraduate degree programs in the context of liberal education.

Medgar Evers College has a history of educational partnerships with Caribbean nations; articulation agreements exist with institutions such as the University of the West Indies, the University of Guyana and Dominica State College. These arrangements have fostered student and faculty exchanges as well as curriculum development initiatives. The relationship between the College and the Caribbean was recognized and reaffirmed last week during the visit of the leaders of the CARICOM states with a new agreement to expand and strengthen cooperative relationships with educational institutions in the Caribbean.

The future is bright for Medgar Evers College; graduates received degrees in an exciting array of disciplines and were awarded prestigious scholarships.

It is my sincere hope that other Colleges and Universities around the world will join the Medgar Evers College in establishing successful student and faculty exchange with other countries, while simultaneously allowing minorities and people from lower income families to further their education.

This Commencement ceremony offers us an occasion to thank the students and faculty of Medgar Evers College for their strength, their courage, and their invaluable contributions to U.S. and global communities. So, on this 37th Commencement ceremony, I proudly stand with Medgar Evers College to celebrate and appreciate the growth and change it continues to establish.

[From the CUNY Newswire, June 12, 2008]

HIGHLIGHTS OF THE 37TH COMMENCEMENT CEREMONY OF MEDGAR EVERS COLLEGE; GOVERNOR PATERSON DELIVERS KEYNOTE

Medgar Evers College of The City University of New York (CUNY) celebrated its thirty-seventh Commencement ceremony in the College Amphitheater at 1650 Bedford Avenue in Brooklyn on Saturday, June 7 at 10:00 a.m. Themed It's all about M.E.—Aspiration, Devotion, & Culmination, the exercises commemorated the culmination of years of academic dedication by the Class of 2008.

Following the College's Annual Alumni Breakfast and traditional Presidential Reception for special invited guests, the occasion opened with a grand procession comprised of New York State Governor David A. Paterson, City University of New York Chancellor Matthew Goldstein, College President Edison O. Jackson, senior University and College officials, honor guards, flag bearers, faculty, and the 975 students of the graduating body.

Amongst those donning caps and gowns that day were notable graduates like business major Alan Newton, a 46-year-old Bronx native who served 22 years in prison before DNA evidence secured his release. Newton plans on continuing his education in law school and later to work in a field that allows him to give back. ''I want to carry the torch of social justice. A lot of people are voiceless and even if they have the power they don't know how to wield it,'' he said.

The graduates received words of congratulations and encouragement from dignitaries like Brooklyn Borough President Marty Markowitz and Congresswoman Yvette D. Clarke.

''In life, as you know, you can either wait for things to happen or make things happen. As a Medgar Evers graduate, I know you've got the style, pizzazz, moxy, and chutzpah. I know that you'll make things happen, said Markowitz. ''You are the best of Brooklyn and the best of New York.''

''You [graduates] are the inspiration and motivation for the work that I do,'' said Clarke. ''You are part of a legacy of excellence. A legacy that reigns supreme and as long as you remember that, as long as you are committed to that, our future is secure.''

In his keynote address, New York State's 55th, and its first African American, governor, David A. Paterson said, ''To all of you graduates I wish for you all that you desire in your careers; but it is the responsibility of our government to make sure that you have equal opportunities.'' He went on to discuss his plans to help ensure such opportunities through the issuance of an ''executive order about the procurement of minority and women-owned businesses, right here in the State of New York, for contracts, for investment banking, for savings and bonds and insurance'' this week.

''As you go forward in your lives, don't forget where you came from,'' Paterson continued. ''Don't forget Medgar Evers. Don't forget the younger people who will be coming to this school. Contribute to the school. Come back.''

The future is bright for Medgar Evers College; graduates received associates and baccalaureate degrees in an exciting array of disciplines that day. Additionally, three scholarships, totaling twenty thousand dollars, were awarded through the National Grid Charles Evans Inniss and Dr. Betty Shabazz Awards.

The hopeful nature of the day was best expressed by College President Dr. Jackson, ''Yours is an extremely fortunate generation. One that stands in the sunlight of a new tomorrow.''

## HONORING THE CITY OF LEON VALLEY'S ANNUAL FOURTH OF JULY CELEBRATION

### HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. GONZALEZ. Madam Speaker, I rise today to honor and thank the city of Leon Valley as they prepare to host their annual Fourth of July parade and celebration. This marks the 14 consecutive year in which Leon Valley has celebrated our Nation's independence.

This historical significance of our independence is felt beyond our domestic borders as this holiday truly epitomizes the meaning of the word democracy. Centuries ago on this day, our Founding Fathers stood up for their cherished values and used them as a blueprint for the basis of our country's government. They believed in a citizen's right to freedom and equality, and they abandoned tyranny and oppression along the way to forming a bold new government.

What started as a courageous experiment in democracy developed into a flourishing government that to this day symbolizes liberty and justice. Without their vision, our democracy would not be what it now is over 200 years later. Along the way, our country has continuously represented the principles on which it was founded to the rest of the world. It is a tremendous responsibility that we carry not only as a government but also as citizens, and it is one that we should all be honored to fulfill.

It is with great privilege that I commend the city of Leon Valley for recognizing these important principles of our democracy with their annual Independence Day celebration. The Leon Valley community should be proud of their efforts, both in the past and in the future, to honor our Nation's independence and the values this holiday represents.

## INTRODUCTION OF THE SEGAL AMERICORPS EDUCATION AWARD TAX RELIEF ACT OF 2008

### HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. LEWIS of Georgia. Madam Speaker, today I am introducing legislation that will help people who have looked around their community and seen a great need. They have answered a call to national service. They are AmeriCorps volunteers.

Segal AmeriCorps Education Awards are offered to volunteers after they complete their service so they can pay for an education. The award is $4,725 for a year of full-time service. It is prorated for part-time. Unfortunately it is taxed as regular income. This legislation makes clear that the Segal AmeriCorps Education Awards are not income and should not be subject to income taxes. The AmeriCorps Education Award should be a source of inspiration to serve not a source of fear on tax day.

People trying to pay for college cannot afford to be hit by extra taxes on this education benefit, not while they are still in school, and not when they are struggling to make ends meet through working their first job. People cannot afford an unjust tax bill at the same time their student loans are coming due. People cannot afford to receive less financial aid because this award is counted as income and makes student loan applicants appear to have more ability to afford college than they actually do.

Now is the time to believe in people again. Now is the time to believe in the power of change. We must find every way to reinforce just how important it is that the American people engage in volunteer service to their country. We must make the future a better future. AmeriCorps volunteers are out there every day, leading the way, getting in the way and making good change. This bill invests in the power of change.

## TRIBUTE TO TOM COMFORT

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. LATHAM. Madam Speaker, I rise to recognize Mr. Tom Comfort, principal of Emerson Elementary School in Indianola, Iowa, on the occasion of his retirement. I also want to express my appreciation for Tom's dedication and commitment to the youth of Iowa.

For the past 35 years Mr. Comfort has contributed his time and talents to improving lives through education and mentoring. Tom began as a student teacher in the school district in 1972. He later taught second grade at Emerson for over 20 years and worked 5 years in administration before becoming principal. Mr. Comfort is well-known for his natural ability to connect with young students, parents, and fellow educators. His guidance, sense of humor, and many unique abilities including his storytelling, will certainly be missed by all at Emerson Elementary, as is evidenced by art projects organized by teachers and students at every grade level in his honor.

Mr. Comfort has made a lasting impact on the many students and teachers he has worked with over his career. I consider it an honor to represent Tom in the United States Congress, and I know my colleagues join me in wishing him a long, happy and healthy retirement.

## ESTABLISHING A CONGRESS 2012 COMMISSION

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce legislation which will continue my efforts of previous Congresses to work toward better representation for our constituents. My legislation will form a commission to examine how we, the people, may be best served by our representational democracy. This commission would analyze the current size of the membership of the House of Representatives and examine alternatives to the current method of electing Representatives.

Madam Speaker, as Chairman of the Committee on Rules Legislative and Budget Subcommittee, I find it absolutely necessary to continually update our mechanisms for representation and governance to best serve those constituents who have trusted us with representing them.

The legislation I offer today will counter the unfortunate truth that, ironically, our land of the free is one of the most under-representative democracies in the world. When considering elected federal representation per capita, many other countries throughout the world have parliaments which can more closely serve their constituents. Smaller ratios of elected officials to constituents allow for better engagement to more effectively address the needs of their districts. As a country that holds itself up as the standard bearer for the democratic process, we must be critical of our own standards to guarantee that we continue to give all citizens an equal and meaningful voice in our government.

We have encountered an electoral crisis in recent years with low voter turnout and diminishing faith in the effectiveness of our electoral process. However, the energy of this current election cycle has exponentially increased voter registration. We owe it to our constituents to ensure that this increase in civic engagement is met with the most effective mechanism of representation possible. The Commission proposed in the legislation I introduce today will meet that need by determining the best way to ensure maximum participation in this great democracy by every American citizen.

I urge my colleagues to support this legislation and look forward to its expedient passage.

## HONORING DERRICK GREGG

### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. SHIMKUS. Madam Speaker, I rise today to honor 15-year-old Derrick Gregg from Highland, Illinois. For his Eagle Scout badge project, Derrick chose to raise funds for building a helipad in Highland.

The $88,000 helipad that Derrick has raised the money to build is fully heated. Additionally, it also has radio controlled lighting. As the nearest trauma center to Highland is about 40 miles away, this landing pad will be used when critical patients need to be transported by helicopter.

I congratulate Derrick for his efforts which will serve his community well. I wish him the best as he finishes this project and completes his Eagle Scout requirements.

## PERSONAL EXPLANATION

### HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. PUTNAM. Madam Speaker, on Wednesday, June 25, 2008, I was not present for recorded votes due to a funeral in Florida that I attended. Had I been present, I would have voted the following way: rollcall No. 449—"no"; rollcall No. 450—"no"; rollcall No. 451—"no"; rollcall No. 452—"no"; rollcall No. 453—"no"; rollcall No. 454—"aye"; rollcall No. 455—"no"; rollcall No. 456—"aye"; rollcall No. 457—"no"; rollcall No. 458—"no"; rollcall No. 459—"no"; rollcall No. 460—"aye"; rollcall No. 461—"aye."

## RECOGNIZING EMERGENCY MANAGEMENT, DISASTER RECOVERY AND RELIEF EFFORTS IN RANDOLPH COUNTY

### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. PENCE. Madam Speaker, I rise today to commend and recognize the extraordinary contributions of emergency management, disaster response, and recovery personnel as well as elected officials and community leaders in my district which was devastated by the recent severe weather in Indiana.

I wish particularly to honor the Board of Commissioners and County Council, as well as these outstanding individuals in Randolph County:

Rick Brown, Director, Emergency Management Agency

Jay Harris, Sheriff

Steven Croyle, Mayor, City of Winchester

Michael Burke, Chief of Police, City of Winchester

These areas suffered greatly from severe storms and weather, creating a catastrophe of nature that inflicted injuries, destroyed property, and displaced many of our citizens. In response, these officials went above and beyond the call of duty, showing great poise while saving many lives and serving the people of their communities.

Madam Speaker, I commend these fine men and women for their tremendous dedication to the Hoosier families, businesses, farmers and communities that they serve. As Hoosiers continue to recover from Mother Nature's fury, I feel confident that the people of Randolph County will be well served by these officials.

## INTRODUCTION OF THE DEPARTMENT OF HOMELAND SECURITY PREPAREDNESS, RESEARCH, AND EDUCATION PROGRAM ACT OF 2008, THE DHS PREP ACT OF 2008

### HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. AL GREEN of Texas. Madam Speaker, today, we live in a world where security threats have become more complex. For that reason, nurturing a field of educated and knowledgeable experts—trained and prepared to meet the security challenges before us—should be a priority of the United States Government. To accomplish this goal, opportunities within the Department of Homeland Security (DHS) should be made available for students to participate in programs that allow them to help develop the solutions to the security challenges that our Nation confronts. It is equally important that participating students come from diverse backgrounds and are truly representative of all the communities across our homeland.

My legislation, the Department of Homeland Security Preparedness, Research, and Education Program Act of 2008, or the DHS PREP Act of 2008, would direct the Secretary of Homeland Security to carry out a program for fellowships and research to enhance domestic preparedness and the collective response to acts of terrorism, natural disasters and other emergencies.

When natural disasters such as Hurricanes Katrina and Rita devastated the Gulf Coast region, infrastructure and the most basic services too many take for granted were destroyed. The Department of Homeland Security is overseeing efforts to rebuild public infrastructure in the Gulf Coast region that was devastated by natural disasters. That is why, during the first year of the fellowship, participants will undertake research specifically focused on rebuilding and recovery of the Gulf Coast.

It is the aim of this legislation to allow students receiving fellowships from this program to work closely with the National Center for Natural Disasters, Coastal Infrastructure, and Emergency Management to strengthen our Nation's overall response to natural disasters. The research conducted by the fellowship participants will also reinforce the efforts of the Office of the Federal Coordinator for Gulf Coast Rebuilding at DHS. Additionally, the research conducted by the fellows will be shared with Congress.

This important legislation will allow us to train experts and professionals to develop substantive policy solutions that will seek to solve the homeland security and disaster response challenges that confront our Nation. I ask my colleagues to support the Department of Homeland Security Preparedness, Research, and Education Program Act of 2008, or the DHS PREP Act of 2008.

## HONORING GOD AND COUNTRY

### HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, for over 225 years the United States has been a beacon of hope and freedom throughout the world. Millions of people from every corner of the world have left their homelands to come to America and start a new life, one based on the rights and liberties enshrined in the Declaration of Independence, the Constitution and the Bill of Rights.

That freedom comes at a price, however. Whether it is the original fight for independence during the American Revolution, the drive to defeat communism during the cold war, or the current battle against global Islamic extremists, soldiers throughout our history have fought and given their lives to keep us safe here at home. I salute their sacrifice and dedication to their fellow man, and thank those veterans here today for your great military service.

While our Nation has often had to defend itself from enemies, both foreign and domestic, it has been our shared commitment to faith and belief in a higher power that has given us the strength to soldier on during tough and trying times. America has seen both the good and the bad throughout our Nation's history, but in the end I firmly believe that each of us will heed the call to the better angels of our nature when forced to make decisions that affect our fellow man.

Together we can continue the great success of the United States. Throughout our history, while our ancestors came from all over the globe, the great melting pot that is America meant that we have shared a common language and a common faith. Our Nation is firmly rooted in Christian principles that have made us strong and envied by the rest of the world. Whenever a crisis happens in a faraway land across the seas, it is men and women like you who pull together in the spirit of Christian charity and a desire to help your fellow man. It is our military that brings relief supplies to nations like Burma or Indonesia after their floods, and the United States Armed Forces that meets the challenge of liberating Europe from the Axis superpowers. The can-do spirit of our Nation means we never back away from a challenge, and that by working together we can accomplish anything we set our minds to.

America is the greatest nation in the world. We have a proud history of service, faith and community ties that bind us to the common belief in the goodness of mankind. By working together we can continue that history and ensure that future generations of Americans will share the ideals and values that brought us here today. Thank you and God bless the United States of America.

## TRIBUTE TO CLEMMYE JACKSON

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Clemmye Jackson, the Ames, Iowa Community School District's accelerated learning program director, after 30 years of service to the Ames community.

For the past 30 years Clemmye has contributed her time and talents to improving youths' lives through education and mentoring. She is a native of Ocala, Florida and moved with her husband George, to Rochester, Michigan when he was hired by Oakwood University in the 1970's. She started working as a substitute teacher and found her niche in working with at-risk children, where she learned to teach using structured discipline, communication in a respectful manner, and a sense of humor. When George took a job at Iowa State University in 1977, she became a counselor at Ames High School. She later became the director of the accelerated learning program for K–12 education in the Ames School District.

Under her guidance, the Ames School district has applied for, and successfully received annual grants of over $2 million for at-risk accelerated learning programs including an intervention prevention department, Title I, a drug-free program, a program for homeless students, three separate preschool programs, and an English language learner program. Because of Clemmye's vision and hard work, the successful at-risk programs now utilize over 49 teachers and noncertified employees to assist students.

Clemmye has made a lasting impact on students throughout her career, and her leadership will be missed. However, she leaves the future program director the inspiration to help youth dream big, work hard, and achieve great things.

I consider it an honor to represent Clemmye Jackson in the United States Congress, and I know my colleagues join me in wishing her and her husband George, a long, happy and healthy retirement.

## CONNECTICUT CLEAN ENERGY FUND

### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. COURTNEY. In December 2007, the Connecticut Clean Energy Fund (CCEF) Board announced a $1.18 million grant to the Lee Company's Westbrook production facility for the development of a solar photovoltaic system. On Friday, June 27, 2008 the Lee Company will celebrate the returns on these investments: Connecticut's largest solar photovoltaic system at a manufacturing facility. I rise today to recognize this monumental achievement and commend the Lee Company and the CCEF's leadership with facilitating a greener Connecticut for current and future generations.

In 1948, the Lee Company was founded by Leighton Lee II in eastern Connecticut. Over the past six decades, the Lee Company has transformed the original Connecticut regional offices into a national presence. Today, the company remains one of the foremost developers and manufacturers of fluid control components for aerospace systems.

The CCEF was established by Connecticut's General Assembly in 2000. Since inception, the CCEF, administered by Connecticut Innovations, has invested millions of dollars in renewable energy projects throughout Connecticut, focusing on solar, biomass, wind, hydro, and wave power. In my district alone, the Fund has provided nearly $14 million in incentive grants for 207 alternative energy projects. Current operating renewable energy projects are estimated to generate 5 million kWh and eliminate over 4.1 million pounds of greenhouse gas emissions over the course of each year.

As important as the state's help was in this project, it was the vision and determination of the Lee Company that really made the project's exciting transformation of its energy system possible. The CCEF's incentive grant to the Lee Company, which covered half the cost of the 308-kilowatt photovoltaic system at the Westbrook production facility, is one of the largest in the state of Connecticut. Once operating, the photovoltaic system will provide 19 percent of the energy used at the facility. When the system is not in use, energy production credits will be deducted from the company's electric bill.

In addition to reducing dependence on fossil fuels and greenhouse gas emissions, these investments will generate new economic growth and opportunity. The Lee Company employs more than 100 individuals at the Westbrook production facility and more than 800 people throughout the state. These investments will allow for the continued growth of the company and expanded employment opportunities throughout Connecticut.

Madam Speaker, our Nation is at a critical turning point. For the strength of our economy and health of our environment, investments in clean, renewable energy are needed now more than ever. I ask my colleagues to join with me and my constituents in recognizing these renewable energy achievements and supporting similar initiatives in their districts.

## CELEBRATION OF GOVERNOR BILL SHEFFIELD'S 80TH BIRTHDAY

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. YOUNG of Alaska. Madam Speaker, I rise today to pay special tribute to a great American and outstanding Alaskan on the occasion of his 80th birthday. Born on June 26,

1928, in Spokane Washington, the Honorable Bill Sheffield has been a leader in business, government, and public policy for many of the 55 years he has resided in Alaska. He served as governor from 1982 to 1986 following an impressive and prosperous business career in which he built a company that became one of the largest private employers in Alaska and the Yukon Territory.

Following a landslide victory in his 1982 election, Governor Sheffield focused his attention to curbing the runaway growth in state government, bettering the lives of rural Alaskans, and saving more of Alaska's energy revenues for future generations of Alaskans. As Governor he supported opening ANWR, a position I proudly share with him and one which we will continue to support until development begins.

Since leaving public office in 1986, Governor Sheffield hasn't slowed down at all! He is a trustee of Alaska Pacific University; a member of the Advisory Board of ENSTAR Natural Gas; a charter member of Commonwealth North, Alaska's leading public affairs forum; Past Chairman of the Federal Salary Council; former Alaska Chairman of the United Nations 50th year celebration; received the 2006 Lifetime Achievement Award in Business from Alaska Business Monthly; former President & CEO of the Alaska Railroad Corporation and now serves on its Board of Directors.

In addition to these many commitments, Governor Sheffield also serves as the Director of the Port of Anchorage. As Director, Sheffield has implemented a massive expansion that started in 2002 and will be completed in 2014. Governor Sheffield's vision for the much needed expansion of the State of Alaska's largest port will serve nearly the entire geographic area and population of our State as goods and materials are brought into Alaska. In addition, the Port will serve National Defense Objectives by providing vital, modernized transportation support and access to four major military installations and personnel in Alaska, including the Stryker Brigade at Ft. Wainwright. Furthermore, the expanded port will play a major role in the ongoing efforts to bring even more of Alaska's vast and much needed energy resources to the rest of the Nation. I am proud to support Governor Sheffield, the expansion of the Port and the fantastic job he is doing for Alaska and the Nation. His tireless energy and enthusiasm continues to amaze me!

As a candidate for Governor in 1982, Bill's theme was "Bringing the State Together." I learned from him that when we all work together we can achieve great things and I hope that others continue to follow in his path of bipartisanship. Most importantly, Madam Speaker, against the backdrop of today's partisan fighting, I have always tried to reach out to the other side, to reach out to Democrats who are dedicated to getting things done. Governor Sheffield, a lifelong Democrat, is one of the best examples I know of someone who is willing to work with anyone, regardless of political affiliation, who is also devoted to achieving important goals for the greater good.

I like to remember great leaders by what they were able to accomplish while they served others. The legacy that Bill will leave behind someday is the vision he has had for the future of Alaska. I share his vision in investing now to prepare for the future. Sometimes this goes against the grain of popular opinion but a great leader is unafraid of rocking the boat of populism. I celebrate Bill's willingness to do this and wish more public servants were willing to stand up for what is right and not just popular.

I would be remiss were I not to mention that while Bill works hard, he also knows how to enjoy all that life has to offer. He is an excellent duck hunter, fisherman, golfer and an avid outdoorsman and his friends and family mean the world to him. He and I have shared countless hours together over the years and I truly value his unwavering friendship. Madam Speaker, I am honored to call Bill Sheffield my friend and I hope the entire Congress will join me and my wife Lu in wishing him well on this wonderful occasion. Happy birthday Bill! God bless you.

## COMMEMORATING THE 58TH ANNIVERSARY OF THE START OF THE KOREAN WAR

### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. BURTON of Indiana. Madam Speaker, I rise tonight to honor the bravery and courage of American and Korean servicemen; and to celebrate the bonds of friendship between our two great countries. Fifty-eight years ago yesterday, forces from Communist North Korea launched an unprovoked invasion of their neighbors to the south, initiating what we now remember as the Korean War.

Over the course of the following three years, millions of people were killed, wounded or forced from their homes and many more captured by the enemy. American troops of all colors and backgrounds gave their lives for freedom alongside thousands of Koreans. But "The Forgotten War," as it is too often called because it was sandwiched between World War II and Vietnam, was necessary to stem the Communist tide in Asia and preserve the spirit of freedom for millions on the Korean Peninsula.

The battle for Korea likely spared Japan from the threat of Communist invasion and showed the Communist world that the United States and its allies were prepared to vigorously resist Communist aggression. America and South Korea paid a dear price in blood and treasure but those who fell contributed much to the better world the people of South Korea enjoy today.

Since the end of the War in 1953, South Korea has grown both economically and politically and has led as an example of democracy in East Asia, demonstrating our shared values of democratic governance, free enterprise and the rule of law. South Korea is a strong, unwavering ally in the U.S.-led Global War on Terror, having dispatched the third largest contingent of troops to Iraq, and to Afghanistan (where a South Korean soldier was killed during hostile action), and to Lebanon in support of peacekeeing operations there. In fact, South Korea has been one of only four partners and allies that stood with us through all four major conflicts since World War II. In addition, South Korea demonstrated her great friendship and generosity in the aftermath of Hurricane Katrina, pledging over $30 million in aid for relief and recovery efforts—the fourth largest amount donated by any foreign country.

In contrast, Communist North Korea is in dire straits, unable to even feed its people. Like the struggles we see today in the newly liberated countries of Iraq and Afghanistan, when people have the freedom and will to determine their own fate, they will embrace democracy and freedom and the right of self-determination.

I firmly believe that South Korea may be the premier success story of U.S. foreign policy in the post-World War II period. Having assisted South Korea in transforming itself from a war-torn, impoverished economy into a successful democracy with a free enterprise economy (the world's 11th largest), South Korea is now an indispensable partner with the United States in promoting democracy, a free market economy and respect for the rule of law around the world. Our economic relationship with South Korea is crucial as the seventh-largest trading partner with the United States. And almost sixty years later, the relationship between the United States and South Korea continues to be a very special one that builds upon a foundation of a friendship first laid in the 1882 Korean American Treaty of Peace, Amity, Commerce and Navigation.

Unfortunately Madam Speaker, there is a question mark hanging over our relationship with South Korea. Monday, June 30, 2008, will mark the one year anniversary since representatives from our two governments signed the U.S.-Korea Free Trade Agreement here in Washington. If implemented, this agreement could potentially be the most commercially-significant free trade agreement signed by the United States in more than a decade. How we dispose of that Agreement will determine whether we are serious about enhancing the strong partnership between our two great democratic nations, and willing to open the door wider to the exchange of science and ideas that help us both to prosper.

South Korea is already the United States' seventh largest export market and sixth largest market for U.S. agricultural products. In fact, according to the latest statistics, our annual bilateral trade totals nearly $80 billion. Koreans have invested nearly $20 billion in the United States, and have created American jobs through companies like Hyundai Motors, Samsung Electronics, and Kia Motors.

As the largest investor in Korea, the United States already has a leading presence in that country. Any agreement that can open up more Korean markets to U.S. goods and services can only have a positive effect on the American economy by creating more and better jobs, enriching consumer choice, and boosting U.S. industry and manufacturing.

But this FTA is more then simply a debate over economics; it is also recognition of our special relationship with South Korea and a strong statement that we will continue to stand with our allies, especially as we face continued uncertainty in regards to the nuclear ambitions of North Korea.

No agreement or treaty is ever perfect, as it is always a product of compromise. And I agree that Congress has a legitimate right to debate the merits of the agreement; so let's have that debate; let's take this agreement out of legislative limbo, bring it to the House Floor, have an honest up or down vote, and let the chips fall where they may, Madam Speaker. I think we owe our South Korean friends that much respect.

On the occasion of these twin anniversaries—the somber but proud commemoration of the beginning of the Korean War, and the forward-looking commemoration of the signing of the U.S.-Korea Free Trade Agreement—I ask my colleagues to join with me to salute our veterans and to celebrate the strong and enduring friendship and alliance between the good people of the Republic of Korea and the United States.

## IN HONOR OF THE ST. JOHN'S COUNCIL NO. 1345 KNIGHTS OF COLUMBUS OF DUMONT-BERGENFIELD CENTENNIAL

### HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. GARRETT of New Jersey. Madam Speaker, I am pleased to congratulate the Knights of Columbus of Dumont-Bergenfield St. John's Council, No. 1345 on their Centennial Rededication. St. John's Council No. 1345 is the fourth largest council out of 300 councils in my home State of New Jersey.

Chartered on June 28, 1908, this council has been serving our community while faithfully upholding the Knights' founding principles of charity, unity, and fraternity. As a fraternal and charitable organization, part of the world's largest lay Catholic organization, the St. John's Council No. 1345 has given over $1.2 million dollars and has provided over five hundred thousand hours in service to those in need. This group is to be commended for providing 100 years of funding and manpower not just locally in northern New Jersey, but also in service to charitable activities nationally and globally.

As the St. John's Council No. 1345 gathers to mark their centennial year, I rise in tribute and to say thank you for their contribution to making north Jersey such a fine place to live, work, and raise a family.

## INTRODUCTION OF THE PROPERTY MITIGATION ASSISTANCE ACT OF 2008

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. THOMPSON of Mississippi. Madam Speaker, I would like to introduce legislation to help minimize the hardship of home and business owners who are most at-risk prepare for the next, inevitable natural disaster. As people from the gulf coast and those States bordering the Atlantic Ocean are only too well aware, this year's hurricane season officially began in recent days. Once again this year, weather experts are predicting several severe storms. While the reasons for the increased number of storms remains a subject of much argument and debate, their disastrous results lie beyond dispute.

A better way exists, however, and that way is prevention. ''Prevention,'' when it comes to storm damage, takes many forms. At-risk home and business owners can take preventive measures by ''hardening'' their homes and other structures against preventable storm damage. They can strengthen their roofs, install storm shutters, elevate their electrical systems and even construct ''safe rooms'' within their homes.

The ''Property Mitigation Assistance Act of 2008,'' would establish a homeowner mitigation loan program within the Federal Emergency Management Agency to promote predisaster property mitigation measures. The bill would provide for grants of at least $500,000 to States based on the State's risk of natural disaster, and would authorize $200 million for each of fiscal years 2009 through 2014 for the homeowner mitigation loan program.

Although, the challenge to rebuild in the aftermath of a natural disaster remains, there must be legislation in place to assist homeowners and businesses that are located in areas that are at risk and subject to repeated hazards or natural disasters. I urge my colleagues to carefully consider The Property Mitigation Assistance Act of 2008 and enact this legislation into law.

## IN TRIBUTE TO J.D. POWER III

### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. GALLEGLY of California. Madam Speaker, I rise in tribute to J.D. ''Dave'' Power III, who is retiring from the day-to-day operations of the company he founded 40 years ago, a company that revolutionized market research.

Dave Power's plunge into entrepreneurship was sparked by dissatisfaction with the way businesses then conducted market research. Armed with an MBA from Pennsylvania University's Wharton School of Business, Power went to work with big-name automotive and advertising agencies as a financial analyst and market researcher. Over the years, he became disillusioned with the quality of work he was asked to provide, likening it to ''torturing the data until it confessed'' instead of delving into customers' real opinions.

In 1968, Dave Power launched his company with his wife, Julie, in a rented apartment in Los Angeles. It began to take off when Power talked himself into an impromptu meeting with a visiting Japanese executive. That meeting led to a collaboration with Toyota that continues unabated today. Using research focused on how potential customers perceived Toyota, Power and Toyota built a business model that changed that perception for Toyota Motor Sales, U.S.A.

As Toyota began hiring internal marketers, Power began conducting smaller, independent and self-funded studies on individual products. By that time, Dave, Julie and their family were operating out of their family home in Calabasas, California. Julie's role was to tabulate data from the surveys. One survey had gone out to owners of Mazda's new Wankel rotary engine. Those owner surveys showed a problem with the engine's O-ring, which was causing the engines to self-destruct after 30,000 miles. Julie showed the findings to Dave, Dave shared it with the 14 auto manufacturers who subscribed to his surveys, and one subscriber leaked it to the Wall Street Journal.

J.D. Power was on his way to becoming a household name, and Mazda joined the growing legions of industries as a subscriber. Today, nearly every major global manufacturer is a J.D. Power and Associates client and the company provides research, analysis and consulting for a wide range of global industries with offices throughout the world.

Madam Speaker, J.D. Power and Associates has made the ''voice of the customer'' a force to be listened to within industries around the world, providing benefits for consumers and businesses alike. While Dave has stepped away from the day-to-day operations of the firm, he will continue to be the face of J.D. Power and Associates. I know my colleagues will join me in wishing Dave and Julie well in their semi-retirement and thank Dave for building better relationships between customers and companies, resulting in positive results for both.

## TRIBUTE TO JAY LINDAHL AND MARTHA SPARKS

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. LATHAM. Madam Speaker, I rise today to recognize volunteer firefighter Jay Lindahl of Ogden, Iowa and Martha Sparks of Boone, Iowa for their swift and heroic actions that saved a fellow Iowan's life.

While eating lunch at a restaurant in Ames, Iowa, a fellow patron began choking on her food. Martha quickly approached the distressed patron and administered the Heimlich maneuver. When it appeared as if the Heimlich wasn't working, Jay came over to the scene. He noticed the patron's color leaving her face and lack of pulse. Jay then began administering oxygen while Martha administered chest compressions. Within moments, the woman was breathing on her own and regained consciousness.

Without Martha and Jay's alertness and quick actions, this woman would possibly not be with us today. It is heroic acts like this that make this nation and its people second to none.

Martha and Jay's unselfish actions go above and beyond what we are asked of in our everyday lives, and I commend Jay Lindahl and Martha Sparks for their noble deed. I am honored to represent them both in the United States Congress, and I know my colleagues join me in recognizing their heroic actions and wishing them health and happiness in the future.

## IN REMEMBRANCE OF CHARLES SEBES

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. KUCINICH. Madam Speaker, I rise today in remembrance and honor of Charles Sebes, a beloved figure in Cleveland area politics and a loving husband, father, and grandfather. This past June we gathered to celebrate Chuck's retirement as Parma Democratic City Ward Leader.

Madam Speaker, I rise today in honor and recognition of Charles Sebes, upon the occasion of his retirement after twenty years of service as the Parma Democratic City Ward Leader. His unwavering dedication to the Party, to his community, and to the rights of working men and women is framed by honor and integrity.

Chuck has spent hundreds of hours volunteering on numerous political campaigns and causes throughout his life. During the past 30 years, Chuck has taken an active role in organizing the Northern Ohio Labor Day Parade. As Secretary of Parma Southwest Cope, Chuck has chaired the reverse raffle committee for the past twenty-five years. He has also been the Chairman of Parma's Democratic Steak Roast for twenty years. Chuck's devotion and enthusiasm consistently inspire those around him and has made all of these events successful.

During his twenty-two years of employment with the National Tool Company, Chuck served as President of the United Steel Workers of America, Local 4827. Governor Richard Celeste appointed Chuck to the Ohio Regional Board of Review for Worker's Compensation. In 1991, Martin Vittardi, Clerk of Parma Municipal Court, appointed Chuck to be the Chief Deputy Clerk of Court. His friendship is coveted not only by myself and Marty, but by numerous individuals whose lives have been touched by his energetic spirit, kindness and loyalty.

As Chief Deputy and Supervisor, his colleagues and staff know him to be a man who is passionate about all aspects of his life. They respect Chuck for his fairness and for being a man of his word. He believes that patience is a virtue and was reassuring that a task would get done, never hesitating to become part of the solution. They appreciate Chuck for always looking out for their best interest, fighting for what they deserve and for being valued by him. His reputation for being a prankster and for his colorful way of telling a joke is legendary. Chuck is a wise and generous man, and he is a true friend to the people in his life.

Evelyn, his wife of 52 years, and their wonderful family have sustained Chuck with a lifetime of support. Joe, Jim, Janet and Joyce, have blessed them with seven grandchildren. Chuck and Evelyn's children and grandchildren continue to be their pride and joy.

## CONGRATULATING DR. LORI ARVISO ALVORD ON HER INDUCTION TO THE AMERICAN INDIAN HALL OF HONOR AT MOUNT KEARSAGE IN WARNER, NEW HAMPSHIRE.

### HON. PAUL W. HODES

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. HODES. Madam Speaker, I would like to congratulate Dr. Lori Arviso Alvord, the world's first female Navajo surgeon, on being inducted into the American Indian Hall of Honor at Mount Kearsage in Warner, New Hampshire. Her selection is a testament to her hard work and dedication to the field of medicine.

Dr. Alvord grew up in Crownpoint, New Mexico, a small town where many families had no water or electricity. Yet her tenacity and hard work allowed her to follow her dream of becoming a surgeon. She is now affiliated with Dartmouth-Hitchcock, one of America's most prestigious hospitals, located in Lebanon, New Hampshire. Congratulations Dr. Alvord on your induction to the American Indian Hall of Honor.

## RECOGNIZING EMERGENCY MANAGEMENT, DISASTER RECOVERY AND RELIEF EFFORTS IN DECATUR COUNTY

### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. PENCE. Madam Speaker, I rise today to commend and recognize the extraordinary contributions of emergency management, disaster response, and recovery personnel as well as elected officials and community leaders in my district which was devastated by the recent severe weather in Indiana.

I wish particularly to honor the Board of Commissioners and County Council, as well as these outstanding individuals in Decatur County:

Pam Blasdel, Director, Emergency Management Agency

Daryl Templeton, Sheriff

Gary Herbert, Mayor, City of Greensburg

Brian Heaton, Chief of Police, City of Greensburg

These areas suffered greatly from severe storms and weather, creating a catastrophe of nature that inflicted injuries, destroyed property, and displaced many of our citizens. In response, these officials went above and beyond the call of duty, showing great poise while saving many lives and serving the people of their communities.

Madam Speaker, I commend these fine men and women for their tremendous dedication to the Hoosier families, businesses, farmers and communities that they serve. As Hoosiers continue to recover from Mother Nature's fury, I feel confident that the people of Decatur County will be well served by these officials.

## HONORING ALFREDA PAULINE POSTELL ON HER 60TH BIRTHDAY

### HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. MEEK of Florida. Madam Speaker, I rise today to honor the 60th birthday of Alfreda Pauline Postell, a magnificent woman who has made an indelible impact on the health of Americans and whose life is an inspiration to us all.

Born in Miami, Florida, Ms. Postell is the oldest of four children born to Joyce Barry and the late Cleveland Barry, Sr. She is a proud graduate of Miami Northwestern Senior High School. Ms. Postell has two children, Joyce and Lamont Postell, Sr. She is a passionate individual who enjoys dancing and spending time with her family.

During her more than 30-year career, Ms. Postell has worked at the Miami Veterans Affairs Hospital as a nurse aide and now as a medical support assistant. She enjoys volunteering for community projects and' gives freely of her time. Ms. Postell has continuously held a reputation as the type of volunteer you want on your team when you want the job done. Through her might, determination and passion, she works hard to bring about positive outcomes in whatever task she endures.

Madam Speaker, in Miami we are fortunate to have Ms. Postell as a pillar of our community, and I am privileged to call her a friend. Not only is she a cherished friend, but she is also an extended member of my family. Ms. Postell's guidance, assurance and acts of kindness over the years have always been appreciated by me and my family. I join countless friends, family members and loved ones in South Florida in wishing Ms. Postell a wonderful birthday, and many more years of good health and happiness.

## TRIBUTE TO CONGRESSIONAL ART COMPETITION WINNER: CLEOPATRA GRIFFIN

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. MILLER of Florida. Madam Speaker, today, as co-chair of the 2008 Congressional Art Competition, I would like to proudly recognize Cleopatra Griffin, the Congressional Art Competition winner from the First District of Florida. Cleopatra represents just one of the many talented artists in my district. Ever since she was a kid she enjoyed every art form, although printmaking and drawing are her favorites. She has continually excelled working with pencil, charcoal, and paints.

This Congressional Art Competition is not the first time she has received public recognition for her abilities. Last year, her self-portrait, which now hangs in the Capitol tunnel, won first place at State competition. She has also received first place in printmaking and second place in drawing for a similar portrait piece.

Cleopatra is not only known for her artistic aptitude, but also for her involvement in school and community activities. In high school, while president of the Art Club, she raised money for Relay for Life, stuffed stockings for children around Christmas, and put a huge school-wide art show on at the end of each year.

Madam Speaker, as she moves forward in her education, I wish her continued success as she attends the California College of the Arts in San Francisco this fall and wait eagerly for her future creations.

## CELEBRATING THE 80TH ANNIVERSARY OF ST. RICHARD PARISH IN CHICAGO, IL

### HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. LIPINSKI. Madam Speaker, I rise today to honor the 80th anniversary of St. Richard Parish in Chicago, IL. This upcoming Sunday, the church will hold a celebration to commemorate eight decades of community, faith,

and service, and I am pleased to congratulate the parish on reaching this impressive milestone.

As the Archer Heights community grew in the 1920s, George Cardinal Mundelein of the Archdiocese of Chicago recognized the need for a new Catholic parish in the area, and on June 8, 1928, St. Richard Parish was established.

While services were temporarily held in a storefront, men from the parish built a church on Kostner Avenue. This type of hard work and commitment has been a hallmark of the church's parishioners ever since. In 1947 St. Richard Parish School was opened and to this day provides an outstanding Catholic education for children in Archer Heights. Today, the members of St. Richard Parish continue their dedication to the community, building meeting rooms and a new parish center to provide a safe environment for area children and a focal point for the community.

From their first pastor, Reverend Horace Wellman, to their current pastor, Father Thomas Bernas, St. Richard's diverse group of parishioners continue to enrich the lives of their fellow citizens by providing the community with outreach programs, a strong school, and an unwavering commitment to their faith.

It is with great honor and privilege that I recognize the 80th anniversary of St. Richard Parish, which continues to meet the needs of parishioners and the community through liturgies, programs, and services. The parish offers spiritual direction, hope, and compassion to all of its members. I am proud to have in the Third District of Illinois such a vibrant example of the values and good works that can be provided by a church with outstanding leadership and committed parishioners. May these first 80 years be only the beginning.

## PERSONAL EXPLANATION

### HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. FOSSELLA. Madam Speaker, on rollcall No. 460, had I been present, I would have voted "yea."

## RECOGNIZING THE SIGNIFICANT ACCOMPLISHMENTS OF SERGEANT WALTER J. MORRIS

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. RANGEL. Madam Speaker, I rise today to give homage to one of America's forgotten heroes, Sergeant Walter J. Morris, the first African-American U.S. Army paratrooper and a member of the 555 Parachute Infantry Battalion or "Triple Nickels". The Triple Nickels succeeded in becoming the Nation's first African-American parachute infantry battalion and the first African-American unit to be integrated into the mainstream U.S. Army during World War II.

Sergeant Morris is a pioneer who blazed a trail that many African-American paratroopers proudly follow today. This wasn't an easy accomplishment in a totally segregated army. The U.S. Army had a tradition of relegating Blacks to menial jobs with very little chance for advancement. Sergeant Morris routinely required his soldier to exercise and do calisthenics after the White soldiers left the field; this led to increased stamina and confidence in the Black soldiers. These exercises led to the creation of a "test" company of Black soldiers. The Black soldiers under Sergeant Morris' leadership were so successful that the company soon became the now famous "555 Parachute Infantry Battalion". Sergeant Morris was masterful in instilling pride and a sense of accomplishments in the men he led. His efforts led to the diversity we see in the military today.

His efforts are even more impressive when you fully consider the hardships and indignities Black soldiers had to endure. As a proud Black sergeant, Sergeant Morris, with polished boots and paratrooper wings, still had to use the "colored" toilets and drinking fountains, sit in segregated sections of theaters, go out of his way to avoid confrontations with racist police and was denied entry into the post's officers' club.

After his military service, Sergeant Morris continued to live his civilian life with distinction. In keeping with his pioneering spirit, in 1968, he became the first African-American bricklayer foreman in the city of New York with the Planet Construction Company. This accomplishment was another for Sergeant Morris on the path of opening additional doors historically closed to African-Americans. In 1973, he became the first African-American construction supervisor in the city of New York, working for the Bedford-Stuyvesant Corporation in Brooklyn until his retirement in 1983.

Sergeant Morris is truly a pioneer and has led a very distinguished life. His work to help end the color barrier in the U.S. Army and his fight to have the accomplishments of Black soldiers recognized paved the way for future generations to serve in an integrated U.S. Army. His legacy also includes being the proud father of Patricia Worthy of Washington, DC, and Crystal Poole of St. Petersburg, FL.

I ask my colleagues in the House to join me in recognizing the lifelong accomplishments of Sergeant Walter J. Morris and his relentless pursuit to create new opportunities for African-Americans.

## HONORING THE LIFE OF ROBERT MONDAVI

SPEECH OF

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 24, 2008*

Ms. WOOLSEY. Mr. Speaker, I rise in support of H. Con. Res. 365, a resolution celebrating the accomplished life and enduring legacy of Robert Mondavi, whose vision helped propel California winemakers as leaders in the international wine market.

Robert Mondavi was born to a family of Italian immigrants on June 18, 1913. In 1923, his father moved the family to Lodi, California, to pursue an interest in the grape business. Following in his father's footsteps, a young Robert Mondavi began working at Sunny St. Helena Winery in the 1930s, and then later at Charles Krug Winery after his father had purchased the business.

Less than three decades later, Mr. Mondavi had founded the Robert Mondavi Winery to fulfill his vision of developing world-class Napa Valley wines. He later went on to establish the first French-American wine venture, one of many international collaborations. These efforts helped to drive the Mondavi name to be synonymous with premier California wines.

However, Mr. Mondavi's accomplishments were not limited to the wine industry. His philanthropic and charitable contributions to the community, including founding the Robert Mondavi Institute for Wine and Food Science at the University of California at Davis, the Robert and Magrit Mondavi Center for Performing Arts at UC Davis, the Napa Valley Wine Auction, which has raised millions of dollars for local charities, and his tireless efforts for the conservation of American farmlands all have left an indelible impact on our country.

Mr. Mondavi's bold innovations laid the foundations for many of the wine growers in my Congressional District. His efforts contributed to the success of these wineries now enjoy as one of the world's pre-eminent wine making regions. Mr. Speaker, Robert Mondavi's life and leadership should be applauded, and I urge my colleagues to join me in honoring Robert Mondavi by passing this important resolution.

## ADA AMENDMENTS ACT OF 2008

### HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mrs. CAPPS. Madam Speaker, as a cosponsor of H.R. 3195, the ADA Amendments Act, I rise is strong support of the bill.

One of the most fundamental principles of our great nation is that all people, regardless of color, gender, or ability have the right to life, liberty, and the pursuit of happiness.

The ADA was passed to further this principle, and to ensure equal opportunity and access for individuals with disabilities.

When Congress passed the landmark Americans with Disabilities Act in 1990, it was intended to be interpreted broadly in order to protect the rights of all individuals, regardless of ability.

Sadly, the Supreme Court ignored these intentions.

Over the last ten years, the Supreme Court has ruled that those who use mitigating measures such as medication or eyeglasses to manage their disabilities are not "disabled enough" to qualify for relief under the ADA.

Under the Court's ruling, people with conditions such as diabetes, epilepsy, heart disease, cancer, and mental illness are repeatedly denied employment based on their disability, only to be denied relief for not being disabled.

This simply makes no sense.

The ADA Amendments Act will restore the original intent behind the ADA, and clarify the definition of disability to prevent future mistakes by the courts.

Americans with disabilities have been denied their civil rights for too long.

The ADA Amendments Act will restore these rights, and help protect people with disabilities from future discrimination.

I urge my colleagues to vote ''yes'' on H.R. 3195.

## FOSTERING CONNECTIONS TO SUCCESS ACT

SPEECH OF

### HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 24, 2008*

Mr. POMEROY. Mr. Speaker, I rise today in support of H.R. 6307 a bill that makes a number of critical changes to the child welfare system to better connect children in foster care with the services, healthcare and education programs they need.

This bill includes legislation I introduced earlier this year which would provide tribes with the same direct access to federal funding for foster care and adoption services that states currently receive. Under current law, funds under Title IV–E of the Social Security Act cannot go directly to tribes, leaving Indian and Alaska Native children living on tribal lands without direct access to services which are an entitlement to all other children in similar circumstances. While most tribes provide some level of basic foster care or permanency services, they are not able to provide the comprehensive level of services that children under state custody receive via Title IV–E.

My legislation, which has been included in this bill, would remedy this situation by providing equity to Native American children who are in need of foster care and adoptive services. It would do this by allowing tribes to apply to the Department of Health and Human Services to directly administer Title IV–E foster care and adoption programs.

This legislation is supported by many child welfare organizations including Child Welfare League of America, the North American Council on Adoptable Children, the American Academy of Pediatrics, and the American Public Human Services Association as well as numerous tribes and tribal organizations.

I urge you to support H.R. 6307 to make sure that all children in foster care have a better chance at success in school and the workforce.

## SUPPORTING THE GOALS AND IDEALS OF BLACK MUSIC MONTH

SPEECH OF

### HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 23, 2008*

Ms. KILPATRICK. Madam Speaker, I rise today to support H. Con. Res. 372, a resolution I introduced honoring June as Black Music Month. This bill honors the outstanding contributions that African American singers, composers, producers, and musicians have made to the United States and the world.

This resolution expresses our appreciation for and the value of the contributions of African Americans to various genres of music. The roll call of African Americans who have contributed to the uniquely American born but internationally acclaimed mode of music is stellar and stunning. This music, often created against incredible odds, has served as a chronicle of our time and enriches our Nation.

Civil rights demonstrators often marched to the cadence of ''People Get Ready'' or the numerous gospel or spiritual songs created in the fields by slaves. One of the most beloved gospel songs of all time is ''Precious Lord, Take My Hand'' by Hall of Fame composer and writer Thomas Dorsey. The music of African Americans is the music of America, and has historically transcended social, economic and racial barriers to unite people of all backgrounds. Young America danced to the rhythm of the sound that emanated from Stax Records of Memphis, Chess Records of Chicago, and from my home town of Detroit, Michigan, through Motown.

Stevie Wonder, Aretha Franklin, The Four Tops, Diana Ross and the Supremes, Jackie Wilson, Marvin Gaye, Smokey Robinson and the Miracles, Anita Baker, and The Temptations are just a few of the tremendously talented artists that hail from the great city of Detroit. Detroit is the also the birthplace of music mogul Berry Gordy's great Motown empire. Motown ushered in a new wave of talent and music across the world. The Motown Sound was brilliantly and meticulously crafted in what is now Hitsville, USA, the original Motown studio located in my district. The impeccable standards of excellence in craftsmanship set Motown and Detroit apart as trailblazers in several musical genres, as recognized through their numerous Grammy Awards, NAACP Awards and other accolades. Motown did far more than produce music. It broke substantial barriers to help to unite the world across race, class and gender lines.

Although Motown has received the most international acclaim for the music produced during the infamous Motown era that spanned decades, Detroiters have also made other tremendous contributions to the musical world. The historical Black Bottom district was a hub for big bands and legendary jazz artists such as Ella Fitzgerald, Count Basie and Duke Ellington. Detroit is also well known for its immense contributions to gospel music. Reverend C.L. Franklin, Della Reese, The Winans and the Clarke Sisters all have roots in the City of Detroit.

Detroit's copious musical history and myriad of noteworthy, award-winning contributions have instilled a great sense of pride in all of its citizens and, hopefully, all Americans. Take some time during the month of June to exhibit said pride and honor all those Black artists that made indelible contributions to the soundtrack of our lives. Give honor to whom honor is due. Join me in spending this month immersing yourself and your loved ones of all ages in the rich array of music that African-Americans have contributed to our great Nation. I encourage all Americans to utilize the celebrations to honor the men and women who have created some of the most influential music our Nation has ever produced. I also want to honor the radio stations and the DJs, like Frankie Darcell, that play this timeless and wonderful music. As we spend time recognizing the contributions of these artists, let us remember that this music is not just African-American music. This music is American music—an integral part of all Americans' heritage.

## NATIONAL HOMEOWNERSHIP MONTH

SPEECH OF

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 24, 2008*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in strong support of National Homeownership Month. This month marks the 40th anniversary of the landmark 1968 Fair Housing Act, which opened the dialogue of equal homeowner opportunities and growth. The National Homeownership Month continues with the same principles by promoting the very core of American values of fairness, opportunity, and growth.

National Homeownership Month reflects the importance of homeownership and the American dream. For most Americans, owning their own home will be their largest and most significant financial investment. It represents security, builds neighborhood pride, and is essential in creating positive productive communities.

National Homeownership Month focuses on creating affordable housing opportunities for all and economy sustainability. Home affordability and financial education is the key to overcoming the housing crisis and promoting good housing practices and policies. Financial education not only directly benefits American families, but, in turn, helps to ensure a robust and strong economy.

Mr. Speaker, it is vital that we continue to empower people of all races, economic status, and backgrounds who desire to own their own home. It is a valuable stabilizer for both families and communities.

## FOSTERING CONNECTIONS TO SUCCESS ACT

SPEECH OF

### HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 24, 2008*

Mr. LEWIS of Georgia. Madam Speaker, I rise in strong support of H.R. 6307, the Fostering Connections to Success Act of 2008.

First, let me thank the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from Illinois (Mr. WELLER) for their leadership and bipartisanship in crafting this effort to assist children and families in our Nation's child welfare system.

Madam Speaker, young people in the child welfare system have done nothing wrong. They are victims of abuse and neglect. H.R. 6307 will provide Federal support for kinship care, increase adoption incentives, and provide assistance for foster youth up to age 21. This bill opens the door by addressing many issues facing children in foster care and those who care for them.

I am particularly proud that our Subcommittee Chairman, the gentleman from Washington (Mr. MCDERMOTT) shared the words of my constituent, Mr. Anthony Reeves, a former foster care youth about the importance of making these changes. I am honored to have another outstanding young woman and former foster care youth from Georgia,

Ms. Brittany Scott, interning in my congressional office this summer. When you see their passion and determination to commit, work, and act to change the lives of their friends, siblings, and the Nation's way of serving those most in need, you know we must take action.

This legislation is good; it is right. But we can do better, and we must do better. Across the country, case workers lack proper training and are overworked and underpaid. Foster children are expelled from the system at 18 with little to no support. Kinship care providers and adoptive parents lack support when caring for foster children. And when programs are in place they are often fragile because of lack of funding. We need to help those on the front lines.

One of the major components of Mr. MCDERMOTT's broader child welfare reform bill that I support is revising the so-called ''look back'' provision. Using an outdated 1996 Federal standard to determine poverty levels is a major reason that children are denied Title IV–E assistance in Georgia. Currently, only half of the abused and neglected children in foster care across the country are eligible for Title IV–E funding.

States continue to lack the funding needed to adequately improve services to youth in the child welfare system. States also face drastic cuts to the social services they provide as a result of the Deficit Reduction Act. These are just some of the many challenges that face our Nation's child welfare systems. We cannot afford to ignore them any longer.

We need to look across the board at new and diverse ways to make the process work better. We must come together and do what is right for America's foster care youth. Again, I applaud my Ways and Means colleagues for this strong bipartisan effort. I look forward to continuing to work with them on improving services, support, and assistance for those most in need.

I urge all of my colleagues to vote yes on H.R. 6307.

## FISA AMENDMENTS ACT OF 2008

SPEECH OF

### HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 20, 2008*

Mr. HOEKSTRA. Madam Speaker, I would also like to clarify a number of aspects of this legislation on behalf of myself and the distinguished Ranking Member of the Judiciary Committee, Mr. SMITH.

We have faced substantial challenges in reconciling fundamentally different philosophies on how to modernize the Foreign Intelligence Surveillance Act (FISA). The text of H.R. 6304 was carefully, deliberately crafted on a bipartisan basis to reconcile these differences. Other statements by media reports, or the reports or work product of any of outside groups reflect their own views and should not be construed as determinative guidance with respect to legislative intent. While the text of the bill ultimately controls interpretation of the bill, we would like to note our understanding of H.R. 6304 as the Ranking Members of the Permanent Select Committee on Intelligence and the Committee on the Judiciary respectively on three matters within this legislation.

ROLE OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT

The authority of the Foreign Intelligence Surveillance Court (FISC) or any court in approving foreign intelligence collection generally, and specifically the surveillance of foreigners located in other countries, was an issue of great debate during negotiations and the resulting text was delicately constructed. For the first time ever, this bill will statutorily insert the FISA court in a limited way into the Executive's Constitutional authority to collect foreign intelligence information targeting foreign persons in foreign countries. This unprecedented move was an accommodation to those who believed that the court could provide some sort of additional check to ensure that the IC is properly using its procedures to target a foreigner abroad and to minimize U.S. person information that may be incidentally obtained. There is no mechanism included in the text that would provide for a probable cause or similar type of review that the FISC has done in the past with respect to traditional FISA applications, but rather a method for the FISC to verify that the Intelligence Community is following the law and its own procedures when it targets foreigners abroad for surveillance under this law. The FISC is also required to approve procedures developed and used by the Intelligence Community. It is important for the FISC to adhere to the limited role set forth in the text of this bill, and to recognize that it is a different role from that which it has traditionally held with regard to traditional, individual FISA applications. This should not be construed as an opening to insert the courts further into foreign intelligence matters that properly lie within the Executive's purview.

It is also important to note the flexibility that remains with the Executive Branch to prevent gaps from forming in the future that are similar to those we saw last August before the Protect America Act was passed. This bill permits the Attorney General and Director of National Intelligence to immediately authorize intelligence collection, as provided for under the law, upon a determination that ''exigent circumstances'' exist. While the text of the bill uses the term ''exigent circumstances,'' the use of this term is not intended to implicate in any way the use of that term in criminal procedure jurisprudence as an exception to the Fourth Amendment warrant requirement. See, e.g., U.S. v. Karo, 468 U.S. 705 (1984); Warden v. Hayden, 387 U.S. 294 (1967); McDonald v. U.S., 335 U.S. 451 (1948). Rather, section 702 specifically defines its use of the term ''exigent circumstances'' for purposes of targeting a foreign person reasonably believed to be located outside the United States as those circumstances that will result in the loss or failure to timely acquire intelligence important to the national security of the United States. The compromise text was delicately drafted and reaching compromise on the bill was premised, in part, on maintaining flexibility for the Intelligence Community to immediately initiate surveillance in situations where intelligence may be lost, or not gathered in time to act on in a way that best protects the United States. This section is designed to prevent the type of intelligence gaps that put us in a critical situation during the summer of 2007.

EXCLUSIVE MEANS

Section 102 of the bill provides that the procedures in FISA and in the relevant provisions of the federal criminal code are the exclusive means for electronic surveillance. It is important to note that section 102 of H.R. 6304 denotes the statutory exclusive means for acquiring foreign surveillance. In enacting this section, Congress did not intend legislatively abrogate any inherent Article II powers of the Executive Branch. See In re Sealed Case No. 02–001 (FISCR 2002) (citing the holding in U.S. v. Truong Dinh Hung, 629 F.2d 908 (4th Cir. 1980) that the President has inherent authority to conduct warrantless searches to obtain foreign intelligence information).

PROTECTIONS FOR ELECTRONIC COMMUNICATIONS SERVICE PROVIDERS

The provisions in Title II set forth a process under which the Federal district courts would have jurisdiction to review both prospective and retroactive claims relating to alleged assistance to the intelligence community. The standard and type of review by the courts with respect to the retroactive liability protections were issues of great and delicate debate while this bill was being drafted. Careful and lengthy discussions took place about which court would review the Attorney General certifications, what the certifications would contain, and what the standard of review would be, and all of these considerations culminated in the text of H.R. 6304 as it passed the House on June 20, 2008.

With respect to retroactive liability protection, the Attorney General must certify to the district court that one of two situations is present. Either the assistance alleged to have been provided by the carrier was authorized by the President, designed to detect or prevent a terrorist attack against the U.S. after the September 11th attacks, and was the subject of a written request or series of requests to the carrier, or the carrier did not provide the alleged assistance. The aforementioned written request or series of requests must have informed the communications provider that the activity requested was authorized by the President, and was determined to be lawful.

The statute expressly requires the Attorney General's certification to be given effect unless the court finds that the Attorney General's certification is not supported by substantial evidence that the statutorily required elements of the certification have been fulfilled. The provision also allows the court to review only certain specified supplemental materials (any relevant court order, certification, written request or directive) when considering the certification, and permits plaintiffs or defendants in civil actions to participate in briefing or argument of legal issues to the extent that such participation does not require the disclosure of classified information to such parties. Careful consideration went into the drafting of this provision, and the final text is very clear about what the federal district court may consider in its review under this section. The bill is intended to require and authorize the district courts to review exactly what the text of H.R. 6304 specifies, which does not include a review of the underlying legal basis for any representations that may have been made in a written request or series of requests for assistance to a company during the life of the Terrorist Surveillance Program. Rather, these provisions were intended to ensure that any companies that may have provided assistance to the government did so based on their good faith reliance on specified representations made to it by the Government.

## FISA AMENDMENTS ACT OF 2008

SPEECH OF

### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 20, 2008*

Mr. HOYER. Madam Speaker, this bill provides mechanisms to ensure that FISA's longstanding exclusivity is crystal clear. It states that only a new statute directly addressing the Executive branch's foreign intelligence surveillance authority can modify FISA. It provides clarity for the public and for telecommunications carriers by requiring requests for assistance to cite the statutory authority uuder which they are issued.

In a January 19, 2006 White Paper on NSA Legal Authorities, the Justice Department made public a legal justification for the President's Terrorist Surveillance Program, TSP. It claimed that the President had an extra-statutory legal basis for foreign intelligence surveillance outside of FISA, both implicitly through an Authorization for the Use of Military Force or through a broad reading of Article II of the Constitution. Those arguments fly in the face of the longstanding doctrine of FISA exclusivity and are contrary to the plain language of the FISA statute. To be clear, the inclusion of these additional exclusivity mechanisms in this measure does not ratify the Administration's arguments with respect to the TSP. Nor does the bill's treatment of liability issues in Title II stand for a Congressional ratification of the Administration's actions under the TSP.

In conclusion, I would like to extend my thanks to a few additional staff who worked tirelessly over the past few months on this FISA compromise, including Margaret Cantrell of the Whip's staff, Ted Kalo and Mark Dubester of the Judiciary Committee, Wyndee Parker of the Intelligence Committee, and Chris Healey of Senator ROCKEFELLER's Intelligence Committee staff.

## COMMENDING DR. RAY AUTHEMENT UPON HIS RETIREMENT AS PRESIDENT OF THE UNIVERSITY OF LOUISIANA AT LAFAYETTE

### HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. BOUSTANY. Madam Speaker, after 34 devoted years as president of the University of Louisiana at Lafayette, Dr. Ray Authement retired this month. A legend in higher education, he stood as the longest serving university president in the country. The significant changes to the University of Louisiana at Lafayette and for the city of Lafayette demonstrate his invaluable service to the school and the greater community.

As the university's chief, Dr. Authement is credited with producing nationally recognized programs for computer science, Francophone studies, and environmental and biological research at UL Lafayette during his tenure. He supervised the construction of a significant portion of the campus, including Lafayette's Cajundome and convention center. And, most notably, he is responsible for raising the university's stature academically, spearheading higher enrollment requirements and recruiting highly qualified faculty and staff.

His vision and commitment for the school shaped lifetimes for the thousands of alumni, like myself, for which we are forever grateful.

Dr. Authement's vision for UL Lafayette first manifested itself as he pushed to develop a computer science program during the new technology's infancy. His leadership drove the university to create the first Master's program in the United States for computer science, defining a cutting-edge path for the university's future growth. The nationally recognized computer science program continues to maintain this distinction since the 1980s.

When Authement began his tenure in Lafayette, the school was officially known as the University of Southwestern Louisiana. Dr. Authement recognized the misperception by many of the institution as simply a regional school. Perspective students, potential employers and many across the State failed to consider the school as a top-tier university, and as a result, the school was unable to flourish fully.

After a protracted fight with the State legislature and other State leaders, Authement successfully changed the school's name to the University of Louisiana at Lafayette in 1999. Most importantly, the new name conveys the prominence of the university. In bonding the university to the city in the title, Authement highlighted the connection between Lafayette and the school.

Dr. Authement leaves the university a much better place. One of his final projects, the Capital Outlay program, which outlines construction and renovation for 5 years, enables UL Lafayette the opportunity to continue its growth. The plan increases the university's foundation endowment from $600,000 to $140 million. A chief component of the project's success was Authement's famed fiscal responsibility, which inspired enormous confidence that donations would be used wisely.

Enabling the success and achievements of the University of Louisiana at Lafayette, Dr. Authement developed and maintained an impressive reputation for the school. His dedication to improving Lafayette encouraged the city to greater heights. The legacy Dr. Authement leaves behind at UL Lafayette and in the community is everlasting as the students who carry the university's banner are attributable to his good work.

I wish he and his wife Barbara all the best as they begin a new chapter in their lives together, and I thank both of them for their commitment to the University of Louisiana at Lafayette.

## RECOGNIZING TOM STEVENS, SHARON NEVITT AND JEANNIE DIVINE

### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. BRADY of Pennsylvania. Madam Speaker, I rise today to recognize the extraordinary congressional service of three individuals who will be leaving the United States Capitol Guide Service at the end of June. Tom Stevens, Sharon Nevitt and Jeannie Divine have together provided 87 years of service to Congress, and their departure will certainly leave a void that is difficult to fill.

Tom Stevens has served as the Director of Visitor Services, charged with managing our dedicated crew of Capitol Guide Service and Congressional Special Services employees. He first came to the Guide Service in March 1985, and has served as the head of this organization since 2003. Tom has done an outstanding job, managing the group that provides assistance to literally thousands of visitors who come to the U.S. Capitol from around this Nation and the world every day. In addition, Tom has worked tirelessly to help plan and prepare for the opening of the Capitol Visitor Center.

Sharon Nevitt has served the Guide Service since November 1977, in a variety of management positions, and she currently is the Assistant Director of the Guide Service. Her commitment to this institution has been dedicated and extraordinary. Working side by side with Tom Stevens, Sharon has worked diligently over the past few years to ensure that the transition to operations in the Capitol Visitor Center will be successful and beneficial for all of our visitors.

Jeannie Divine joined the Capitol Guide Service in May 1988, coming directly from 13 years of service with the Architect of the Capitol. Jeannie is part of the fabric of this institution, as she is one of the unheralded staffers who work with our offices every day to schedule tours and coordinate the many visits we have by constituents. She has done a difficult job with consummate professionalism and ceaseless good humor.

Madam Speaker, we are indeed fortunate to have had the services of these dedicated individuals. Their work on the behalf of our constituents and visitors has been exemplary and I invite my colleagues to wish them well in their future endeavors.

## INTRODUCTION OF HOMELAND SECURITY RELIEF CORPS ACT OF 2008

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. THOMPSON of Mississippi. Madam Speaker, last Friday, 121 truckloads of needed Household supplies arrived in the Gulf Coast for people displaced by Hurricane Katrina in 2005. Though these supplies are surely still welcome, they arrived 3 years late.

Tragically, at the same time that 90,000 ''living kits'' were distributed by FEMA in Louisiana, other Americans, this time in the Midwest, have experienced a trauma of their own, as flood waters rose and levee after levee was breached. Resources-whether human, financial, or equipment-must be made available immediately to the American people in need, whether that need is a result of storms, floods, terrorist attacks, and other emergencies.

A recent Mason Dixon poll indicates that some residents of hurricane-vulnerable states say they will not evacuate and prefer to weather storms at home. Furthermore, the results of the poll indicate that many residents lack disaster plans and are still misinformed about how to protect themselves and their

families during a storm. These results are particularly troubling when we consider how many citizens of the Gulf Coast did not have plans and were forced to accept relocation to toxic trailers.

The Homeland Security Relief Corps Act of 2008 will ensure that the areas ravaged by Katrina will not go unattended by providing trained workers to engage in actual rebuilding efforts. This bill will assist us in addressing some of the harms caused by Katrina.

As introduced, the Homeland Security Relief Corps Act will establish a much needed Response and Recovery Corps within the Department of Homeland Security. The Corps members will receive core training in emergency response, post-incident recovery, and rebuilding efforts. Equipped with the knowledge and preparation needed to make the disaster recovery process more efficient, the Corps members will be of tremendous assistance to the ravaged areas.

With the floods in the Midwest and the other disasters this Nation has seen since Katrina, it is time for citizens to get more involved in disaster response and recovery. This bill provides a path to the rebuilding of the Gulf Coast and provides hope for quicker recovery for residents of other ravaged areas.

## RECOGNIZING EMERGENCY MANAGEMENT, DISASTER RECOVERY AND RELIEF EFFORTS IN RUSH COUNTY

### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. PENCE. Madam Speaker, I rise today to commend and recognize the extraordinary contributions of emergency management, disaster response, and recovery personnel as well as elected officials and community leaders in my district which was devastated by the recent severe weather in Indiana.

I wish particularly to honor the Board of Commissioners and County Council, as well as these outstanding individuals in Rush County:

Mike Ooley, Director, Emergency Management Agency.

Jeff Sherwood, Sheriff.

Merv Bostic, Mayor, City of Rushville.

Ron D. Cameron, Chief of Police, City of Rushville.

These areas suffered greatly from severe storms and weather, creating a catastrophe of nature that inflicted injuries, destroyed property, and displaced many of our citizens. In response, these officials went above and beyond the call of duty, showing great poise while saving many lives and serving the people of their communities.

Madam Speaker, I commend these fine men and women for their tremendous dedication to the Hoosier families, businesses, farmers and communities that they serve. As Hoosiers continue to recover from Mother Nature's fury, I feel confident that the people of Rush County will be well served by these officials.

## SUPPORTING THE SUPREME COURT RULING ON SECOND AMENDMENT RIGHTS

### HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. TANNER. Madam Speaker, I rise today to offer my support for the decision made by the U.S. Supreme Court to uphold an individual's right to keep and bear arms. Today, the Court rightly struck down the ban on handguns in the District of Columbia. Throughout my tenure in Congress, I have co-sponsored legislation to end this ban, which contradicts the Second Amendment rights guaranteed to all Americans by the U.S. Constitution.

In issuing its decree, the Court protected the right of a sportsman to have a shotgun in his home and affirmed the right of a homeowner to keep a handgun to protect his family and property from intruders. Our Founding Fathers fought and died for the individual liberties we all enjoy—among them, the right of the citizens of this country to possess firearms.

We are not given the latitude to pick which of those liberties we choose to follow or enforce, be it the freedom to speak or the freedom to worship. Like those fundamental freedoms, we cannot dismiss or dilute the right to keep and bear arms.

As an avid hunter and strong gun rights advocate, I applaud the Court for its decision. I look forward to continuing our work in Congress to protect the integrity of the Second Amendment.

## RECOGNIZING THE 2008 JEFFERSON AWARD FOR PUBLIC SERVICE HONOREES FROM MISSISSIPPI

### HON. TRAVIS W. CHILDERS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. CHILDERS. Madam Speaker, I rise today to recognize the recipients of the Jefferson Award for Public Service from the great state of Mississippi. Nancy Collins of Tupelo, Mississippi, one of only 5 national honorees, and the 4 local winners Robert Davison of Steens, Mississippi, Claire Crawford, Armondo de la Cruz, and Cooper Kennard all of Starkville, Mississippi.

The Jefferson Award for Public Service is presented to the most dedicated and hard working of our nation's volunteers. Last week, I had the tremendous honor of attending the 2008 National Jefferson Awards Ceremony in Washington, where Nancy Collins was awarded one of only 5 national awards.

Ms. Collins was instrumental in getting funding for Sanctuary Hospice House and was also a co-founder, realizing her goal of providing physical and spiritual care to the terminally ill. She was inspired by a visit to a similar hospice she visited in Mexico. To date the Sanctuary Hospice House, located in Tupelo, has served more than 600 people and has been an invaluable resource for the families and patients in its care.

Ms. Collins and her fellow honorees are the embodiment of public service. I am honored for Ms. Collins to represent North Mississippi with her dedication to the community. Please join me today in congratulating Ms. Collins for this prestigious recognition of her contributions to the greater good.

## THE DAILY 45: A PYRRHIC VICTORY FOR SOME IN TODAY'S SUPREME COURT RULING

### HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. RUSH. Madam Speaker, since February of this year, on virtually every day the House has been in session, I have decried the senseless loss of life, due to gun violence, for what I call the forgotten "Daily 45." This number refers to the fact that, on average, 45 people are fatally shot in the United States at the hands of an assailant or, worse, a loved one with a gun.

There's still no national outrage at the fact that this number dwarfs the number of fatalities—Iraqi and American—that lose their lives daily, or even weekly, in the Iraq war zone! And, in the midst of all this, Madam Speaker, today, in a 5–4 decision, the U.S. Supreme Court has ruled that residents in the District of Columbia have an individual right to own and maintain a gun in their homes. This decision will negate the efforts made by D.C. Mayor Adrian Fenty, and the Metropolitan Police Department, to reduce the skyrocketing murder rate as a result of firearms.

I don't know what community the Justices live in but in my community, on the South Side of Chicago, there will be no celebrations in praise of this pyrrhic victory. Unfortunately, I can guarantee you that, tonight, some parent, some brother, some sister or some community leader will, once again, cry out in agony at the loss of yet another life from the violence wrought by a gun.

Americans of conscience must come together to stop the senseless death of "The Daily 45." When will Americans say "enough is enough, stop the killing!"

## RECOGNIZING LIEUTENANT GENERAL FRANK SACKTON (RETIRED)

### HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. MITCHELL. Madam Speaker, I rise today in celebration of retired Lieutenant General Frank J. Sackton in honor of his upcoming 96th birthday. Leading a life of service to his country and the State of Arizona, Frank has shown himself to be a man of honor, intelligence, and dedication.

Frank served in the U.S. Army for 30 years, retiring as a Lieutenant General in 1970. In 1945, Sackton was personally decorated and promoted by General Douglas MacArthur to Colonel on the battlefield in the Philippines. He later served three years as Secretary of the General Staff for General MacArthur during the occupation in postwar Japan. Frank has fought valiantly to protect this Nation, and I am deeply grateful for his service.

For 25 years, Sackton, a Ph.D., has served Arizona State University as honorably as he did our country. He was the founding dean of the College of Public Programs, vice president for business affairs, athletic director, and then professor. Although technically retired, Sackton still teaches a class every semester at ASU. He utilizes his creativity and passion for teaching to create classes that are popular among his students, opting for interactive case studies over the traditional format of textbook reading and lectures.

He also helped secure a brighter environmental and economic future for Arizona, working for three years as Governor Jack Williams' special assistant for energy planning and economic development.

Frank remains committed to contributing to his community. He is active at St. Barnabas Episcopalian Church, has addressed the Rotary Club on several occasions, and often visits the Children's Center at Scottsdale Healthcare to cheer up the children who are ill.

Madam Speaker, please join me in congratulating Frank Sackton on nearly a century of service.

## JACK BROWN

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jack Brown, of St. Joseph, Missouri. Mr. Brown will retire from the St. Joseph, Missouri Fire Department after an impressive 38-year career with the department.

Chief Brown was named the 15th Fire Chief in the St. Joseph Fire Department's history in September of 2003. Previously he served in many capacities, including Battalion Chief and Captain. Chief Brown is also the recipient of three life-saving awards during his career.

Jack is someone that I developed a personal friendship with, as we had the opportunity to work together on various issues. He is a sincere, honest individual that never wanted any of the accolades; he always felt he was just doing his job. You knew when visiting with Jack that firefighting was not a career, but rather a passion. Chief Brown is a stand-up individual, who will be truly missed by the St. Joseph Fire Department, the St. Joseph community and all those who had the opportunity to work with him.

Madam Speaker, I proudly ask you to join me in recognizing Jack Brown, whose dedication and service to the citizens of St. Joseph, Missouri has been truly exceptional. It is truly an honor to serve Chief Brown in the United States Congress.

## HONORING COLONEL RICHARD J. MASON, JR.

### HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. CHANDLER. Madam Speaker, COL Richard J. Mason, Jr. demonstrated exceptional meritorious service from 30 June 2005 to 10 July 2008 as Commander of Blue Grass Army Depot (BGAD), a 15,000 acre depot in Richmond, Kentucky. He was responsible for the production, receipt, storage, issue, maintenance and demilitarization of conventional munitions.

Serving as the consummate depot commander, Colonel Mason oversaw an organization that supported the troops with ammunition and Chemical Defense Equipment. He safeguarded and ensured the operational readiness of a munitions stockpile while executing the shipping and receiving of over 250,000 short tons of munitions.

As the sole provider chemical personnel equipment, Colonel Mason's untiring efforts to improve support to the troops were superb. By eliminating erroneous shipments to incorrect locations, the cost of transportation was reduced by over 30 percent and ability to provide equipment to soldiers on the battlefield increased significantly without requiring additional manpower. Specifically, Colonel Mason's efforts to support the fielding of Mine Resistant Ambush Protected (MRAP) armor kits to the troops were commendable.

He contributed to the future of the BGAD by developing its first Strategic Business Plan which integrated all aspects of logistics and business processes while providing a clear vision for the Depot's future. He also initiated a continuous business improvement culture across the Depot by improving processes, reducing costs, eliminating waste and improving ergonomics and safety.

A native of Oldtown, Maryland, Colonel Mason arrived at Blue Grass Army Depot in July 2005 as a highly regarded and decorated leader in the Army. Prior to arriving at BGAD, Colonel Mason served as the Chief of Support for Task Force Sinai in El Gora, Egypt among other leadership positions in the United States and Germany. Colonel Mason's Change of Command will take place July 10, 2008.

## IN HONOR OF E. PAT LARKINS

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to honor a true friend and leader who is widely respected, and much loved by the citizens of Pompano Beach, Florida, The Honorable E. Pat Larkins. Pat was born in Pompano Beach in 1942. He graduated Blanche Ely High School in 1960 and enrolled in Tennessee State University. In 1962, he was hired as housing director for the local community action agency, and in 1969, he was one of only two Florida recipients of a Ford Foundation fellowship to attend the National Housing Institute in Washington, DC.

Pat was subsequently certified by HUD as a housing development specialist, and in 1970, he went to work for the Foundation for Co-Op Housing in Chicago, Illinois. In 1972, he returned to Florida and created the Broward County Minority Builders Coalition, Inc. where he still serves as C.E.O. He is also currently president and partner of Malar Construction, State licensed general contractors.

In addition to these accomplishments, Pat has also had a long career in the public sector and has, helped to change the face of local politics. He was the first chairperson of the City of Pompano Beach Community Development Committee. In 1982, he was the second African-American elected to the Pompano Beach City Commission. He was just the eighth African-American local elected official in Broward County and served 19 consecutive years as city commissioner. In that time, he served a record seven terms as mayor and three terms as vice-mayor, positions to which he was elected by his fellow Commissioners. He also served an unprecedented 14 consecutive years on the Broward County Planning Council and was the first African-American chair of that body.

After an unsuccessful run for Broward County Commission in 2001, Pat Larkins was reelected to the Pompano Beach City Commission in 2003 where he presently serves as vice-mayor. Pat is sometimes referred to as the dean of Broward black elected officials because of his remarkable leadership and role as one of the founders of that group.

He is also recognized throughout the State as a leader and spokesperson for minority involvement in government and business. During his time as mayor of Pompano Beach, the city hired the first black fire chief and first black city clerk in Broward County. Pat initiated the city ordinance to promote minority small business concerns, and along with two others, helped to create the first minority business enterprise program for Broward County government.

In addition to his many professional achievements, Pat Larkins has also taken an active role in countless public service, social, and religious organizations. He is a life member of the NAACP, serves on the Broward County Boys and Girls Club corporate board, the Juvenile Justice Intensive Halfway House, and the Florida black caucus local elected officials, and is a longtime member of Hopewell Baptist Church. He is a founding member of the Urban League board, as well as a leader in the Superintendents' Commission on Public Education, National Black Mayors' Conference, and U.S. Conference of Mayors.

Madam Speaker, Pat Larkins has had an indelible impact on the well-being of his community, as he has worked tirelessly to ensure that every individual has access to safe and adequate housing. Under his leadership, Pompano Beach recently demolished a 140-home development that had been rundown and falling apart and relocated the owners to a modern development of affordable homes on an even swap arrangement at a considerable cost savings to the city. Over the past 5 years, he has led his city in providing financial and other assistance that has resulted in the erection of more than 800 affordable multifamily units.

Pat has often said that he wants to be remembered not for his personal longevity, but most of all for helping to improve the lives of others. In this, he has certainly succeeded. Few people I have known have accomplished so much for the good of their fellow citizens and their community. I am fortunate to call him my friend.

## HONORING LARRY WILEY ON HIS RETIREMENT FROM THE MICHIGAN STATE POLICE

### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. STUPAK. Madam Speaker, I rise to recognize Sgt. Larry Wiley of Grayling, Michigan. Sgt. Wiley will be retiring from the Michigan State Police on June 28, 2008. As a former Michigan State Trooper, I have a special appreciation for the service of public servants like Sgt. Wiley, and I ask that you, Madam Speaker, and the entire U.S. House of Representatives, join me in paying tribute to his 26 years of service for the Michigan State Police.

Sgt. Wiley is happily married to his wife, Patty. Together, they have raised four wonderful daughters. Law enforcement runs thick in his blood, as his brother, James Wiley, was also a member of the Michigan State Police.

Prior to joining the Michigan State Police, Sgt. Wiley served in the U.S. Air Force from 1975 to 1979. While in the Air Force, Sgt. Wiley worked as a dog handler for the security police. After his service in Texas, Illinois and the Philippines, Sgt. Wiley was honorably discharged and moved to Michigan, where he went to work for the Michigan State Police in 1982.

Since joining the department, he has served at many posts and in many functions in his 26 years, and his dedicated service is truly commendable. He was stationed in Bridgeport and Detroit before being promoted to Sergeant at his post in L'Anse in 1988. After being stationed in Negaunee, Kalkaska and Houghton Lake, Sgt. Wiley served for 10 years with the Strike Team Investigate Narcotics Group in West Branch, helping to combat the flow of illegal drugs in five surrounding counties.

Madam Speaker, the dedicated men and women who dutifully enforce the law to protect their communities rarely receive the praise they deserve. I ask that you and the entire U.S. House of Representatives join with me in congratulating Sgt. Larry Wiley on a job well done and in wishing him well in his retirement.

## ON INTRODUCTION OF THE GOVERNMENT ACCOUNTABILITY OFFICE IMPROVEMENT ACT

### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. WAXMAN. Madam Speaker, today I am joining with 18 other committee chairs to introduce legislation to strengthen the authority of the Government Accountability Office.

GAO assists Congress in identifying waste, fraud, and abuse in federal programs and recommending ways to make government work better. Because of its vital role, GAO needs unfettered access to federal agencies. Efforts by executive branch officials to withhold information from GAO impedes Congress' ability to legislate effectively.

One key provision in the bill clarifies that Congress authorizes GAO to pursue civil actions if federal agencies or the White House improperly withhold federal records.

In litigation arising from GAO's efforts to obtain information about the operations of the Cheney energy task force, a federal district court held that the Comptroller General lacked standing to enforce GAO's right to information. This case, called Walker v. Cheney, was wrongly decided and misconstrued congressional intent regarding the role of the Comptroller General. The decision was also an improper invasion into Congress' constitutional prerogatives to determine how best to carry out its investigative responsibilities.

While I am confident that another court considering this issue would reach a different decision, passing new legislation to clarify GAO's authority is the most expedient way to restore the authority of the Comptroller General. For this reason, this bill contains express authorization from Congress to the Comptroller General to pursue litigation if documents are improperly withheld from GAO. In effect, this provision represents a legislative repudiation of the court's decision in Walker v. Cheney.

Other provisions of this important bill give GAO the express authority to interview federal employees when conducting evaluations and investigations and expand GAO's authority to administer oaths.

The bill further enhances GAO authorities by clarifying its right to important records to which it has been denied access. These include records at the Federal Drug Administration, the Centers for Medicare and Medicaid Services, and the Federal Trade Commission.

Finally, the bill creates a reporting mechanism so that Congress will be more fully informed when federal agencies do not cooperate with GAO. These reports will be important tools to improve GAO's oversight capability.

GAO provides invaluable assistance to Congress by helping Congress understand how federal agencies are performing their duties. This legislation helps ensure that GAO has the authorities it needs to carry out these crucial responsibilities.

## BOGUS WITHDRAWAL RESOLUTION

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. YOUNG of Alaska. Madam Speaker, on June 25, 2008, the Committee on Natural Resources adopted a resolution directing the Secretary of the Interior to make an emergency withdrawal of more than one million acres of land in Arizona from the operation of the mining laws, jeopardizing significant reserves of critical high-grade sources of uranium for clean-burning nuclear power plants. The Committee passed this resolution without a quorum present in violation of House and Committee rules, as documented by the 20–2 roll call vote on the motion to adopt. In addition, the Republicans had vacated the markup in protest of what is an unconstitutional measure, and so this vote reflects only those of Democratic members. The resolution therefore clearly does not reflect the views of the Committee on Natural Resources.

The majority marked up the resolution even though the use of this authority under section 204(e) of the Federal Land Policy Management Act is clearly unconstitutional. This view is supported by an informal opinion of the Justice Department issued in 1983 as well as a recent analysis by the Congressional Research Service. I reproduce the Justice Memorandum below and have appended the conclusion of the CRS American Law Division.

There is no emergency. If there was, the Secretary of the Interior would use his own power to make an emergency withdrawal. The reality is that the majority could not pass actual legislation locking up these millions of acres of public lands from resource development—in an area where there are already many mining claims.

This resolution is a toothless act of political theater. I hope that Interior Secretary Kempthorne gives it all the deference it deserves—none.

Subject: Legislative Veto Provision Contained in §204(e) of FLPMA.

Date: September 12, 1983.

From: Name: Ralph W. Tarr, Office Symbol: OLC.

Statement: This memorandum memorializes the oral advice I recently conveyed to the Solicitor's Office of the Interior Department concerning conclusions we reached as to the legislative veto provision contained in §204(e) of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. §1714(e). That section provides in pertinent part that the Committee on Interior and Insular Affairs of either House of Congress (subsequently designated as the Committee on Energy and Natural Resources in the Senate) may notify the Secretary of the Interior (''Secretary'') that an emergency situation exists and direct the Secretary to withdraw certain public lands from disposition under laws pertaining to mineral leasing.

Previous litigation under this provision followed a Resolution of May 21, 1981, by the House Committee, directed to the Secretary, for the withdrawal of certain lands in the Bob Marshall, Great Bear, and Scapegoat Wilderness Areas. This Office determined, and the Department subsequently took the position in that litigation, that §204(e) was unconstitutional insofar as it authorized a Committee of either House to direct the Secretary to take an action which would change the status of public lands. It was our view that the provision, as legislative action, violated the Bicameralism and Presentment Clauses, Art. I, §1, and Art. I, §7, cl. 2 and 3, and, as executive action, violated principles of separation of powers and the Incompatibility Clause, Art. I, §6. See generally Memorandum in Support of Federal Defendants' Cross-Motion to Dismiss and/or for Summary Judgment and in Response to Memorandum in Support of Plaintiffs' Motions for Summary Judgment in *Pacific Legal Foundation* v. *Watt*, Civil No. 81–141BLG, and *Mountain States Legal Foundation* v. *Watt*, Civil No. 81–168–BLG (D. Mont.)

The Department's Memorandum submitted to the court at that time also concluded that the portion of §204( e), which provided for the committee veto was severable from the Secretary's leasing authority, which is contained in entirely different and earlier statutes, and from the Secretary's authority under §204(e) to withdraw lands on his own initiative. Section 707 of FLPMA, 43 U.S.C. §1701 note, provides that if any provision or its application of the Act is held invalid, the remainder of the Act and its application shall not be affected. See, e.g., *Champlin Refining Co.* v. *Corporation Commission of Oklahoma*, 286 U.S. 210 (1932), quoted with approval in *Buckley* v. *Valeo*, 424 U.S. 1, 108–109 (1976).

In the court decision which resulted, the district court upheld §204(e) against the separation of powers challenge, on the ground

that the scope and duration of a withdrawal order under §204(e) were within the Secretary's discretion, subject to judicial review. The court did not view §204(e) as a veto provision and thus did not address the bicameralism and presentment issues. The court added, however, that if the section were interpreted to permit a congressional committee, by majority vote, to direct the Secretary to withdraw wilderness areas until the date specified in the Resolution, the committee action would be, in effect, an attempt to amend the Wilderness Act of 1964, and would be unconstitutional under the Ninth Circuit's decision in *Chadha* v. *INS*, 634 F.2d 408 (9th Cir. 1980). See *Pacific Legal Foundation (PLF)* v. *Watt*, 529 F. Supp. 982 (D. Mont. 1982), on reconsideration, 539 F. Supp. 1194 (D. Mont. 1982) (final order of Aug. 31, 1982, unpublished).

The constitutionality of the legislative veto device has since been firmly and finally decided. *INS* v. *Chadha*, 51 U.S.L.W. 4907 (June 23, 1983); *Consumer Energy Council* v. *FERC*, 673 F.2d 425 (D.C. Cir. 1982), aff'd, 51 U.S.L.W. 3935 (June 29, 1983), *Consumers Union* v. *FTC*, 691 F.2d 575 (D.C. Cir. 1982), aff'd, 51 U.S.L.W. 3935 (June 29, 1983). There remains no doubt that the power to direct withdrawal of lands granted to a single Congressional Committee by §204(e) is, by its terms, a legislative veto and is unconstitutional under Chadha.

At the request of Interior, this Office examined §204(e) and the relevant case law in conjunction with a Resolution of August 3, 1983, by the House Committee on Interior and Insular Affairs, which purported to direct the Secretary to withdraw lands in the Fort Union Coal Region of Montana and North Dakota. We determined and advised Interior that the Resolution passed pursuant to §204(e) purporting to direct withdrawal was unconstitutional as a legislative veto and was not salvageable under the construction of the court in *PLF* v. *Watt*. We further determined and advised that constitutional failure of the veto provision has no effect on the substantive authority granted to the Secretary of Interior by the statutes.

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Congressional Research Service, Memorandum, June 20, 2008.

SUBJECT: Constitutional Issues with §204(e) of the Federal Land Policy and Management Act of 1976, as amended.

. . . For there to be a legal obligation to withdraw land imposed on the Secretary of the Interior pursuant to §204(e), the [*INS* v. *Chadha*, 462 U.S. 919 (1983)] decision requires that actions of Congress comply with both the bicameralism and presentment clauses of the Constitution. The single committee resolution contemplated by §204(e) does not satisfy these requirements and, therefore, cannot be said to impose any legal obligation on the Secretary to withdraw land. Accordingly, should such a resolution be adopted it appears likely that the Secretary would be well within his authority to interpret it as informational and/or advisory in nature and, thus, will be able to avoid taking the actions contemplated under the statute. Should Congress wish to impose a binding legal obligation on the Secretary it could opt either to pass a joint resolution or a bill, both of which satisfy the bicameralism and presentment requirements of Article I, as they would need to be presented to the President for his signature or veto (and in the case of a veto be overridden) to have the necessary effect of mandating that the Secretary withdraw land.

## RETIREMENT OF MR. RICARDO SANCHEZ FROM THE CORPUS CHRISTI RTA

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. ORTIZ. Madam Speaker, I rise today to congratulate Mr. Ricardo Sanchez of Corpus Christi, TX on his retirement from the Corpus Christi Regional Transportation Authority.

Ricardo has been an excellent public servant for the Coastal Bend and has dedicated his professional career to improve the transportation infrastructure of South Texas.

Ricardo has over 27 years of professional and managerial experience in public transportation. He started his career in public transportation with Houston Metro in 1983 and moved to the Corpus Christi RTA in 1986 to serve as Assistant to the General Manager.

During his tenure with the Corpus Christi RTA, Ricardo worked in varying and extensive capacities serving as Assistant to the General Manager for Contracts and Procurement; Director of Contracts and Materials Management; Director of Maintenance Services, and Director of Special Projects.

In May 2004, Ricardo was selected by the RTA Board of Directors to serve as Interim General Manager for the agency and later hired as the agency's General Manager.

Ricardo has been a productive member of the community, serving in numerous leadership posts such as Board Member of the National Archives and Historical Foundation of the American GI Forum, Vice-Chair of the Corpus Christi Arts and Cultural Commission, and President of the Houston Chapter Association for the Advancement of Mexican Americans.

Ricardo and his wife, Carmen, have three wonderful daughters—Yliana, Marisa, Teresa—and have one grandchild, Andrea.

I congratulate Ricardo on his retirement and wish him and his family the best of luck during the next chapter of his life.

## HONORING ROBERT BEATTY ON 50 YEARS WITH THE INDIAN RIVER LIONS CLUB

### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. STUPAK. Madam Speaker, I rise to recognize Robert Beatty of Indian River, Michigan. Mr. Beatty has served as a member of the Indian River Lions Club for 50 years, and I ask that you, Madam Speaker, and the entire U.S. House of Representatives, join me in honoring his 50 years of service to the Indian River community.

Born in Marietta, Ohio, on April 24, 1923, Robert Beatty moved to Indian River in 1946. He and his wife, Edith, will have been married 61 years this October. Together, they have raised three lovely children.

Mr. Beatty's service with the Lions Club, the world's largest service organization, is truly commendable. His first contact with the Lions Club came in 1958 at a poker game with Anthony Schneider, the founding member of the Indian River Lions Club chapter. After discussing the mission of the Lions Club, he was so enthusiastic that he decided to join the next day.

Mr. Beatty quickly rose through the ranks. After only 3 days of membership, he took on the role of treasurer. Since that time, he has held every position within the club except secretary and has been on the board of directors for all 50 years of his membership. With a reputation of being the first to volunteer for every community service project, his leadership in the Lions Club has been instrumental to their service for the Indian River community.

Mr. Beatty's community service extends beyond his activities with the Lions Club. As a former member of the Indian River school board, he worked diligently to improve education within his community. A veteran of the U.S. Army, Mr Beatty is also a lifetime member of the Veterans of Foreign Wars, continuing to serve his community and assist his fellow veterans through his membership.

Madam Speaker, as Robert Beatty celebrates his 50 years of faithful service with the Indian River Lions Club, I ask that you and the entire U.S. House of Representatives join with me in thanking Mr. Beatty's for his dedicated service. Indian River is no doubt a better place because of Mr. Beatty's years of involvement in the community.

## SUPPORTING HUMAN RIGHTS IN VIETNAM

### HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. AL GREEN of Texas. Madam Speaker, Respect for human rights and individual freedom is an important element of American foreign policy. Therefore, it must be the goal of the United States government to work towards enhancing human rights conditions, individual liberty and religious freedom in Vietnam. Moral imperatives such as freedom and individual rights are exceedingly important in establishing a mutually beneficial diplomatic relationship.

The current human rights situation in Vietnam is unacceptable. I am greatly concerned about state sanctioned oppression that has left numerous Vietnamese citizens helpless in the face of a government that has chosen to exercise repressive rule over a population that seeks individual, political and religious freedom. There are numerous religious and political prisoners imprisoned in Vietnam. Political prisoners are placed in conditions that are unacceptable. The international community should not sit idly by and allow this behavior to continue without condemnation.

In Vietnam, according to Human Rights Watch, "2007 was characterized by the harshest crackdown on peaceful dissent in 20 years." Additionally, since gaining membership in the World Trade Organization, it has been reported that Vietnam moved to suppress all challenges to the Vietnamese Communist Party (VCP) by arresting dozens of democracy and human rights activists, independent trade union leaders, underground publishers, and members of unsanctioned religious groups.

The government of Vietnam should not be rewarded by the United States government and the international community for stifling the

freedom of the press, arresting dissidents, and labeling religious activity as subversive. We need a bilateral relationship with Vietnam that enhances individual freedom, democracy, and freedom of speech. I will continue to work in Congress to help promote democracy and end oppression in Vietnam.

## HONORING THE ACCOMPLISHMENTS OF MR. BASIL C. MARHOFER

### HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. MORAN of Kansas. Madam Speaker, today I rise to recognize and celebrate the accomplishments and career of Mr. Basil C. Marhofer, a good friend from my home State of Kansas. Mr. Marhofer will be retiring Monday, June 30, from a successful career as a distinguished lawyer and public servant.

Mr. Marhofer's contribution of service has spanned over six decades. After graduating from Ness City High School in Ness City, Kansas, in 1942, Mr. Marhofer served his nation in the European theater in the Second World War. After returning from Europe, Mr. Marhofer enrolled in the University of Kansas Law School and graduated in 1951. He opened his first law office that same year in Ness City.

Soon afterwards, Mr. Marhofer was appointed Ness County Attorney, a position that he held until 1959. After spending a short time in Boulder, Colorado, at the University of Colorado Law School, Mr. Marhofer returned to Ness City and to his position as county attorney, where he remained until 1968. In 1971, Mr. Marhofer was elected Mayor of Ness City where he served for 8 years.

Mr. Marhofer has been actively involved in his community, including the local Masonic Lodge and Rotary International. He has held many offices in Rotary International, including District governor and director. In 1988, Mr. Marhofer was elected vice president and represented Rotary International on five continents.

Mr. Marhofer has spent his life serving his community, State, and country. I am proud to know him and to have this opportunity to recognize him. To him, serving his community is not a burden—it is a calling and a way of life. Whenever I have the opportunity to visit Ness City, Mr. Marhofer is always there, greeting me with the utmost hospitality. He is a just scholar of law and an honest public servant who sets an example for us all. I wish him the best as he enters retirement.

## TRIBUTE ON THE RETIREMENT OF CHIEF WILLIAM KIDWELL

### HON. BILL FOSTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. FOSTER. Madam Speaker, I am submitting this statement to express congratulations and gratitude to Chief William Kidwell on the occasion of his retirement from the Geneva Police Department.

On July 1, Chief Kidwell will end a 35-year career of distinguished service to his community. He joined the Geneva Police Department in 1973 as a captain, and rose quickly through the ranks. During his 27-year tenure as chief, the department expanded from a force of 13 officers and 4 patrol cars to 8 squads of 37 officers.

Chief Kidwell is known in the department and throughout the community as a leader with high integrity. He exemplifies the devoted public service to which we all should strive.

I offer my best wishes to Chief Kidwell and his family, and I thank him for more than three decades of service.

## PERSONAL EXPLANATION

### HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. BECERRA. Madam Speaker, on Monday, June 23, 2008, I was unable to cast my floor vote on rollcall vote 438.

Had I been present for the votes, I would have voted ''aye'' for rollcall vote 438.

## SCHOOL TO WATCH

### HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. CANTOR. Madam Speaker, I am proud to congratulate Short Pump Middle School, located in Henrico County, VA, for their recognition as a School to Watch by the National Forum to Accelerate Middle Grades Reform. This forum is an alliance of more than 60 educators, researchers, and officers of national associations and foundations dedicated to improving schools for young adolescents across the country. They have identified Short Pump Middle as a high-performing school that excels in many areas of education. Congratulations to the administration, teachers and students on this tremendous honor. National organizations recognize what we in Richmond already know—that Short Pump Middle is first rate. As the parent of 3 Short Pump Middle School alumni, I congratulate the teachers, parents, administrators and students on this outstanding recognition.

## INTRODUCTION OF THE ''AFGHANISTAN-PAKISTAN SECURITY AND PROSPERITY ENHANCEMENT ACT''

### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. VAN HOLLEN. Madam Speaker, I rise today to introduce the Afghanistan-Pakistan Security and Prosperity Enhancement Act. The legislation is a national security bill aimed at protecting our homeland and those of our allies in the fight against Al-Qa'ida and the Taliban. This bill authorizes the President of the United States to designate Reconstruction Opportunity Zones (ROZs) in Afghanistan and in certain regions of Pakistan. These ROZs will allow qualified businesses duty-free access into U.S. markets for designated products, thereby providing significant employment opportunities where none currently exist. A ROZ program could go a long way to bolster economic development in this critical region of the world where extremists have tried to exploit the lack of economic opportunities to gain recruits for their radical agenda.

The countries of Afghanistan and Pakistan are key to the fight against Al-Qa'ida and its Taliban allies. Al-Qa'ida is the group that masterminded and carried out the deadly terrorist attacks of 9/11 that took the lives of nearly 3,000 Americans. It would have had difficultly doing so if were not given safe-haven by the Taliban, then in control of the Afghan government and much of the country.

The U.S.-led effort to topple the Taliban regime and pursue Al-Qa'ida terrorists in the aftermath of 9/11 initially weakened both of these groups but there are disturbing signs that they are regrouping and strengthening, particularly along the porous Afghanistan-Pakistan border. The declassified National Intelligence Estimate on ''The Terrorist Threat to the U.S. Homeland,'' published in July 2007, stated: ''Al-Qa'ida is and will remain the most serious threat to the Homeland, as its central leadership continues to plan high-impact plots, while pushing others in extremist Sunni communities to mimic its efforts and to supplement its capabilities. We assess the group has protected or regenerated key elements of its Homeland attack capability, including: a safe haven in the Pakistan Federally Administered Tribal Areas (FATA), operational lieutenants, and its top leadership.''

More recently, the State Department's ''Country Reports on Terrorism 2007,'' published in April 2008, noted that ''Afghanistan remained threatened by Taliban and other insurgent groups and criminal gangs, some of whom were linked to [Al-Qa'ida] and terrorist sponsors outside the country.'' The same report also noted that ''Despite the efforts of both Afghan and Pakistani security forces, instability, coupled with the Islamabad brokered ceasefire agreement in effect for the first half of 2007 along the Pakistan-Afghanistan frontier, appear to have provided [Al-Qa'ida] leadership greater mobility and ability to conduct training and operational planning, particularly targeting Western Europe and the United States.''

Enhanced security efforts by the United States, Pakistan and Afghanistan are needed to disrupt and weaken Al-Qa'ida and the Taliban, but security measures alone will not rid them of these menacing groups—terrorists who continue to want to do us harm and are a threat to democracy and the rule of law. These extremist groups exploit the poor socioeconomic conditions, such as high unemployment, in the border areas, to gain adherents to their nefarious causes. With no meaningful alternatives, young men in particular are vulnerable to their entreaties.

Creative ways must be found to give young Pakistanis and Afghans a positive vision of the future. One such way is to create sustainable jobs in these vulnerable areas so that the promise of a decent living makes more sense than following the warped ideology of the terrorists.

The Reconstruction and Opportunity Zone legislation for Afghanistan and parts of Pakistan does just that. This legislation creates, in essence, special economic zones in these regions, enabling domestic and foreign firms to establish manufacturing enterprises that will bring thousands of good-paying jobs to the people of these areas.

As these troubled regions develop economically, they will diminish the recruiting pool of the terrorists. And as the terrorists find it more difficult to find support and protection among the local populations, they will become more vulnerable to the security forces.

## HONORING LIEUTENANT DANE R. HAYWARD OF LAKE COUNTY, CALIFORNIA

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Lt. Dane R. Hayward on the occasion of his retirement as Commander of the Clear Lake Area Highway Patrol. Lt. Hayward has served his community and the State of California honorably for over 30 years.

Lt. Hayward received his A.A. in Auto Technology from Ventura Community College, his B.A. in Police Science/Psychology at Lavern University and his M.A. in Counseling from the University of San Francisco.

Lt. Hayward has had an illustrious career in public service. He has implemented progressive solutions that have saved countless lives in Lake County, part of California's 151 Congressional District. He helped secure a 2003 Pedestrian Corridor grant which has resulted in zero pedestrian fatalities to date. He was able to get SR–53 and SR–20 controlled, which has also led to zero fatalities since, and the signal he was able to install at Highland Springs lowered fatalities by 50 percent. He has built the force by establishing a Senior Volunteer Program and an Explorer Program, supplementing his officers on patrol.

Lt. Hayward served as a motorcycle officer in the Central Los Angeles and West Valley offices in southern California. He then went on to become a Sergeant in south Los Angeles and Ventura and a Lieutenant in Baldwin Park, West Valley, and Clear Lake before earning the Commander position.

Lt. Hayward is known as a generous, diligent and committed public servant who never hesitates to answer the call of his community. Among many other affiliations, Lt. Hayward is a member of the Coast Guard Auxiliary, the National Rifle Association, a member of Ventura County Peace Officers Association, and a member of the California Peace Officers Association. On top of all that, Lt. Hayward has been a peer support counselor for the CHP from 1990 to the present.

Madam Speaker and colleagues, it is appropriate at this time that we thank Lt. Dane Hayward for his years of dedication and service on behalf of Lake County and the citizens of California. He has been a role model for anyone who wants to give back to his or her community. I join his wife Phill, their son Dane Jr., and daughter Nicole in thanking Dane and wishing him a lifetime of fulfillment.

## RECOGNIZING WORLD REFUGEE DAY

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. HASTINGS of Florida. Madam Speaker, last Friday was World Refugee Day, a day to reflect and address the growing problem of refugee populations worldwide.

According to the United Nations High Commissioner for Refugees (UNHCR), there are more than 11 million refugees living outside their countries. Another 26 million are estimated to be internally displaced due to conflict alone. I urge my colleagues to address this complex and tragic issue.

Since the beginning of civilization, populations have fled to escape violence and persecution and have found sanctuary in foreign lands. In 1951, the United Nations Refugee Convention was created in order to address this issue on an international level. The Convention is the key legal document defining who is a refugee, what their rights are, and the legal obligations of states to refugees.

Since 1951, the issue of refugees has grown both in size and in complexity. While the Convention was designed to solve the problem of World War II refugees, it has broadly extended its scope as the number and nationality of refugees dramatically grew over time. For the first time in five years, the number of refugees has increased, primarily due to a large population exodus from Iraq into neighboring countries. Other significant population outflows that have contributed to this increase include: The Central African Republic, Chad, Sri Lanka, Sudan, and Somalia.

As this issue grows, it becomes increasingly difficult to address it. Today, the reasons leading populations to flee are more diverse. While in 1951 the two main causes of departure were poverty and conflict, today the causes have expanded to bad governance, climate change, and competition for scarce resources. As barriers to human mobility have fallen in recent decades, protecting refugees has become even more difficult. These new challenges make it even more crucial to find adequate and efficient ways to address these issues.

Moreover, with the increased number of refugees worldwide, many countries have started to reverse their policies on granting asylum and have begun closing their doors to vulnerable populations. As a result, refugees are forced to return to the terrible situations which they were originally trying to escape.

I believe that we can alleviate suffering and save lives if the problem is addressed globally, and in cooperation with foreign countries and international organizations, such as the United Nations. The protection of refugees is an international duty. It is the United States' duty to lead these efforts.

One of the most pressing examples of a burgeoning crisis is the Iraqi refugee crisis. Today, there are millions of displaced Iraqis both inside and outside of Iraq. Since the beginning of the Iraq war, the United States has only welcomed in 8,000 Iraqi refugees while Sweden alone has taken in 40,000. The United States has a tremendous responsibility to aid these populations. Even more, we have a specific obligation to protect our allies in Iraq who risked their lives to help our government and our Armed Forces.

As Chairman of the Helsinki Commission, I have been deeply concerned and involved in this issue. Most recently, Senator BENJAMIN L. CARDIN (D–MD), my Co-Chairman of the Helsinki Commission, Congressman JOHN D. DINGELL (D–MI), and I, along with 14 other Members of the House and Senate, sent a letter to President Bush questioning the Administration over delays in processing threatened Iraqis who have worked for the United States government and American organizations in Iraq. In particular, the letter urges President Bush to allow the Department of Defense to airlift Special Immigrant Visa (SIV) applicants for expedited processing to a central processing center outside of Iraq.

Madam Speaker, I urge my colleagues to join me to assist not only Iraqi refugee populations but refugees across the globe. The United States, a beacon of freedom and democracy, has a longstanding tradition of providing aid and protection to refugee populations. I urge my colleagues to devote to this issue of growing refugee populations the attention and resources it needs and deserves.

## IN HONOR OF DEAN CARMEN TWILLIE AMBAR

### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. PALLONE. Madam Speaker, it is with great pleasure that I rise today in recognition of Dean Carmen Twillie Ambar. I join with President Richard L. McCormick and all of Rutgers University in honoring Dean Ambar for her outstanding tenure at Douglass and for her recent appointment as President of the Cedar Crest College.

During her tenure as Dean of Douglass, Dean Ambar demonstrated her commitment to the educational advancement of women by leading the fight to save Douglass College. Dedicated to women's success and leadership, Douglass is a unique institution that has enabled countless young women to receive an excellent education and fulfill their potential as leaders in public service, academia, and business.

In addition, Dean Ambar's exemplary service and dedication to Douglass was evident in her pursuit of women's global leadership. Dean Ambar spearheaded programs that showcased and promoted women's leadership skills and encouraged young women to pursue careers in math, science, and technology.

Madam Speaker, it is my sincere hope that my colleagues will join me in honoring and recognizing Dean Ambar for her invaluable contributions to Douglass and the greater Rutgers University community.

## ONE-YEAR ANNIVERSARY OF THE SIGNING OF THE U.S.-KOREA FREE TRADE AGREEMENT

### HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. BRADY of Texas. Madam Speaker, on Monday, June 30, we will mark the one-year

anniversary since negotiators for the United States and the Republic of Korea signed the historic and landmark U.S.-Korea Free Trade Agreement, one of the most commercially significant free trade agreements to be signed by the United States in over a decade.

The Republic of Korea and the United States are already major trading partners. South Korea has the world's 11th largest economy and stands as our 7th largest trading partner with more than $80 billion passing between our two nations each year.

Today, Korea took a critical step toward implementing the recent agreement between the United States and Korea that will allow exports of high-quality U.S. beef to resume, based on internationally recognized standards that affirm the safety of U.S. beef.

Before the import ban, South Korea was the third largest sales market for U.S. beef, valued at over $800 million a year. As the nation's fourth largest beef exporter, Texas would stand to benefit greatly from new opportunities in the Korean market. Under the FTA, Korea would remove tariffs of up to 40 percent levied on U.S. beef, giving U.S. ranchers an advantage over other foreign competitors.

By eliminating tariffs and other trade barriers and strengthening protections for U.S. companies, the U.S.-Korea Free Trade Agreement will expand trade and investment further. The U.S. International Trade Commission has forecast that the elimination of tariffs on U.S. goods under the U.S.-Korea FTA would grow U.S. GDP by over $10 billion annually, upon full implementation. The agreement will also eliminate regulatory and other non-tariff barriers that have historically restricted access by U.S. farmers, manufacturers and service providers to the South Korean market.

Should the United States Congress sit idle and continue to ignore the economic potential this historic agreement offers, I assure you South Korea will not stop efforts to liberalize its trade relations with other countries—putting Americans at a disadvantage when competing abroad. We cannot afford a time-out on trade while the rest of the world marches on.

Madam Speaker, in closing, this week, we took a moment of pause on June 25, 2008, to remember the 58th anniversary of the outbreak of the Korean War. As that conflict, out of which was born the U.S.-Korea alliance, has often been referred to as the "Forgotten War," it is our duty to honor and remember the noble sacrifices of our Korean War veterans.

## SUNSET MEMORIAL

### HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial. It is June 26, 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 12,938 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, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th Amendment capsulizes our entire Constitution. It says, "No State shall deprive any person of life, liberty or property without due process of law." 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 so sad to me, Madam 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.

So Madam Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it 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 12,938 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Madam Speaker, as we consider the plight of unborn America tonight, 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 June 26, 2008, 12,938 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.

## HONORING MONSIGNOR RICHARD O'KEEFFE

### HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. GRIJALVA. Madam Speaker, I would like to submit the following statement for the RECORD. The presentation was given by Colonel John Bullington, Commander with U.S. Army Yuma Proving Ground, in recognition of Monsignor Richard O'Keeffe's work in the community.

PRESENTATION TO MSGR. O'KEEFFE ON JUNE 13, 2008

(By Col. John Bullington, Commander, U.S. Army Yuma Proving Ground)

I'd like to take a few moments to extend a very sincere tribute to a man who is a true treasure to those of us at YPG—Monsignor Richard O'Keeffe.

Since June 1978, thirty years ago this month, the Monsignor, a man of great integrity, energy and sincerity, has faithfully served YPG as Catholic chaplain. He drove from town most Sundays to celebrate mass at the post chapel and is here at least one weekday each week to make visits, perform counseling, conduct baptisms, and perform other duties carried out by a chaplain. He was instrumental in expanding our religious education program and has been an inspiration to all with whom he's come in contact.

I might also mention that Monsignor O'Keeffe is one of the most influential cheerleaders for YPG in the community. He maintains a network of contacts from both political parties, and his advice is always right on the mark. I personally value his input and welcome what he has to say. He represents a rare combination of judgment, fidelity to truth, intellectual force, and clarity of interpretation.

For thirty years, Monsignor O'Keeffe has been there without fail for the people of YPG—of any faith. We could have asked for no better friend, for no better man. Ireland's loss was definitely our gain.

## HONORING THE UNIVERSITY OF MICHIGAN HOSPITAL AND HEALTH CENTER

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. DINGELL. Madam Speaker, I rise today to honor the University of Michigan Hospital

and Health Center, UMHHC, Security and Entrance Services for receiving the 2008 Lindberg Bell Award. Bestowed annually by the International Association for Healthcare Security and Safety, IAHSS, the Lindberg Bell Award is given to the hospital with the best healthcare security program in the country. The IAHSS has over 1,600 members and is the only healthcare security organization in the U.S. They provide valuable services to those in the field, including education and training programs. The award recognizes organizations that have vastly improved their services over the last year, and the UMHHC Security and Entrance Services should be commended for meeting this high standard.

The UMHHC Security and Entrance Services is charged with protecting hospital personnel and property, in addition to providing excellent customer service. This is no small feat, considering that there are over 10,000 people in the hospital at any given time. Their leadership skills and innovative spirit have been demonstrated though the development of a badge system for the Mott Children's Hospital. Under this program, all visitors to the hospital must check in at a station to receive a badge to wear during their stay at the hospital. This system resulted in an increase in security and has spread to other sections of the hospital. I am confident the UMHHC will continue to provide a high level of security for patients.

As a Lindberg Bell Awardee, it is my hope that the UMHHC Security and Entrance Services will continue to serve as an example to the community and its peers that the security of our patients should not be overlooked. Our hospitals open their doors each day to diagnose and care to the citizens of our community. It is imperative that while serving this mission our doctors and nurses are not distracted by outside issues. By going the extra mile, UMHHC is ensuring that every person who walks through their doors will know that both high quality care and safety comes first. Again, I commend UMHHC for their effort and tireless dedication to its patients. To the doctors, nurses and support staff, I congratulate each one of you for being part of a health system who takes the mission of caring for patients to the next level. Congratulations UMHHC on winning the Lindberg Bell Award.

## HONORING GEORGETTE BROWN

### HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. WALDEN of Oregon. Madam Speaker, I rise today to share with you and my colleagues my pride in Georgette Brown. Georgette is a dedicated public servant, a good friend, and a stalwart guardian of the American election process.

Georgette is retiring after 25 years of elected service as County Clerk in Josephine County, Oregon. As all of you know, to be elected to a position repeatedly for over two and a half decades, a person must be extremely well liked, dedicated, competent, and a proven leader. Those attributes truly personify Georgette Brown.

In her career, Georgette has brought innovation and modernization to the Office of Josephine County Clerk since assuming office in 1983. She oversaw significant transitions that took the county from hand-counted paper ballots to punch cards to optical scan ballots, which are now in their third generation. She flawlessly facilitated the change from voting at polling places to a 100 percent vote-by-mail system today. Georgette has been a true professional as County Clerk, and I have relied on her many times to understand how proposed legislation might affect the local elections process.

Georgette has continually modernized the recordkeeping and reporting functions of the County Clerk's office, now utilizing the Internet extensively. She has created a user friendly office where you can easily obtain passports and other public documents. As County Clerk, Georgette also performs marriages.

To accomplish what Georgette has as County Clerk would be considered remarkable in and of itself, but Georgette also excelled at being a loving wife, mother, and now a grandmother. Her public service and leadership has gone beyond her elected position to include her long service in Rotary and Zonta. Georgette has served as president of both of those organizations dedicated to serving others. Georgette serves on the executive board of the International Association of Clerks, Recorders, Election Officials, and Treasurers. In her retirement, she plans to continue her international involvement in the elections process.

For most of her adult life, Georgette was at the side of her husband, Larry, who was tragically taken from us all too soon a few years ago when a long battle with cancer ended his life. Larry was, in every sense of the word, a great American, patriot, and one who accomplished great things. Larry and Georgette were a very effective team working to better their community. When Larry passed away, it took great courage for Georgette to carry on without him, but she has been up to this ultimate personal test. She has kept the flame of public service burning brightly for which the Browns were so well known.

Madam Speaker, with all of her significant accomplishments, Georgette would assuredly point with most pride to the two great daughters that she and Larry raised, Monique and Martie. Monique is married to Shane Anderson and they have presented Georgette with her first grandchild, Taylor Anderson.

Even though Georgette Brown is retiring from public office, she will always be active in serving others, and she remains committed to making her country and her community a better place in which to live and work. Madam Speaker, we may pass laws, but people like Georgette Brown make those laws work for all of us. Although she will be missed as County Clerk, she can leave that phase of her public service knowing that she gave it her all and she made a real difference. With public service such a part of her moral fiber, we know that she will soon be serving in new and innovative ways and continuing to improve the lives of others.

I highly value Georgette's service and her friendship. I ask you to join me in honoring this very special woman.

## NAAYI YOUTH PROGRAM—ENCOURAGING MORE MINORITIES TO ENTER HEALTH PROFESSIONS

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Ms. LEE. Madam Speaker, I want to acknowledge and thank my good friend and colleague Dr. DONNA CHRISTENSEN, the chair of the Congressional Black Caucus Health Braintrust. As the only doctor in the CBC, Congresswoman CHRISTENSEN—we all look to DONNA for her advice and her insight on critical health issues that affect our communities.

Whether it is finding ways to address racial and ethnic health disparities, helping our health care system provide culturally competent and culturally relevant care, or helping encourage young people, like you all, to enter the health professions, we rely on DONNA to guide us.

I want to thank her for her leadership and for helping to organize this event today.

My background is as a psychiatric social worker. I know how important it is to have people of color in the health professions; people that can relate to their patients and who can provide help and advice in a way that is relevant for them.

As a member of the Appropriations Subcommittee on Labor, Health and Human Services, and Education, I have been working with my colleagues to increase funding to increase diversity in the health professions.

This year I'm pleased to report that we have developed a bill that would provide nearly $104 million to increase diversity training programs in the health professions. That's an increase of $34 million from last year.

These funds will go towards programs and institutions that help train minority health professionals and provide scholarship support to help defray the costs of an education.

As we move through the appropriations process I look forward to working with my colleagues to ensure that we keep and grow the money for these programs.

## THE MEDICAL DEVICE SAFETY ACT: PROVIDING CRITICAL CONSUMER PROTECTIONS

### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Ms. SCHAKOWSKY. Madam Speaker, I rise today in strong support of the Medical Device Safety Act of 2008, which has been introduced today by my colleagues Representatives FRANK PALLONE and HENRY WAXMAN. I am proud to be original cosponsor of this legislation, which will restore consumer protections that were eliminated in the Supreme Court's recent Riegel v. Medtronic decision.

The Riegel v. Medtronic decision ignored congressional intent and disregarded 30 years of experience under the 1976 Medical Device amendments, during which FDA regulation and State tort law worked together to protect consumers from dangerous devices. The Riegel decision gives total immunity to device manufacturers who fail to adequately warn

consumers about device risks. It is now the responsibility of Congress to correct the Court's dangerous mistake.

Patients who are injured by medical devices often suffer permanent, debilitating injuries or even death. They need the ability to hold the negligent medical device manufacturer accountable for their injuries. If not, private health insurance companies and Medicare or Medicaid would be left footing the bill to pay for those injuries; and, ultimately, the taxpayer pays for the medical device manufacturer's mistake.

This narrow piece of legislation is necessary to address the Riegel decision and to ensure that it is not then applied to afford total immunity to medical device manufacturers throughout the country. It also will make certain that patients injured by medical devices can have their claims heard by a judge and jury and will prevent courts from summarily dismissing claims without ever hearing the facts. Finally, it restores congressional intent by explicitly stating that actions for damages under State law are preserved.

I urge my colleagues to join me in cosponsoring and enacting the Medical Device Safety Act so that we can restore long-standing consumer protections.

## PERSONAL EXPLANATION

### HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. MAHONEY of Florida. Madam Speaker, on Wednesday, June 25, 2008, I was unable to be in Washington, D.C. due to my attendance at the funeral of a personal friend in my district.

Had I been able to vote, I would have voted the following ways on the below listed rollcall votes: 449—"yea"; 450—"yea"; 451—"yea"; 452—"yea"; 453—"yea"; 454—"nay"; 455—"nay"; 456—"yea"; 457—"yea"; 458—"nay"; 459—"yea"; 460—"yea"; 461—"yea."

## ALTERNATIVE MINIMUM TAX RELIEF ACT OF 2008

SPEECH OF

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 25, 2008*

Mr. UDALL of Colorado. Mr. Speaker, I will vote for this bill because of the need to protect middle-income families from a massive tax increase that will hit them if we do not act to adjust the Alternative Minimum Tax, or AMT.

In technical terms, the bill would extend for one year AMT relief for nonrefundable personal credits and increases the AMT exemption amount to $69,950 for joint filers and $46,200 for individuals. In real-world terms, that means it will prevent a tax increase for more than 28,000 Colorado households that otherwise would be required to pay more in Federal income tax when returns are due next year. And so, Mr. Speaker, the bill overall is properly focused on tax relief for middle class families—a goal I strongly support.

Some of our colleagues say they will oppose the bill because it includes provisions that would close loopholes and make other changes in the tax laws in order to offset this tax relief. They evidently are not concerned about the fact that the federal budget is deeply into deficit spending.

I do have some reservations about how the bill seeks to provide AMT tax relief without making our Federal deficit worse. But I do not take a relaxed attitude to our fiscal problems, and think it is better to avoid adding to them—and that is the purpose of the offset provisions of the bill

One such provision would revise current law so investment fund managers would no longer pay capital gains rates on the income they receive for investment management services income that does not reflect a reasonable return on their own invested capital. This change was approved by the House last year in H.R. 3996, which I supported. In addition, the bill would exclude from the domestic production deduction the gross receipts derived from the sale, exchange or other disposition of oil, natural gas, or any primary product thereof for large integrated oil companies. And it would freeze at 6 percent—the rate under current law—the domestic production deduction for income of other taxpayers with respect to oil, natural gas or any primary product thereof. This is also not new—it is a scaledback version of an outright repeal of this deduction for all oil, natural gas or any primary product thereof that passed the House last year.

And the bill would prevent foreign multinational corporations incorporated in tax haven countries from avoiding tax on income earned in the United States by routing their income through structures in which a United States subsidiary corporation makes a deductible payment to a country with which the United States has a tax treaty before ultimately repatriating these earning in the tax haven country. This is a scaled-back version of a previously approved by the House of Representatives as part of H.R. 2419. Further, the bill includes a proposal that was in the president's latest budget request that will require institutions that make payments to merchants in settlement of payment card transactions to file an information return with the IRS.

These provisions are not the only or perhaps even the best way to offset the revenue costs of providing a temporary fix to the AMT—but the bill's opponents have suggested no alternative except to cut unspecified amounts of spending in unspecified parts of the budget or to further add to the "debt tax" that has already been imposed on our children (and their children) by the irresponsible policies of the last seven years.

The Senate will have to consider the legislation further, and it is possible that these provisions will be revised. But, in the meantime, the bottom line is that today we have the opportunity to provide tax relief to hundreds of thousands of middle-class families in Colorado. I think that is something I think the House should do without delay, and that is why I am voting for this bill.

## SUPPLEMENTAL APPROPRIATIONS ACT, 2008

SPEECH OF

### HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 19, 2008*

Mr. TIAHRT. Mr. Speaker, I offer my support for the passage of both amendments which constitute H.R. 2642, the Iraq/Afghanistan Supplemental Appropriations. Our service personnel serving abroad and here at home deserve the full support of this Congress. After months of partisan posturing by the Democrat Leadership, this bill finally puts the needs of our troops above the needs of politicians.

This bipartisan agreement provides $161.8 billion for the Department of Defense (DoD) to carry out the will of this nation. This funding pays the salaries and benefits of military and DoD civilian personnel, the fuel for their vehicles, and ammunition for their guns. This funding also takes care of their loved ones left behind.

In addition to providing for our service personnel in combat, this important legislation expands the GI education benefits for our veterans and extends unemployment insurance, Although unrelated to the primary purpose of this legislation, I agree that these are vital priorities to the American people.

In December 1943 when Kansan Harry Colmery wrote the guiding principles that would become the GI Bill of Rights, the promise was clear. Veterans returning from war would be provided with free education and a host of other benefits as a token of America's thanks for their service. Today, returning veterans receive many of these same benefits, but the value of the educational benefits has fallen due to the rapid rise in the cost of higher education.

The important educational expansion to the GI Bill found in H.R. 2642 renews the promise first proposed by Harry Colmery. Service members in Iraq, Afghanistan, and around the world fighting the Global War on Terror deserve our support while in uniform and when their duty is complete. As a Kansan, I am proud of the work Mr. Colmery started in 1943 and the work Congress continues today with the passage of this legislation.

This bill provides increased educational benefits for all members of the military who have served on active duty since September 11, 2001. The new benefit includes tuition reimbursement equal to the established cost regularly charged for in-state tuition at a public institution of higher education, a housing allowance, and a stipend for supplies and equipment for four academic years. The amount of the benefit is determined by the length of time, after September 11, 2001, the service member was on active duty. This provision also allows educational benefits to be transferred to the spouse or child of a service member.

As a co-sponsor of H.R. 5740, which provided the base concepts of this GI Bill expansion provision, I am very pleased that these benefits were included in H.R. 2642. Thankfully these much deserved benefits are not linked to a tax increase on small businesses, which was the case on an earlier version of the Iraq/Afghanistan Supplemental Appropriations.

In addition to providing funding for our troops fighting the Global War on Terror and

valuable educational benefits to our military veterans, this legislation includes an extension of unemployment insurance for 13 weeks in every state through March 31, 2009. Contrary to previous versions that had been considered by this House, this provision incorporates a 20-week work requirement in order to qualify for benefits. This work requirement is essential to ensure that people do not gain unemployment benefits for a longer period of time than they worked.

Mr. Speaker, this is a proud day. I am privileged to support this important legislation to honor our commitments to those in uniform and our veterans. They deserve nothing less. I hope all my colleagues will support both amendments to the H.R. 2642.

## AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL TO COMMEMORATE THE 60TH ANNIVERSARY OF THE INTEGRATION OF THE UNITED STATES ARMED FORCES

SPEECH OF

### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 25, 2008*

Mr. ROGERS of Alabama. Mr. Speaker, I rise today in strong support of this resolution authorizing the use of the Capitol Rotunda for a ceremony commemorating the 60th Anniversary of the beginning of the integration of the United States Armed Forces.

And I thank the distinguish Chairman of the Armed Services Committee, Mr. SKELTON, for bringing this resolution to the floor.

Throughout the course of our Nation's history, the men and women of our Armed Services have defended our liberties with bravery, honor, and sacrifice. But because our Nation racially segregated its military prior to 1948, generations of African Americans served our Nation with the knowledge that they were fighting abroad for the very freedoms that were frequently denied to them at home. Despite this injustice, not only did African Americans serve honorably to fight for all our freedoms, they did so with the dignity and bravery that earned many of them our Nation's top military honors.

Of the many units to serve with distinction, I particularly want to recognize the Tuskegee Airmen that organized at Moton Field in Tuskegee, Alabama, many of whom I would hope could be a part of this ceremony in the Rotunda. Over the course of World War II, the Tuskegee Airmen became one of the most highly decorated units in the Armed Forces. These brave pilots destroyed more than 1,000 German aircraft while accumulating an unprecedented record of flying more than 200 bomber escort missions over central and southern Europe without the loss of a single bomber to enemy aircraft. The Tuskegee Airmen returned home with some of our Nation's highest military honors including 150 Distinguished Flying Crosses, 744 Air Medals, 8 Purple Hearts, and 14 Bronze Stars. But they also returned home to a racially segregated America.

One of the many important milestones toward achieving an integrated America occurred on July 26, 1948 when President Harry Truman signed Executive Order 9981. This important order, which will be recognized under this resolution, ordered there be equality of treatment with all persons in the Armed Services without regard to race, color, religion, or national origin. Even though it took many years to accomplish the complete integration of the Armed Services, it was Executive Order 9981 that began the process and it is that event, among others, that I hope we will honor in the Capitol Rotunda next month.

Mr. Speaker, I would also like to bring the attention of this House to House Concurrent Resolution 297, a resolution I introduced with my friend and colleague Mr. MEEK of Florida on February 14 of this year. This resolution also recognizes the 60th anniversary of the beginning of the integration of the United States Armed Forces. I look forward to the consideration of this or any other similar resolution honoring this important event in our history.

## PERSONAL EXPLANATION

### HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. JOHNSON of Georgia. Madam Speaker, I regret that I was unable to vote on the evening of Wednesday, the 25th of June. Had I been present, I would have voted:

"Yea" on rollcall vote No. 460, the H.R. 3195, the Americans with Disabilities Amendments Act of 2008, which restores the intent and protections of the Americans with Disabilities Act of 1990. I deeply regret that I was unable to vote in support of an issue which I feel very strongly about. And I remain proud of this body, under the leadership of the Speaker and Majority leader, in guaranteeing that tens of millions of Americans with disabilities now enjoy equal rights under the law while being empowered to better our nation with their incredible, inherent talents without fear of discrimination or bias.

## RECOGNIZING THE CONTRIBUTION OF SUFFOLK LIFE NEWSPAPERS TO LONG ISLAND

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 26, 2008*

Mr. ISRAEL. Madam Speaker, I rise to commemorate a sad occasion in my district: Suffolk Life Newspaper will publish its last edition this week. David Willmott published the first edition of what would become Suffolk Life on August 17, 1961.

His paper, which started out serving a small community in Suffolk County, eventually became the largest weekly paper east of the Mississippi. For more than 40 years, Dave Willmott covered the local issues that didn't receive attention elsewhere. He had a style all his own—with political views that I often disagreed with. But he took on the issues others wouldn't touch and he and his staff took great pride in the service they provided to our community with the newspaper. They held those of us who serve in public office to a high standard with rigorous questionnaires and biting weekly columns.

Suffolk Life will shut its doors, but the impact of Dave Willmott's enterprise will live on long after the paper is gone.

Madam Speaker, Suffolk Life will be missed but not forgotten. I'm proud to honor this Long Island institution on the House floor.

# *Daily Digest*

## HIGHLIGHTS

**Senate concurred in the amendments of the House of Representatives to the amendment of the Senate to the amendment of the House to the amendment of the Senate to H.R. 2642, Supplemental Appropriations Act.**

**Senate agreed to H. Con. Res 379, Adjournment Resolution.**

# Senate

## *Chamber Action*

***Routine Proceedings, pages S6173–S6307***

**Measures Introduced:** Nineteen bills and four resolutions were introduced, as follows: S. 3200–3218, S. Res. 603–605, and S. Con. Res. 92. **Pages S6285–86**

**Measures Reported:**

H.R. 5690, To remove the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, with an amendment.

S. Res. 594, designating September 2008 as ''Tay-Sachs Awareness Month''.

S. 2979, to exempt the African National Congress from treatment as a terrorist organization. **Page S6283**

**Measures Passed:**

***Federal Aviation Administration Extension Act:*** Senate passed H.R. 6327, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, clearing the measure for the President. **Page S6176**

***African National Congress:*** Senate passed H.R. 5690, to remove the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, after agreeing to the committee amendment. **Pages S6231–32**

***Federal Law Enforcement Congressional Badge of Bravery Act:*** Senate passed S. 2565, to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal, State, and Local law enforcement officers, after agreeing to the committee amendment in the nature of a substitute. **Pages S6300–02**

***John F. Kennedy Center Reauthorization Act:*** Senate passed H.R. 3986, to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, after agreeing to the committee amendment in the nature of a substitute. **Pages S6302–03**

***Maritime Pollution Prevention Act:*** Senate passed H.R. 802, to Prevent Pollution from Ships to implement MARPOL Annex VI, after agreeing to the committee amendment in the nature of a substitute. **Pages S6303–04**

***Congratulating California State University, Fresno Baseball Team:*** Senate agreed to S. Res. 604, congratulating the California State University, Fresno Bulldogs baseball team for winning the 2008 National Collegiate Athletics Association Division I College World Series. **Pages S6304–05**

***60th Anniversary of the Berlin Airlift:*** Senate agreed to S. Res. 605, commemorating the 60th anniversary of the Berlin Airlift and honoring the veterans of Operation Vittles. **Page S6305**

***Adjournment Resolution:*** Senate agreed to H. Con. Res. 379, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate. **Pages S6305–06**

***Criminal History Background Checks Pilot Program:*** Senate passed S. 3218, to extend the pilot program for volunteer groups to obtain criminal history background checks. **Page S6306**

**Measures Considered:**

**FISA Amendments Act:** Senate continued consideration of the motion to proceed to consideration of H.R. 6304, to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence. **Pages S6177–S6207**

A unanimous-consent-time agreement was reached providing that on Tuesday, July 8, 2008, at a time to be determined by the Majority Leader, following consultation with the Republican Leader, all post-cloture time be yielded back, and the motion to proceed to consideration of the bill be agreed to; that the only amendments in order be the following: Dodd/Feingold/Leahy amendment to strike immunity, Specter amendment which is relevant, Bingaman amendment concerning staying court cases against telecom companies and that no other amendments be in order; that debate time on the Bingaman amendment be limited to 60 minutes, and 2 hours each with respect to the Dodd and Specter amendments, and that all time be equally divided and controlled in the usual form, except that 10 minutes of the Dodd time be under the control of Senator Leahy; that upon the use or yielding back of all time, Senate vote on the pending amendments, there be 2 minutes of debate prior to each vote, and that after the first vote in a sequence, succeeding votes be limited to 10 minutes each; that the Specter and Bingaman amendments be subject to an affirmative 60-vote threshold, and that if they do not achieve that threshold, they be withdrawn; if they achieve that threshold, they be agreed to and the motions to reconsider be considered made and laid upon the table; that upon the disposition of all amendments, Senate vote on the motion to invoke cloture on the bill; provided further, that prior to the cloture vote, there be 60 minutes plus the time specified below for debate time equally divided and controlled between the Majority and Republican Leaders, or their designees: 10 minutes under the control of Senator Leahy, with an additional 30 minutes under the control of Senator Feingold, with an additional 15 minutes under the control of Senator Dodd; provided further, that if cloture is invoked on the bill, then all post-cloture time be yielded back, and Senate vote on passage of the bill, as amended, if amended; and that it be in order to the file the cloture motion on the bill at anytime prior to the cloture vote, with the mandatory quorum waived, notwithstanding rule XXII, if applicable, and that if applicable post-cloture time be charged during this agreement. **Page S6224**

A motion was entered to close further debate on the bill, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Tuesday, July 8, 2008. **Page S6224**

**Medicare Improvements for Patients and Providers Act:** Senate began consideration of the motion to proceed to consideration of H.R. 6331, to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access. **Pages S6225–31**

During consideration of this measure today, Senate also took the following action:

By 58 yeas to 40 nays (Vote No.160), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of the bill. **Page S6231**

Senator Reid entered a motion to reconsider the vote by which cloture on the motion to proceed to consideration of the bill failed. **Page S6231**

Subsequently, the motion to proceed to consideration of the bill was withdrawn and the measure was returned to the Senate calendar.

**House Messages:**

**Foreclosure Prevention Act:** Senate began consideration of the motion to concur in the amendments of the House of Representatives, striking Title VI through XI, to the amendment of the Senate to H.R. 3221, to provide needed housing reform. **Pages S6224–25**

A motion was entered to close further debate on the motion to concur in the amendments of the House of Representatives, striking Title VI through XI, to the amendment of the Senate to the bill and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of June 26, 2008, a vote on cloture will occur at 5:30 p.m. on Monday, July 7, 2008, and that the post-cloture time count as if the vote had occurred at 5 p.m. **Page S6224**

**Supplemental Appropriations Act:** By 92 yeas to 6 nays (Vote No. 162), Senate concurred in the amendments of the House of Representatives to the amendment of the Senate to the amendment of the House to the amendment of the Senate to H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008. **Pages S6234–67**

During consideration of this measure today, Senate also took the following action:

By 77 yeas to 21 nays (Vote No. 161), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to waive section 204 of S. Con. Res. 21, FY08 Congressional Budget Resolution, with respect to the emergency designation provision in the bill. The point of order that the provision was in violation of section 204 of S. Con. Res. 21, FY08 Congressional Budget Resolution, was not sustained. **Pages S6238–39**

**Message from the President:** Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report on the issuance of an Executive Order continuing certain restrictions on North Korea and North Korean nationals imposed under the Trading with the Enemy Act; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–55) **Page S6281**

**Executive Reports of Committees:** Senate received the following executive report of a committee:

Report to accompany Protocol of Amendments to Convention on International Hydrographic Organization (Treaty Doc. 110–9) (Ex. Rept. 110–10). **Page S6283**

**Nominations Confirmed:** Senate confirmed the following nominations:

By unanimous vote of 97 yeas (Vote No. EX. 159), William T. Lawrence, of Indiana, to be United States District Judge for the Southern District of Indiana. **Pages S6207–11, S6307**

G. Murray Snow, of Arizona, to be United States District Judge for the District of Arizona. **Pages S6211, S6307**

**Nominations Received:** Senate received the following nominations:

Mark Everett Keenum, of Mississippi, to be a Member of the Farm Credit Administration Board, Farm Credit Administration for a term expiring May 21, 2014.

Joseph F. Bader, of the District of Columbia, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2012.

Richard A. Anderson, of Georgia, to be a Member of the Internal Revenue Service Oversight Board for a term expiring September 14, 2013.

Matthew A. Reynolds, of Massachusetts, to be an Assistant Secretary of State (Legislative Affairs).

Mary Lucille Jordan, of Maryland, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2014.

Peter Robert Kann, of New Jersey, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2010.

Michael Meehan, of Virginia, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2010.

Routine lists in the Air Force, Marine Corps. **Page S6306**

**Nomination Withdrawn:** Senate received notification of withdrawal of the following nomination:

D. Jeffrey Hirschberg, of Wisconsin, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2007, which was sent to the Senate on January 9, 2007. **Page S6307**

**Messages from the House:** **Page S6281**

**Measures Referred:** **Page S6281**

**Measures Placed on the Calendar:** **Page S6282**

**Measures Read the First Time:** **Page S6282**

**Enrolled Bills Presented:** **Page S6282**

**Executive Communications:** **Pages S6282–83**

**Petitions and Memorials:** **Page S6283**

**Executive Reports of Committees:** **Pages S6283–85**

**Additional Cosponsors:** **Pages S6286–87**

**Statements on Introduced Bills/Resolutions:** **Pages S6287–98**

**Additional Statements:** **Pages S6279–80**

**Amendments Submitted:** **Pages S6298–99**

**Notices of Hearings/Meetings:** **Page S6299**

**Authorities for Committees to Meet:** **Pages S6299–S6300**

**Record Votes:** Four record votes were taken today. (Total—162) **Pages S6210–11, S6231, S6238–39, S6267**

**Adjournment:** Senate convened at 9:30 a.m. and adjourned at 10:58 p.m., until 9:45 a.m. on Friday, June 27, 2008. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6306.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## BUSINESS MEETING

*Committee on Appropriations*: Committee ordered favorably reported the following:

An original bill making appropriations for the Departments of Labor, Health and Human Services, Education, and related agencies for the fiscal year ending September 30, 2009.

## NOMINATIONS

*Committee on Armed Services:* Committee concluded a hearing to examine the nominations of Nelson M. Ford, of Virginia, to be Under Secretary of the

Army, Joseph A. Benkert, of Virginia, to be an Assistant Secretary, Sean Joseph Stackley, of Virginia, to be an Assistant Secretary of the Navy, and Frederick S. Celec, of Virginia, to be Assistant to the Secretary for Nuclear and Chemical and Biological Defense Programs, all of the Department of Defense, after each nominee testified and answered questions in their own behalf.

## NOMINATIONS

*Committee on Armed Services:* Committee ordered favorably reported the nominations of General David H. Petraeus, USA, for reappointment to the grade of general and to be Commander, United States Central Command, Lieutenant General Raymond T. Odierno, USA, for appointment to the grade of general and to be Commander, Multi-National Force-Iraq, and 2,121 nominations in the Army, Navy, Air Force, and Marine Corps.

## INTERNATIONAL TAX REFORM

*Committee on Finance:* Committee concluded a hearing to examine the foundation of international tax reform, focusing on worldwide, territorial, and related corporate tax issues, after receiving testimony from James R. Hines, Jr., University of Michigan Law School, Ann Arbor; Stephen E. Shay, Ropes and Gray, Boston, Massachusetts; and Robert H. Dilworth, McDermott, Will, and Emery, LLP, Washington, D.C.

## TERRORIST ATTACK AFTERMATH

*Committee on Homeland Security and Governmental Affairs:* Committee concluded a hearing to examine nuclear terrorism, focusing on the federal response for providing medical care and meeting basic needs in the aftermath of an attack, after receiving testimony from R. David Paulison, Administrator, Federal Emergency Management Agency, Department of Homeland Security; Rear Admiral W. Craig Vanderwagen, Assistant Secretary of Health and Human Services for Preparedness and Response; Paul McHale, Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs; and James H. Schwartz, Arlington County Fire Department, Arlington, Virginia, on behalf of the International Association of Fire Chiefs.

## NATION'S FINANCIAL CHALLENGES

*Committee on Homeland Security and Governmental Affairs:* Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine addressing the nation's financial challenges, focusing on reliable, useful, and timely financial and performance information in developing and implementing strategies to control the current and future spending of federal government programs and polices, after receiving testimony from Gene L. Dodaro, Acting Comptroller General of the United States, Government Accountability Office; Daniel I. Werfel, Deputy Controller, Office of Management and Budget; Kenneth E. Carfine, Fiscal Assistant Secretary, Department of the Treasury; and David M. Walker, former Comptroller General of the United States, Peter G. Peterson Foundation, Robert L. Bixby, Concord Coalition, James Horney, Center on Budget and Policy Priorities, and Maurice P. McTigue, George Mason University Mercatus Center, all of Washington, D.C.

## CAPTA

*Committee on Health, Education, Labor, and Pensions:* Subcommittee on Children and Families concluded a hearing to examine reauthorization of the Child Abuse Prevention and Treatment Act (CAPTA) (Public Law 93–247), focusing on protecting children and strengthening families, after receiving testimony from Cheryl Anne Boyce, Chief, Child Abuse and Neglect Program, Division of Development Translational Research, National Institute of Mental Health, National Institutes of Health, Department of Health and Human Services; Karen Foley-Schain, Connecticut Children's Trust Fund, Hartford; Tanya Long, Parents Anonymous, Inc., Columbus, Ohio; and Caren Kaplan, American Humane Association, Denver, Colorado.

## INDIAN COUNTRY HEALTH SERVICES

*Committee on Indian Affairs:* Committee concluded an oversight hearing to examine access to contract health services in Indian country, after receiving testimony from Robert G. McSwain, Director, Indian Health Service, Department of Health and Human Services; H. Sally Smith, National Indian Health Board, Washington, D.C.; Marlene Krein, Mercy Hospital, Devils Lake, North Dakota; Stacy Dixon, Susanville Indian Rancheria, Susanville, California; Jefferson Keel, Chickasaw Nation, Ada, Oklahoma, on behalf of the National Congress of American Indians; Linda Holt, Northwest Portland Area Indian Health Board, Portland, Oregon; and Brenda E. Shore, United South and Eastern Tribes, Inc., Nashville, Tennessee.

## BUSINESS MEETING

*Committee on the Judiciary:* Committee ordered favorably reported the following:

S. 2979, to exempt the African National Congress from treatment as a terrorist organization;

H.R. 5690, to remove the African National Congress from treatment as a terrorist organization for

certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, with an amendment;

S. 2892, to promote the prosecution and enforcement of frauds against the United States by suspending the statute of limitations during times when Congress has authorized the use of military force;

S. 1211, to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors, with an amendment in the nature of a substitute;

S. Res. 594, designating September 2008 as "Tay-Sachs Awareness Month"; and

The nominations of Paul G. Gardephe, to be United States District Judge for the Southern District of New York, Kiyo A. Matsumoto, to be United States District Judge for the Eastern District of New York, Cathy Seibel, to be United States District Judge for the Southern District of New York, Glenn T. Suddaby, to be United States District Judge for the Northern District of New York, Kelly Harrison Rankin, to be United States Attorney for the District of Wyoming, and Clyde R. Cook, Jr., to be United States Marshal for the Eastern District of North Carolina.

**BUSINESS MEETING**

*Committee on Veterans' Affairs:* Committee ordered favorably reported the following:

S. 2969, to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals;

S. 3023, to amend title 38, United States Code, to require the Secretary of Veterans Affairs to prescribe regulations relating to the notice to be provided claimants with the Department of Veterans Affairs regarding the substantiation of claims, with amendments;

S. 2617, to increase, effective as of December 1, 2008, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; with an amendment in the nature of a substitute; and

An original bill to provide technical corrections to S. 22, the Post 9/11 Veterans Educational Assistance Act of 2007.

**NOMINATION**

*Committee on Veterans' Affairs:* Committee concluded a hearing to examine the nomination of Christine O. Hill, to be Assistant Secretary of Veterans Affairs for Congressional Affairs, after the nominee, who was introduced by Senator Dole, testified and answered questions in her own behalf.

# House of Representatives

## *Chamber Action*

**Public Bills and Resolutions Introduced:** 52 public bills, H.R. 6376–6427; and 18 resolutions, H.J. Res. 96–97; H. Con. Res. 383–387; and H. Res. 1306–1316, were introduced. **Pages H6173–76**

**Additional Cosponsors:** **Pages H6177–78**

**Reports Filed:** There were no reports filed today.

**Suspensions:** The House agreed to suspend the rules and pass the following measure:

***Directing the Commodity Futures Trading Commission to utilize all its authority, including its emergency powers, to curb immediately the role of excessive speculation in any contract market within the jurisdiction and control of the Commodity Futures Trading Commission, on or through which energy futures or swaps are traded:*** H.R. 6377, to direct the Commodity Futures Trading Commission to utilize all its authority, including its emergency powers, to curb immediately the role of excessive speculation in any contract market within the jurisdiction and control of the Commodity Futures Trading Commission, on or through which energy futures or swaps are traded, and to eliminate excessive speculation, price distortion, sudden or unreasonable fluctuations or unwarranted changes in prices, or other unlawful activity that is causing major market disturbances that prevent the market from accurately reflecting the forces of supply and demand for energy commodities, by a ⅔ yea-and-nay vote of 402 yeas to 19 nays, Roll No. 468.

**Pages H6103–10, H6143–44**

**Order of Procedure:** The House agreed by unanimous consent that the motions to suspend the rules relating to the following measures be considered as adopted in the form considered by the House on Tuesday, June 24th:

***Supporting the goals and ideals of National Save for Retirement Week:*** H. Res. 1294, to support the goals and ideals of National Save for Retirement Week; **Page H6121**

***Expressing the sense of Congress in support of further research and activities to increase public awareness, professional education, diagnosis, and treatment of Dandy-Walker syndrome and hydrocephalus:*** H. Con. Res. 163, amended, to express the sense of Congress in support of further research and activities to increase public awareness, professional education, diagnosis, and treatment of Dandy-Walker syndrome and hydrocephalus; **Page H6121**

***Expressing the sense of the House of Representatives that there should be an increased Federal commitment supporting the development of innovative advanced imaging technologies for prostate cancer detection and treatment:*** H. Res. 353, amended, to express the sense of the House of Representatives that there should be an increased Federal commitment supporting the development of innovative advanced imaging technologies for prostate cancer detection and treatment; **Page H6121**

Agreed to amend the title so as to read: "Expressing the sense of the House of Representatives that there should be an increased commitment supporting the development of innovative advanced imaging technologies for prostate cancer detection and treatment.". **Page H6121**

***Supporting the goals and ideals of Vietnam Veterans Day and calling on the American people to recognize such a day:*** H. Res. 1231, to support the goals and ideals of Vietnam Veterans Day and calling on the American people to recognize such a day; **Page H6121**

***Elwood "Bud" Link Department of Veterans Affairs Outpatient Clinic Designation Act:*** H.R. 2245, to designate the Department of Veterans Affairs outpatient clinic in Wenatchee, Washington, as the Elwood "Bud" Link Department of Veterans Affairs Outpatient Clinic; **Page H6121**

***Michael Bilirakis Department of Veterans Affairs Spinal Cord Injury Center Designation Act:*** H.R. 4264, to name the Department of Veterans Affairs spinal cord injury center in Tampa, Florida, as the "Michael Bilirakis Department of Veterans Affairs Spinal Cord Injury Center"; **Page H6121**

***Bruce W. Carter Department of Veterans Affairs Medical Center Designation Act:*** H.R. 4918, to name the Department of Veterans Affairs medical center in Miami, Florida, as the "Bruce W. Carter Department of Veterans Affairs Medical Center"; **Page H6121**

***Recognizing National Homeownership Month and the importance of homeownership in the United States:*** H. Res. 1271, to recognize National Homeownership Month and the importance of homeownership in the United States; **Page H6121**

***Expressing support for designation of September 2008 as "Gospel Music Heritage Month" and honoring gospel music for its valuable and longstanding contributions to the culture of the United States:*** H. Con. Res. 370, to express support for designation of September 2008 as "Gospel Music Heritage Month" and to honor gospel music for its valuable and longstanding contributions to the culture of the United States; **Page H6121**

***Expressing the sense of the Congress that a National Dysphagia Awareness Month should be established:*** H. Con. Res. 195, to express the sense of the Congress that a National Dysphagia Awareness Month should be established; **Page H6121**

***Expressing support for designation of June 30 as "National Corvette Day":*** H. Res. 970, to express support for designation of June 30 as "National Corvette Day"; and **Page H6121**

***Honoring the life of Robert Mondavi:*** H. Con. Res. 365, to honor the life of Robert Mondavi. **Page H6121**

**Meeting Hour:** Agreed that when the House adjourns today, it adjourn to meet at 10 a.m. on Monday, June 30, 2008, unless it sooner has received a message from the Senate transmitting its concurrence in H. Con. Res. 379, in which case the House shall stand adjourned pursuant to that concurrent resolution. **Page H6121**

**Saving Energy Through Public Transportation Act of 2008:** The House passed H.R. 6052, to promote increased public transportation use and to promote increased use of alternative fuels in providing public transportation, by a recorded vote of 322 ayes to 98 noes, Roll No. 467. **Pages H6122–43**

Rejected the Walden (OR) motion to recommit the bill to the Committee on Transportation and Infrastructure with instructions to report the same back to the House promptly with amendments, by a recorded vote of 199 ayes to 221 noes, Roll No. 466. **Pages H6140–43**

Accepted:

Oberstar amendment (No. 1 printed in H. Rept. 110–734) that adds a finding that public transportation stakeholders should engage local communities in promoting the importance of using public transportation; amends section 3 (grants to improve public transportation services) to clarify that transit agencies may use these new grants to offset the increased cost of fuel to transit agencies; clarifies that

intercity bus service and acquiring facilities or equipment to improve fuel efficiency are eligible activities under the bill; and requires the Transportation Secretary to carry out consumer awareness programs on the benefits of alternative transportation; **Pages H6133–34**

McGovern amendment (No. 2 printed in H. Rept. 110–734) that amends section 5 (transportation fringe benefits) to authorize increasing the transit portion of the transportation fringe benefit so it is equal to the maximum limit of the parking portion of the transportation fringe benefit; **Pages H6134–35**

Reichert amendment (No. 4 printed in H. Rept. 110–734) that amends section 7 (federal share for fixed guideway stations) to create a 100% Federal share for park-and-ride lots that serve fixed route commuter bus routes of more than 20 miles in length; **Pages H6137–39**

Hodes amendment (No. 5 printed in H. Rept. 110–734) that allows funds authorized in section 3 of the bill (regarding grants to improve public transportation services) to be used by states to establish or expand commuter matching services to provide commuters with information about alternatives to single occupancy vehicle use; and **Pages H6139–40**

Mahoney (FL) amendment (No. 3 printed in H. Rept. 110–734) that provides an exception to section 526 of the Energy Independence and Security Act (regarding procurement and acquisition of alternative fuels) by exempting contracts for generally available fuels that are not predominantly produced from noncontroversial petroleum sources if (1) the contract does not require the contractor to provide alternative fuels, (2) the purpose of the contract is not to obtain an alternative fuel, and (3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source (by a recorded vote of 421 ayes with none voting ''no'', Roll No. 465). **Pages H6135–37, H6140**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H6145**

H. Res. 1304, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 230 yeas to 196 nays, Roll No. 463, after agreeing to order the previous question by a yea-and-nay vote of 228 yeas to 198 nays, Roll No. 462. **Pages H6094–H6102**

**Suspension—Failed:** The House failed to agree to suspend the rules and pass the following measure:

***Responsible Federal Oil and Gas Lease Act:*** H.R. 6251, amended, to prohibit the Secretary of the Interior from issuing new Federal oil and gas leases to holders of existing leases who do not diligently develop the lands subject to such existing leases or relinquish such leases, by a ⅔ yea-and-nay vote of 223 yeas to 195 nays, Roll No. 469. **Pages H6110–21, H6144–45**

**Suspension—Proceedings Resumed:** The House agreed to suspend the rules and agree to the following measure which was debated on Tuesday, June 24th:

***Supporting the goals and ideals of the Year of the American Veteran:*** H. Res. 1098, to support the goals and ideals of the Year of the American Veteran, by a ⅔ yea-and-nay vote of 409 yeas with none voting ''nay'', Roll No. 470. **Page H6145**

**Calendar Wednesday:** Agreed to dispense with the Calendar Wednesday business of Wednesday, July 9th. **Page H6146**

**Speaker Pro Tempore:** Read a letter from the Speaker wherein she appointed Representative Hoyer and Representative Van Hollen to act as Speaker pro tempore to sign enrolled bills and joint resolutions through July 8, 2008. **Page H6146**

**Removing the African National Congress from treatment as a terrorist organization for certain acts or events and providing relief for certain members of the African National Congress regarding admissibility:** The House agreed to concur in the Senate amendment to H.R. 5690, to remove the African National Congress from treatment as a terrorist organization for certain acts or events and to provide relief for certain members of the African National Congress regarding admissibility—clearing the measure for the President. **Pages H6171–72**

**Presidential Message:** Read a message from the President wherein he issued an Executive Order continuing certain restrictions on North Korea and North Korean nationals imposed pursuant to the exercise of authorities under the Trading with the Enemy Act—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 110–128). **Page H6103**

**Senate Messages:** Messages received from the Senate today appear on pages H6091, H6103, and H6171.

**Quorum Calls—Votes:** Six yea-and-nay votes and three recorded votes developed during the proceedings of today and appear on pages H6101, H6101–02, H6102–03, H6140, H6142–43, H6143, H6143–44, H6144–45, and H6145. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 9:44 p.m.

# Committee Meetings

## POLLINATOR HEALTH

*Committee on Agriculture:*, Subcommittee on Horticulture and Organic Agriculture held a hearing to review the status of pollinator health including colony collapse disorder. Testimony was heard from Representative Hastings of Florida; Edward Knipling, Administrator, Agricultural Research Services, USDA; and public witnesses.

## LABOR, HHS, EDUCATION; AND AGRICULTURE, RURAL DEVELOPMENT, FDA APPROPRIATIONS RELATED AGENCIES APPROPRIATIONS

*Committee on Appropriations:* Began consideration of the Labor, Health and Human Services, Education, and Related Agencies Appropriations, but no action was taken.

## PRE–K ACT

*Committee on Education and Labor:* Ordered reported, as amended, H.R. 3289, PRE–K Act.

## WORKPLACE TRANSGENDER DISCRIMINATION

*Committee on Education and Labor:* Subcommittee on Health, Employment, Labor and Pensions, hearing on An Examination of Discrimination Against Transgender Americans in the Workplace. Testimony was heard from Representatives Frank of Massachusetts, and Baldwin; and public witnesses.

## CLIMATE CHANCE COSTS

*Committee on Energy and Commerce:* Subcommittee on Energy and Air Quality held a hearing on Climate Change: Costs of Inaction. Testimony was heard from public witnesses.

## EXTRACTIVE INDUSTRIES TRANSPARENCY DISCLOSURE ACT

*Committee on Financial Services:* Held a hearing on H.R. 6066, Extractive Industries Transparency Disclosure Act. Testimony was heard from public witnesses.

## CREDIT CARDS PRACTICES AFFECTING STUDENTS

*Committee on Financial Services:* Subcommittee on Financial Institutions and Consumer Credit held a hearing entitled ''Problem Credit Card Practices Affecting Students.'' Testimony was heard from Benjamin Lawsky, Deputy Counselor and Special Assistant to the Attorney General, Office of the Attorney General (New York); and public witnesses.

## MISCELLANEOUS MEASURES

*Committee on Homeland Security:* Ordered reported the following bills: H.R. 263, amended, Cybersecurity Education Enhancement Act of 2007; H.R. 2490, amended, To require the Secretary of Homeland Security to conduct a pilot program for the mobile biometric identification in the maritime environment of aliens unlawfully attempting to enter the United States; H.R. 3815, amended, Homeland Security Open Source Information Enhancement Act of 2007; H.R. 4806, amended, Reducing Over-Classification Act of 2007; H.R. 5170, amended, Department of Homeland Security Component Privacy Officer Act of 2008; H.R. 5531, amended, Next Generation Radiation Screening Act of 2008; H.R. 5743, Scientific Transformations through Advancing Research (STAR) Act; H.R. 5935, American Steel First Act of 2008; H.R. 5983, amended, To amend the Homeland Security Act of 2002 to enhance the information security of the Department of Homeland Security; H.R. 6098, amended, Personnel Reimbursement for Intelligence Cooperation and Enhancement of Homeland Security Act; and H.R. 6193, amended, Improving Public Access to Documents Act of 2008.

## SUBPOENA—ATTORNEY GENERAL

*Committee on the Judiciary:* Subcommittee on Commercial and Administrative Law approved a resolution authorizing the Chairman to issue a subpoena to Attorney General Michael Mukasey for certain documents previously requested.

## DETAINEE INTERROGATIONS RULES

*Committee on the Judiciary:* Subcommittee on the Constitution, Civil Rights, and Civil Liberties held a hearing on From the Department of Justice to Guantanamo Bay: Administration Lawyers and Administration Interrogation Rules, Part III. Testimony was heard from David Addington, Chief of Staff, Vice President of the United States, and public witnesses.

## PERFORMANCE RIGHTS ACT

*Committee on the Judiciary:* Subcommittee on Courts, The Internet, and Intellectual Property approved for full Committee action, as amended, H.R. 4789, Performance Rights Act.

## PRIVATE PRISON INFORMATION ACT

*Committee on the Judiciary:* Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on H.R. 1889, Private Prison Information Act of 2007 (Part II). Testimony was heard from Representative Holden; and public witnesses.

## NONNATIVE WILDLIFE INVASION PREVENTION ACT

*Committee on Natural Resources:* Subcommittee on Fisheries, Wildlife and Oceans held a hearing on H.R. 6311, NonNative Wildlife Invasion Prevention Act. Testimony was heard from the following officials of the Department of the Interior: Gary Frazer, Assistant Director, Fisheries and Habitat Conservation, U.S. Fish and Wildlife Service; and Lori Williams, Executive Director, National Invasive Species Council; Nina Marano, D.M.V., Branch Chief, Geographic Medicine and Health Promotion Branch, Division of Global Migration and Quarantine, Centers for Disease Control and Prevention, Department of Health and Human Services; Domingo Cravalho, Jr., Inspection and Compliance Section Chief, Plant Quarantine Branch, Department of Agriculture, State of Hawaii; Lawrence M. Riley, Division Coordinator, Wildlife Management Division, Department of Game and Fish, State of Arizona; and public witnesses.

## RURAL ELECTRIC COOPERATIVES

*Committee on Oversight and Government Reform:* Held a hearing on Governance and Financial Accountability of Rural Electric Cooperatives: the Pedernales Experience. Testimony was heard from the following officials of the State of Texas: Troy Fraser, Chair, Business and Commerce Committee, State Senate; and Patrick Rose, member House of Representatives; and public witnesses.

## LOCALITY PAY EXAMINATION

*Committee on Oversight and Government Reform:* Subcommittee on Federal Workforce, Postal Service and the District of Columbia held a hearing on An Examination of Locality Pay. Testimony was heard from the following officials of OPM: Kathrene, Executive Director, Federal Executive Board; and Charles Grimes, Deputy Associate Director; Hank Kashden, Deputy Chief, Business Operations, Forest Service, USDA; and public witnesses.

## HURRICANE RESEARCH STATUS

*Committee on Science and Technology:* Subcommittee on Energy and Environment, and the Subcommittee on Research and Science Education held a joint hearing on The State of Hurricane Research and H.R. 2407, National Hurricane Research Initiative Act of 2007. Testimony was heard from Representatives Hastings of Florida and Ros-Lehtinen; John L. Hayes, Assistant Administrator, Weather Services and Director, National Weather Service, NOAA, Department of Commerce; and public witnesses.

## AIR TRANSPORTATION CRISIS IMPACTS

*Committee on Small Business:* Held a hearing entitled "Grounded: How the Air Transportation Crisis is Hurting Entrepreneurs and the Economy." Testimony was heard from public witnesses.

## PROTECTING AND RESTORING AMERICA'S WATERS

*Committee on Transportation and Infrastructure:* Subcommittee on Water Resources and Environment held a hearing on Protecting and Restoring America's Great Waters—Part 1: Coastal Estuaries. Testimony was heard from Representative Dicks; Craig Hooks, Director, Office of Wetlands, Oceans, and Watersheds, EPA; David Kennedy, Director, Office of Ocean and Coastal Resources Management, Department of Commerce; and public witnesses.

## VETERANS MEASURES

*Committee on Veterans' Affairs:* Subcommittee on Economic Opportunity approved for full Committee action the following bills: H.R. 6225, Injunctive Relief for Veterans Act of 2008; H.R. 6224, Pilot College Work Study Programs for Veterans Act of 2008; H.R. 6221, Veterans-Owned Small Business Protection and Clarification Act of 2008; H.R. 6272, SMOCTA Reauthorization Act of 2008; H.R. 4255, amended, United States Olympic Committee Paralympic Program Act of 2007; H.R. 6070, Military Spouses Residency Relief Act; H.R. 2910, amended, Veterans Education Tuition Support Act of 2007; H.R. 3298, amended, 21st Century Servicemembers Protection Act; and H.R. 2721, amended, To amend title 10, United States Code, to require the Secretary of Veterans Affairs to develop, and the Secretary of Defense to distribute to members of the Armed Forces upon their discharge or release from active duty, information in a compact disk read-only memory format that lists and explains the health, education, and other benefits for which veterans are eligible under the laws administered by the Secretary of Veterans Affairs.

## VETERANS HEALTHCARE

*Committee on Veterans' Affairs:* Subcommittee on Health held a hearing on heath care proposals. Testimony was heard from Gerald M. Cross, MD, Principal Deputy Under Secretary, Health, Veterans Health Administration, Department of Veterans Affairs, and representatives of veterans organizations.

## INDIVIDUAL RETIREMENT ACCOUNTS

*Committee on Ways and Means:* Subcommittee on Select Revenue Measures held a hearing on the role of Individual Retirement Accounts (IRA's) in our retirement system. Testimony was heard from Representatives Kind and Hulshof; Barbara Bovbjerg,

Director, Education, Workforce and Income Security Issues, GAO; Thomas Reeder, Benefits Tax Counsel, Office of Tax Policy, Department of the Treasury; Bradford Campbell, Assistant Secretary, Employee Benefits Security Administration, Department of Labor; and public witnesses.

## BRIEFINGS—TREASURY UPDATE AND CIA PROGRAM

*Permanent Select Committee on Intelligence:* Met in executive session to receive briefings on North Korea; Treasury Update and CIA Program. The committee was briefed by departmental witnesses.

## BRIEFINGS—NORTH KOREA AND NATIONAL APPLICATIONS OFFICE

*Permanent Select Committee on Intelligence:* Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence met in executive sessions to receive a briefing on National Applications Office. The Subcommittee was briefed by departmental witnesses.

## GASOLINE AND FUEL ECONOMY—AUTO INDUSTRY AT CROSSROADS

*Select Committee on Energy Independence and Global Warming:* Held a hearing entitled ''$4 Gasoline and Fuel Economy: Auto Industry at a Crossroads.'' Testimony was heard from Tyler Duvall, Assistant Secretary, Policy, Department of Transportation; and public witnesses.

## NEW PUBLIC LAWS

*(For last listing of Public Laws, see* DAILY DIGEST, *p. D783)*

H.R. 3179, to amend title 40, United States Code, to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments. Signed on June 26, 2008. (Public Law 110–248)

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. Signed on June 26, 2008. (Public Law 110–249)

S. 1245, to reform mutual aid agreements for the National Capital Region. Signed on June 26, 2008. (Public Law 110–250)

S. 2516, to assist members of the Armed Forces in obtaining United States citizenship. Signed on June 26, 2008. (Public Law 110–251)

## COMMITTEE MEETINGS FOR FRIDAY, JUNE 27, 2008

*(Committee meetings are open unless otherwise indicated)*

### Senate

No meetings/hearings scheduled.

### House

No committee meetings are scheduled.

*Next Meeting of the* SENATE

9:45 a.m., Friday, June 27

Senate Chamber

**Program for Friday:** Senate will be in a period of morning business.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

2 p.m., Tuesday, July 8

House Chamber

**Program for Monday:** To be announced.

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